

**MINUTES OF TOWN BOARD MEETING HELD ON  
OCTOBER 20, 2010 AT 7:00 PM AT TOWN HALL, ONE  
OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

**PRESENT:** Supervisor Myers  
Councilman Lecker  
Councilman Eagleton  
Councilman Conte  
Councilman Cifone  
Councilman Krakower  
Councilman Tancredi  
Substitute Attorney Jim Nelson  
Town Clerk Miller

**ABSENT:** Town Attorney Hagstrom

**\*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**

Supervisor Myers: We are going to open the hearings, but the first four are going to be adjourned until the November 3, 2010 Meeting.

Motion made to suspend the rules for public speaking on Public Hearing #1: Supervisor Myers/M. Cifone

CARRIED: 7-0

Doreen Tignanelli: I believe this came about because in July there was a ZBA agenda item where K-Mart, Dutchess Turnpike asked for a variance for relief from Town Code 210-05B2 to allow outside of use of shopping carts that do not have coin operated locking devices. I submitted public comment that I was against granting that variance because I believe that using the coin system reduces damage to your car because people don't let their carts go into your car and there is less clutter in the parking lot so you can pull into a spot without having to get out and remove shopping carts. I have a question, because this says, "It must be coin operated or electronic" but it seems like what they were using now at the K-Mart was something called "Gate keeper" and that is an electronic device, but all that does is keep the shopping carts from being removed out of the parking lot, so that is an electronic device that would be good for K-Mart, but it wouldn't help the customer there. So, the way this reads, does that mean they can still use the gate keeper type thing? It's not clear to me what electronic means.

Councilman Krakower: I think you have a point there. There has to be a way to be able to keep them corralled through the coins or through the store by a locking device.

Doreen Tignanelli: But that same thing is happening at the K-Mart at the South Hills Mall right now. So, if you allow K-Mart, Dutchess Turnpike to have a variance, they you are allowing K-Mart, South Hills Mall, so I think it needs to be Townwide, clarified.

Councilman Krakower: I think it should be the locking device so it can't be removed from the store premises. Otherwise, if it's out in the parking lot, it should be the coin because most of the time gets it back into the store because they want their quarters back.

Robert Rubin: I don't know if there is anyway to make an exception to this, but I know that there are handicapped people who do go shopping, not all of which use the electric scooters provided by the stores, so to return a cart to even the area where you get your quarter back and then go back to your car, represents a difficulty to those people, but I don't know, but I would ask that it be explored, if there is a way to have separate or carts for use for handicapped people that they don't have to walk that extra 20 or 30 feet, that would make a difference to a lot of people.

Howard Nichols: I was in Hanniford a couple of weeks ago and a little old lady was gimping along with her cart and cane and when she stopped the cart, a young kid came over and gave her a quarter and picked up the cart, so maybe that is a way to solve it, that way you don't get hit with a car in the parking lot either.

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

CARRIED: 7-0

Town Clerk Miller: I did hereby file the affidavit of posting on October 1<sup>st</sup>, 2010 and published in the Poughkeepsie Journal on October 4<sup>th</sup>, 2010.

Motion made to adjourn the Public Hearing until November 3, 2010: Supervisor Myers/S. Eagleton

CARRIED: 7-0

10:20-01 PUBLIC  
HEARING

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

#### RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on 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, does hereby amend the Town Code, Chapter 210, entitled "Zoning", specifically Section 210-105 (B)(2), which amendment is 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 ENACTED, that the Town Board declared 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 ENACTED, that written recommendations were received from the Dutchess County Department of Planning and Development and the Town of Poughkeepsie Planning Board; and

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

Motion made to adjourn until November 3, 2010: Supervisor Myers/M. Cifone

CARRIED: 7-0

ADJOURNED UNTIL NOVEMBER 3, 2010 TOWN BOARD MEETING

Town Clerk Miller: I did hereby file the affidavit of posting on October 1<sup>st</sup>, 2010 and published in the Poughkeepsie Journal on October 4<sup>th</sup>, 2010.

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

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

Motion made to Adjourn the Public Hearing until November 3, 2010: Supervisor Myers/T. Tancredi

CARRIED: 7-0

10:20-02 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 ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 20<sup>th</sup> day of October, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overlocker Road, Poughkeepsie, NY, does hereby amend the Town Code, Chapter 210, entitled “Zoning”, specifically Section 210-9, entitled “Definitions”, and Section 210-122 (A) (2), entitled “Prohibited Signs” and Section 210-131 F, entitled “Exempt Signs”, which amendments are as follows:

**Section-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 ENACTED, that the Town Board declared 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 ENACTED, that written recommendations were received from the Dutchess County Department of Planning and Development and the Town of Poughkeepsie Planning Board; and

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

Motion made to adjourn public hearing until November 3, 2010: Supervisor Myers/T. Tancredi

CARRIED: 7-0

Town Clerk Miller: I did hereby file the affidavit of posting on October 1<sup>st</sup>, 2010 and published in the Poughkeepsie Journal on October 4<sup>th</sup>, 2010.

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

CARRIED: 7-0

Attorney Jim Nelson abstained from participation in this matter do to representation of a Bed-and Breakfast client.

#### NO SPEAKERS CAME FORWARD

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

Town Clerk Miller: I did hereby file the affidavit of posting on October 1<sup>st</sup>, 2010 and published in the Poughkeepsie Journal on October 4<sup>th</sup>, 2010.

CARRIED: 7-0

10:20-03 PUBLIC  
HEARING

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

#### RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on 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, does hereby amend the Town Code, Chapter 210, entitled “Zoning”, specifically Section 210-9, entitled

“Definitions” and Section 210-74, entitled “Home Occupations”, which amendments are 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.**

**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 ENACTED, that the Town Board declared 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 ENACTED, that written recommendations were received from the Dutchess County Department of Planning and Development and the Town of Poughkeepsie Planning Board; and

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

Motion made to adjourn until November 3, 2010 Town Board Meeting: Supervisor Myers/T. Tancredi

CARRIED: 7-0

Jim Nelson, Attorney, substituting for David Hagstrom, abstained from any discussion or comments on this agenda item.

10:20-04 PUBLIC  
HEARING

AMEND Town Code, Chapter 210, Entitled  
“Zoning”, Specifically Section 210-9, Entitled  
“Definitions” & Section 210-55, Entitled “Bed-And  
“Breakfast Establishments”

#### RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on 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, does hereby amend The Town Code, Chapter 210, entitled “Zoning”, specifically Section 210-9, entitled “Definitions” and Section 210-55, entitled “Bed-and-breakfast establishments”, which amendments are 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.**

**ADD:**

**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 ENACTED, that the Town Board declared 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 ENACTED, that written recommendations were received from the Dutchess County Department of Planning and Development and the Town of Poughkeepsie Planning Board; and

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

Motion made to adjourn to November 3, 2010 Meeting; Supervisor Myers/M. Cifone

CARRIED: 7-0

Motion made to suspend the rules for public to speak on Public Hearing #5: Supervisor Myers/S. Eagleton

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

ADJOURNED TO NOVEMBER 3, 2010 TOWN BOARD MEETING

Town Clerk Miller: I did hereby file the affidavit of posting on October 7<sup>th</sup>, 2010 and published in the Poughkeepsie Journal on October 9<sup>th</sup>, 2010.

10:20-05 PUBLIC  
HEARING

Amend Town Code, Chapter 183, Entitled  
“Taxation”, For Town Tax Statements

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on 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, does hereby amend the Town of Poughkeepsie Code, Chapter 183, entitled “Taxation”, as follows”

ADD:

**ARTICLE V  
TOWN TAX STATEMENTS**

**Section 183-12. Statutory Authority.**

This Article V is adopted pursuant to the provisions of Section 922 (1)(a) (xiii) of the Real Property Tax Law of the State of New York and Section 20 of the Municipal Home Rule Law of the State of New York.

### **Section 183-13. Town Tax Bill.**

The Receiver of Taxes of the Town of Poughkeepsie, on each statement of Town of Poughkeepsie taxes that are due on real property in the Town of Poughkeepsie add a separate line item for the allocated amount that is attributable to Dutchess County election cost charge backs.

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

SO MOVED: R. Lecker/S. Eagleton

Councilman Lecker: I can't support this and the reason is quite simple. This is taxation without representation. This is a charge being brought down from the County. It's not going to be on the County's budget. It's not going to be what they tell the public what the taxes will be. If we approve this, it will not be on the Town budget and will not be what the Town says the tax decrease or increase will be. But, when you get your statement and you pay, as a resident, you still will have to pay this charge. Furthermore, you can't complain to anybody, because no one is responsible for it. You come to the Town, "It's not my charge", you go to the County, "We've assessed it down to the Town, the Town didn't have to pass it on to the residents, they could have simply found the way to reduce their budget and absorb the cost". Although I have no objection in letting the public know where our costs come from, dividing the ones we have no control over and the one's we do, but it's part of our tax bill that the public sees and it can be on a separate line. This does not do that. What this does, it removes \$93,000 of tax assessment from the Town and I was told every \$150 is 1%, so it is over ½% increase that will not be reflected on the Town of Poughkeepsie's Budget for this year, but yet, the residents of the Town of Poughkeepsie will still be paying this. So, I can not support this. To me this is being very deceptive to the public.

Councilman Cifone: I agree with you Rick, I think we should have every cost written out so the residents know exactly what they are paying and where their money is going.

Supervisor Myers: My big concern with this is that we don't, and we never really will really know until after our budget process is over, what these charges are going to be, if the County decides to follow the law and do it the right way. So far, they haven't done it the right way, they have just arbitrarily picked a number and given it to everybody.

Councilman Lecker: Fine, but the check going to the County, the heading of that check is going to say "Town of Poughkeepsie", therefore, regardless of the fact we don't know it or it's incorrect, and I'm not disagreeing with you, I'm agreeing, we are the last resort and the other high levels of government want to bridge their shortfalls and pass it to the

Town, and unfortunately the Town has to deal with it, there is no one for us to pass it to, I agree. But, the problem is, by doing this, nobody is accounting for these charges.

Councilman Tancredi: I think that it ought to be as part of the tax increase for the Town, but I think if we are going to do it for the elections, we ought to do it for all the County passages. We talked recently about Dial-a-Ride, which now is going to be passed to us, the elections, there could be a line item---

Supervisor Myers: I agree with you there, to some degree. It's awful what they are doing, but on some of those we have the choice of saying "No, we just won't do this". We don't get that choice here.

Councilman Krakower: I agree with Councilman Tancredi. We should create, not a separate line for the Board of Elections, there should be a separate line for your County Tax Bill that you're County Legislature and County Executive chose not to take responsibility for, but still want to take the money out of your pocket. So, I think rather than doing this just for one specific item, I think it would make sense to take a little bit more time, take all those County pass-throughs and put them on a line item and let people know where those charges are coming from.

Supervisor Myers: So, what you would like to see it included in our budget, but some how pulled out and delineated, as a separate flyer, or whatever? Would the Board be agreeable to setting a Public Hearing in November, if we can figure out how to word it to delineate this on our Tax Bill for next year?

Councilman Lecker: I have no objection to separating it, it is just breaking our bill into what is controllable and what is just passed through and, even though it is ours and part of our budget process, but at least the public, if they chose, can look at it and say "Of the amount of the money we are raising, here is what we have full control of, like the \$758,000 for the additional pension, we are told and we have no say in, we do have some control, can get rid of people in order to not have to pay it, but it's still an additional we have no say in and then we have and then this particular one, which is a third level, it's on the taxes and we are telling the people we are raising your taxes because of this, but –

Supervisor Myers: Ok, then we will explore with Real Property and the people in Albany, to see what legally we can do to the tax bill.

ROLL CALL: Ayes: None

Nays: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower,  
Tancredi and Supervisor Myers

DENIED: 0-7

Supervisor Myers: Ok, we will come back with a new Resolution, hopefully by the third so we can get it down before the end of the year and get it on the bills.

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

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

10:20-06 ADOPT/SET  
DATE FOR  
PUBLIC  
HEARING

Tentative Budget As Preliminary Budget  
For Town of Poughkeepsie For The Fiscal  
Year Beginning January 1, 2011

RESOLUTION

BE IT RESOLVED, pursuant to and in accordance with the provisions of Section 106 of the Town Law and other applicable provisions of law, the tentative statement of estimated expenditures and revenues heretofore submitted by the Supervisor is adopted as the Preliminary Budget of the Town of Poughkeepsie for the fiscal year beginning January 1, 2011 and such Preliminary Budget is on file in the Town Clerk's Office of the Town of Poughkeepsie for public inspection; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 3<sup>rd</sup> day of November, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY on the Preliminary Budget for the fiscal year beginning January 1, 2011, at which time all interested parties will have the opportunity to be heard, which Preliminary Budget was approved by this Board and filed with the Town Clerk; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized, empowered and directed to advertise said public hearing in the Poughkeepsie Journal no less than five (5) days prior to the public hearing and to post same on the Town Clerk's bulletin board; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

SO MOVED: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 7-0

10:20-07 ASSIGNMENTS

Tax Certiorari Proceedings  
7A  
7B

A.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby assign the following tax certiorari proceedings recently filed to Gellert & Klein, P.C. to continue representing the Town, to wit:

DMARC 2006 CD2 Pok, LLC – Index No. 5036/10  
Displaytex, Inc. – Index No. 16826/10  
Eckerd Corporation /Rite Aid Corporation – Index No. 4849/10  
Southeast Atlantic Holdings, LLC – Index No. 5147/10

SO MOVED: J. Conte/M. Cifone

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

Nays: None

CARRIED: 7-0

B.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby assign the tax certioraris recently filed, as set forth on the attached list, to Van DeWater & Van DeWater, LLP, who will represent the Town in said cases.

SO MOVED: J. Conte/T. Tancredi

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

Nays: None

CARRIED: 7-0

TAX CERTIORARI LIST ATTACHED TO FINAL BOOK COPY

10:20-08 AUTHORIZE  
SUPERVISOR  
TO SIGN

Supervisor To Execute the Central Hudson  
Street Lighting Authority Order For A New  
Street Light At 20 Casperkill Drive

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the attached Central Hudson Street Lighting

Authority Order for the installation of a new street light at 20 Casperkill Drive, pursuant to the attached memo from the Assistant Town Engineer.

SO MOVED: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 7-0

10:20-09 AUTHORIZE  
SUPERVISOR  
TO SIGN

A. Supervisor To Sign Stormwater Easement Agreement Between Inwood Lake LLC & The Town of Poughkeepsie In Reference To The Park At Inwood Subdivision Located At 65-60 East Cedar Street

B. Supervisor To Sign Stormwater Maintenance Agreement Between Inwood Lake LLC & The Town of Poughkeepsie In Reference To The Park At Inwood Subdivision Located At 65-60 East Cedar Street

C. Supervisor To Sign Amended Bonding Security Agreement between Inwood Lake, LLC & The Town of Poughkeepsie In Reference to the Park at Inwood Subdivision Located at 65-60 East Cedar Street

A.

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a Stormwater Easement Agreement between Inwood Lake LLC and the Town of Poughkeepsie in reference to the Park at Inwood Subdivision located at 65-60 East Cedar Street, which agreement is attached.

SO MOVED: S. Krakower/M. Cifone

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

Nays: None

Abstain: Councilman Tancredi

CARRIED: 6-0-1

B.

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a Stormwater Maintenance Agreement between

Inwood Lake LLC and the Town of Poughkeepsie in reference to the Park at Inwood Subdivision located at 65-60 East Cedar Street, which agreement is attached.

SO MOVED: S. Krakower/M. Cifone

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

Nays: None

Abstain: Councilman Tancredi

CARRIED: 6-0-1

AGREEMENT ATTACHED TO FINAL BOOK COPY

C.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign an Amended Bonding Security Agreement between Inwood Lake LLC and the Town of Poughkeepsie in reference to the Park at Inwood Subdivision located at 65-60 East Cedar Street, which agreement is attached.

SO MOVED: S. Krakower/M. Cifone

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

Nays: None

Abstain: Councilman Tancredi

CARRIED: 6-0-1

AGREEMENT ATTACHED TO FINAL BOOK COPY

10:20-10 AUTHORIZE

Waiver of 30 Day Hold on Filing of ARAMARK  
Educational Services, LLC D/B/A Matthew's Mug  
Located at 124 Raymond Avenue For a Liquor  
License Renewal Application

APPROVED BY POLICE

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Aramark Educational Services, LLC for a waiver of the 30 day review period for renewal of liquor license for Matthew's Mug on the Vassar College Campus, 124 Raymond Avenue, Poughkeepsie, NY; 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: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 7-0

#### LETTERS ATTACHED TO FINAL BOOK COPY

10: 20-11 AUTHORIZE

Waiver of 30 Day hold on Filing of Mercury Hospitality, LLC D/B/A Best Western Inn & Conference Center Located At 2170 South Road Liquor License Renewal Application

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Mercury Hospitality, LLC for a waiver of the 30 day review period for renewal of liquor license for Best Western Inn & Conference Center, 2170 South Road, Poughkeepsie, NY 12603; and

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

SO MOVED: Supervisor Myers/S. Krakower

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

Nays: None

CARRIED: 7-0

#### LETTER ATTACHED TO FINAL BOOK COPY

10:20-12 ACCEPT

Town Board Minutes For 2010  
September 1 – Regular Meeting  
September 15 - Committee of the Whole  
September 22 – Regular Meeting  
October 4 – Special Meeting

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the minutes for the following 2010 Town Board Meetings, to wit:

September 1 – Town Board Meeting  
September 15 – Committee of the Whole Meeting  
September 22 – Town Board Meeting  
October 4 – Special Town Board Meeting

SO MOVED: R. Lecker/S. Eagleton

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

Nays: None

CARRIED: 7-0

10:20-13 AUTHORIZE

Town of Poughkeepsie Employee Handbook  
For Temporary & Seasonal Employees

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby amend the Town of Poughkeepsie Employee Handbook for Temporary and Seasonal Employees, as follows:

#### **Section 302 – Corrective Discipline**

Under the paragraph “Prohibitive Conduct” add “inappropriate displays of public Affection.”

#### **Section 405 – Cell Phones and Text Messaging**

**Guidelines** – Cell phone and text messaging usage must adhere to the following guidelines:

- An employee is prohibited from making personal cell phone calls or texting during working hours unless it is for emergency purposes.
- An employee may not receive personal calls or text messages on a Town provided cell phone that will result in additional charges to the Town, except in an emergency and/or with prior approval from the Department Head. The employee must reimburse the Town for the cost of the calls and/or text messages.

#### **Section 406 – Computer Systems, E-Mail and Internet Services**

SEE ATTACHMENT

**Section 407 – Personal Appearance (Recreation Department)**

The Recreation Department provides employees with tee shirts with the Town Logo which must be worn in accordance with the Department Heads directives.

**Section 806 – Smoking**

Employees whose job involves working with members of the public, and in particular children, are prohibited from smoking in the presence of the public during working hours on town owned property.

SO MOVED: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 7-0

10:20-14 AUTHORIZE

Transfer of Keith Ballard, Jr. From The  
Sewer Department To The Highway  
Department

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the transfer of Keith Ballard, Jr. from the Sewer Department to the Highway Department, effective October 30, 2010, pursuant to the request of Marc Pfeifer, Highway Superintendent, a copy of which is attached.

SO MOVED: J. Conte/T. Tancredi

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

Nays: None

CARRIED: 7-0

LETTER ATTACHED TO FINAL BOOK COPY

10:20-15 AUTHORIZE  
SUPERVISOR  
TO SIGN

Grant Application For The Justice Court  
Assistance Program 2010

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute all papers necessary and proper for the grant application, in the amount of \$30,000, for the Justice Court Assistance Program 2010; and

BE IT FURTHER RESOLVED, this application will benefit the Town of Poughkeepsie Court Facilities for roof repairs, estimated to cost \$35,000, and

BE IT FURTHER RESOLVED, the Town Board of the Town of Poughkeepsie authorizes the amount of \$5,000 of Town monies to be used for the additional amount of said estimate.

SO MOVED: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 7-0

10:20-16 AUTHORIZE  
SUPERVISOR  
TO SIGN

Grant Agreement For A Certified Local  
Government Grant for Phase II of The Town  
of Poughkeepsie Historic Resources Survey  
Update

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a Grant Agreement for a Certified Local Government Grant for Phase II of the Town of Poughkeepsie Historic Resources Survey Update in the amount of \$19,500.00, subject to the approval of the Grant Agreement by the Town Attorney.

SO MOVED: S. Krakower/M. Cifone

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

Nays: None

CARRIED: 7-0

#### AGREEMENT ATTACHED TO FINAL BOOK COPY

10:20-17 NOTIFICATION

Town of Hyde Park Introduction of  
Proposed Local Law E of the Year 2010  
Amending Uses In St. Andrews District

NOTED BY TOWN BOARD

10:20-18 NOTIFICATION

Town of Newburgh Public Hearing at Town Hall on October 18, 2010 Concerning A Local Law Entitled “A Local Law Amending Chapter 185 Entitled “Zoning” of the Code of the Town of Newburgh: Residential Lot Areas”

NOTED BY TOWN BOARD

10:20-19 AUTHORIZE

Special Consent Items SC 1, SC 2, and SC 3

RESOLUTION

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

- SC 1 Authorize Supervisor to Sign                      Amended Agreement # T006867  
Longview Park Interpretive Signage
- SC 2 Notification    Town of Lloyd-Public Hearing  
Zoning Code
- SC 3 Authorize Supervisor to Sign                      Dyal Resources, LLC – Sewer  
Agreement

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

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 7-0

10:20-SC 1 AUTHORIZE  
SUPERVISOR  
TO SIGN

Project Amendment For Agreement  
#T006867 – Longview Park Interpretive  
Signage Between The Town & Department  
of State

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a project amendment for Agreement #T006867 – Longview Park Interpretive Signage between the Town of Poughkeepsie and the Department of State which amendment extends the funding for this project to December 31, 2011.

SO MOVED: Supervisor Myers/T. Tancredi

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

Nays: None

CARRIED: 7-0

10:20-SC 2 NOTIFICATION

Town of Lloyd Public Hearing At Town Hall on November 10, 2010 Concerning Adoption of Local Law No. 0-2010 Concerning Adoption of Local Law No. O-2010 To Amend The Town Code & Official Map of Town of Lloyd Zoning Code, Chapter 100, To Provide For A Change From Local Business (LB) To Residential 1 Acre (R-1) For A Parcel Off Sherwood Lane

NOTED BY TOWN BOARD

10:20-SC 3 AUTHORIZE  
SUPERVISOR  
TO SIGN

Dyal Resources, LLC To Become A Tenant of the Arlington Sewer District For Sewer Services To 20-26 Tucker Drive

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received a request from Dyal Resources, LLC, located at 20-26 Tucker Drive, Poughkeepsie, NY 12603 (hereinafter the Owner), the Town of Poughkeepsie, a municipal corporation (hereinafter the Town), and the Arlington Sewer District, having its principal place of business located at One Overocker Road, Poughkeepsie, NY 12603, to become a tenant of the Arlington Sewer District for sewer services to premises identified as Grid No. 6262-03-144210 consisting of 8 acres; and

WHEREAS, the matter has been reviewed by the Town of Poughkeepsie Legal Department, Sewer Department and Engineering Department as to the terms and conditions to be imposed; and

WHEREAS, the parties have negotiated a sewer agreement acceptable to all parties; now therefore

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute said document, a copy of which is attached.

SO MOVED: R. Lecker/S. Eagleton

Councilman Krakower: Wasn't there problems with materials being dumped on that property?

Supervisor Myers: yes, there was.

Councilman Krakower: Do you know if that's been resolved?

Supervisor Myers: As far as I know.

Councilman Krakower: But, do we know definitely? I would rather not give them a Sewer Tenancy Agreement if that issue is still unresolved.

Supervisor Myers: I really don't know.

Councilman Krakower: Well, before we approve this, we should make sure that that is done.

Motion made to Table until November 3, 2010 Town Board Meeting: Supervisor Myers/T. Tancredi

CARRIED: 7-0

TABLED UNTIL NOVEMBER 3, 2010

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

CARRIED: 7-0

Howard Nichols: Regarding the sewer. I have a couple of questions and a couple of suggestions relative to the questions that were raised at the prior Board Meeting. The first question is, where ever agreements are being looked at as a result of companies coming in and wanting to get in that area, I would like to see the information on the Town website on a timely basis so that the Town residents have an idea of what is going on. Second, outside the Board Meeting there are a lot of secondary comments going on. One of which I heard is that people in the current Water Department said that they could lower costs and improve things. I would like to see them put what improvements they could propose and what cost improvements they think they can make and put it in writing and give it to the people receiving ultimate proposals and I would like to see that also on the town website so we have comparison and know what is going on. I would like to see the Board make a commitment, publicly, that when this thing finally comes up for a vote, that it be put up at a public referendum first because that is going to affect us as far as the taxes and structure of the government. I think the taxpayers should have a right to an input on it. The fourth point I would like to make is that if the proposed agreements and

proposed company agreements are put on the Town website, then the Town residents will have an opportunity to make comments on how we should modify any potential agreements.

Antonio Esteves: I asked for a FOIL a couple of weeks ago and I was approved for it at the last meeting and while I was here for the appeal, I asked a couple of things and I don't believe the answers I received. This is in reference to the privatization of the Sewer Plant. I asked if there was any kind of deadlines for the RFP's and I was told there was none. The first thing when I opened the first RFP, it was actually pretty much immediately. Will someone please explain to me if there is no deadline, please explain it to me. #5. 90 days from the proposal – 90 days to put the proposal together. That to me is a deadline of some sort. Can someone explain to me if that's not a deadline. Page 4.6 it says 60 days once you receive the proposals back, you have 60 days to make a decision. Again, can someone explain to me what that means. If that's not a deadline, then I have no idea what it is. Page 7, contract, if you decide to accept something, you have 15 days to write a contract. Those are not deadlines, what are they? Can someone explain these to me? Who on the Board that is making the decisions to do the outsourcing, who has the knowledge as to how the shop is run, is there anybody? (He jumped around, unable to sort out.) Spoke primarily on the outsourcing and tax issue regarding such.

Joseph Steinman: Spoke regarding the Sewer Department and stated the employees there have done an excellent job over the years, even though the system is poorly designed, and they are not the problem. I don't understand why we are looking to outsourcing it in the first place. I really think it's a bad idea. I think the Sewer and Highway have done an excellent job and has improved over the years, not gotten worse.

Pete Tayunga: Spoke regarding the Sewer Department and how good of a job they do. He spoke about a time that one of the sewer workers checked into a sewer problem he had at his home and he stated he would do it with out being asked by him to do it. He didn't believe he would have gotten that kind of service with a privatized employee. He felt we would lose control over the whole operation.

Tom Sandbury: Town employee at the Sewer Plant and he spoke regarding the privatization of the Sewer Plant. He heard a person at a private party say that "He had this privatization all wrapped up". This guy was talking before the bids were even out. He got the name of the person. The people at the plant do a good job.

Councilman Cifone: I would like that name, because we are still doing interviews and nothing has been wrapped up. We are still going through the bids and conducting interviews. We have not made any decisions.

Ann Shershin: Spoke about the City of Poughkeepsie Sewer bill because she is on the border and hooked up to the City of Poughkeepsie. She is paying \$2.59 per unit where the Town pays \$1.50 and I was told that that was not significant. In 1999 I paid \$1.19 for the Sewer bill and now its \$2.59 since the City privatized. I don't expect it to be less, of

course, I expected it to go up, but the City of Poughkeepsie Sewer Plant is privatized and is automated with fewer employees, so you would think there would be a substantial savings because of the larger number of homes being served in the City over the Town, but it's not there.

Councilman Krakower: I think you are receiving wrong information, you should check your information and facts. Your information is not completely correct.

Cheryl: She said she did some research on privatization. In 2003 Cornell University did a study on privatization of local municipalities across the country. They found out that 96% of the governments they studied, 88% of them went back to in-house services because of cost and quality. She stated a few states and how they made their decisions to return to in-house services. "I can't understand why you can't answer a lot of these questions. You deciding to do this, but you don't seem to know why you want to do it."

Councilman Tancredi rebutted by saying, "You are not really asking questions, you are just throwing out accusations.

Cheryl: You have stated before that you want to go to privatization because it would lower taxes. How do you think it will lower our taxes? It would be a monopoly and they always cost more.

Councilman Tancredi: I think there is a good possibility that going to an outside company will lower the costs.

Councilman Krakower debated the issue with Cheryl. He felt absolutely that he wasn't sure that the plant was currently being operated efficiently and cost effectively.

Cheryl: Then instead of getting rid of all of the employees there, just get rid of the manager if he's not doing a good job. It looks like you guys are just pulling this out of a hat, really.

Councilman Krakower: That may be a possible solution, we are going through the proposals and we will make a decision based on those proposals. We are answering your questions, you're just not listening to them.

Frank Carna: I worked for the local government for 30 years, starting first with the Town of Poughkeepsie Highway Department and then I went to Dutchess County and between volunteer service and paid service, I've been a public employee now since 1971. I, too, have some questions. If you save a lot of money, will taxes go down. I don't think it's appropriate or responsible to say that there is a good chance our taxes will go down. If we save money, our taxes need to go down. These private organization's motivations is to make money. They are not motivated to serve the public. They are only motivated to provide a service and that's it. They don't really care about the taxpayer's complaints. They don't have an interest in this community like we do. I urge you to be very transparent in this and I think the public should have an opportunity and a right to look at

the proposals as well. In all the years he's been in the area of Town, City and County, every department in the Town that he has ever seen or dealt with, they respond quickly and professionally and they take care of it. I don't know what kind of price you want to put on that kind of service. I would say to you, any Councilmember who is not hooked up to the sewer system, should not be involved in the negotiations of this because they don't pay the taxes.

Jim Walsh, Regional Director of Food and Water Watch, and we are a national organization that works to give communities a voice and influencing control over how water and food resources are used and we are very concerned about what is being proposed by the Council here. Nationally, what you are facing is very similar to what communities all over the country are facing where there are tremendous cuts that needs to be made in the budgets and balancing the budgets to avoid increases, etc. In the wake of these problems that communities are facing, international companies as we are seeing here are coming in and praying on these difficult situations that communities are in and offering "quick cash" and that quick cash is a loan, the same way your municipality would Bond to get resources to improve your infrastructures you have. You are taking out a loan from a private water company and you are putting that burden of that loan on resident's rates where they are going to pay that back through their sewer bills. You will end up in reduction of services. That's how the money is going to be made, by cutting services. There are shared services through the infrastructures of the Town that can be inter-utilized in order to share the costs and responsibilities that you can not do with a private company. You will lose control of critical infrastructure.

Doreen Tignanelli: Talked about the last Arlington Fire District Budget. Wanted to thank Councilman Tancredi and Supervisor Myers for showing up at the meeting. There was quite a nice turnout compared to previous years. Continued to urge people to come and enter into the discussions on the Budget.

Rob Rubin: Just wanted to paraphrase Ralph Cramden that "The streets and utilities still belong to the people, Alice". Please don't sell us out.

Ed Bilicki: Also spoke on the sewer situation. Also spoke against the privatization of the sewer plant. He read a letter from Glens Falls Mayor stating that they took back their wastewater treatment operations from a private contractor. They felt the contractor was not fulfilling their agreement. There was a lawsuit because the contractor was not fulfilling the employees the prevailing wage and they were not fulfilling the needed maintenance, they referred it to the City costs. Personal numbers were listed for the Councilmen to confer with if they wished.

Mary Ann Axman: She had signed petitions from area residents. She had found no one in favor of the privatization upon getting these petitions. There were over 1000 signatures on the last petition. There are three hundred on this one.

Supervisor Myers. That makes over 1300 signatures of area residents that do not wish to see this happen.

Mary Ann Axman: She also, has a letter from John Tanzalone from the DEC and he said “Keep in mind, there are three water supply intakes in the area, the City of Poughkeepsie, Town of Lloyd and the New York City at Chelsea. There is an industrial intake at IBM and a significant recreational use and public exposure in this part of the Hudson River.” He is asking that the Town be cautious in their approach in what they do. We also received a letter from Congressman John Hall stating that he had been contacted by the concerned residents of the Town and he asks that you carefully consider proposals to operate the plant and urges you to keep in mind the Town employees positions that are at stake. It is critical at this time to protect the local jobs. She quoted several residents as to how they feel about the privatization. The taxpayers are asking you to listen to them and represent them. Does anyone have a dollar amount and worth of the employees now working in the Sewer Department? Are you going to give the Town employees a chance after you’ve gone through all your proposals, to sit down with you and say that we can do a better job than they can?

Howard Nichols: He was disappointed in the way this meeting was conducted. When someone made a comment from the floor, someone on the Board attempts to answer the comment and behind him there is a bunch of moaning, grumbling and interrupting people in the audience and it is disgusting and it is time for people to act like adults and not like spoiled brats. This is supposed to be a public meeting, not a temper tantrum.

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

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.
2. Real Estate matters to the extent that public disclosure would substantially affect the value of the property.
3. Confidential communications between the attorney and his Client/Town Board based on Attorney/Client privileges.

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

SO MOVED: Supervisor Myers/J. Conte

CARRIED: 7-0

INTO EXECUTIVE SESSION AT 8:46 PM  
NO ACTION WAS TAKEN AT EXECUTIVE SESSION  
MEETING CLOSED AT 8:55 PM

SJM:lkM