

**MINUTES OF TOWN BOARD MEETING HELD ON
DECEMBER 8, 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
Town Attorney Hagstrom
Town Clerk Miller

- **NOTE: Attachments pertaining to a particular Town Board Meeting will be found after the final minutes of that meeting, which are kept in the official minute books, held in Town Clerk's Office.**

Public comments made during a Board Meeting may be heard on the audiotape of that particular meeting, which is kept in the Town Clerk's Office.

{ } designates corrections

7:00 PM

CALL TO ORDER

SALUTE THE FLAG

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

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

12:08-01 PUBLIC HEARING

Amend Town Code, Chapter 195, Entitled "Vehicle And Traffic", Especially Adding Section 195-20-1, Entitled "Temporary No Parking"

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie pursuant to a public hearing held on the 8th day of December, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the

Town Code, Chapter 195, entitled "Vehicles and Traffic", by adding Section 195-20.1 entitled "Temporary No Parking", which amendment is as follows:

ADD: Section 195-20.1 Temporary No Parking

The Chief of Police or the Chief's designee may erect and post temporary no parking signs for designated days and hours for mass gatherings or assemblies of a temporary nature, public emergencies, and areas to provide access for emergency and fire vehicles. No person shall park a vehicle in a designated temporary no parking area during the designated times.

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

SO MOVED: R. Lecker/T. Tancredi

Town Clerk Miller: I did here file the Affidavit of Posting on November 18th and I published in the Poughkeepsie Journal on November 29th, 2010.

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 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

12:08-02 PUBLIC HEARING

Amend Town Code, Chapter 57, Entitled
"Animals", Adding Article 111, Entitled
"Dog Licensing"

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 8th day of December, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town Code Chapter 57, entitled "Animals", which amendment adds Article III, entitled "Dog Licensing", as set forth in Article III, attached hereto and incorporated herein; and

AND BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does hereby waive a verbatim reading of the provisions and does direct the Town Clerk to spread the proposed amendments across the record as if they had been fully read; and

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

SO MOVED: S. Eagleton/J. Conte

Supervisor Myers: I have a question. It's probably just getting things together, but on one of the later resolutions it says that the fee for replacement tax is going to be \$3.00 and in this one, it says the replacement fee is going to be \$8.00. So, we can't have it both ways.

Town Clerk Miller: I'm sorry, it should be \$3.00.

Motion made to make the replacement fee for lost tag to be \$3.00 instead of \$8.00:
Supervisor Myers/T. Tancredi

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

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

CODE CHANGE ARTICLE ATTACHED TO FINAL BOOK COPY

Town Clerk Miller: I did hereby file the affidavit of posting on November 18th, and published in the Poughkeepsie Journal on November 29th, 2010

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

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

Nays: None

CARRIED: 7-0

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

CARRIED; 7-0

“Vehicles And Traffic” By Adding To
Section 195-59, entitled “Schedule XXIV:
Handicapped Parking”

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 8th day of December, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town Code, Chapter 195, entitled “Vehicles and Traffic”, by adding to Section 195-59, Schedule XXIV: Handicapped Parking, which amendment is as follows:

ADD TO Section 195-59:

Handicapped parking spaces as designated in the parking areas of a hospital, office building or office building complex, place of public assembly, parking area of a shopping center, parking areas of facilities owned or leased by a not-for-profit corporation, driveways and private streets or roadways of a private apartment house complex, private condominium complex or cooperative apartment complex, roadways or driveways of mobile home parks or manufactured home parks, a fire station, an industrial park or industrial complex and parking lots for railroad facilities.

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

SO MOVED: J. Conte/T. Tancredi

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

Nays: None

CARRIED: 7-0

Town Clerk Miller: I filed the affidavit of posting on November 18th and published in the Poughkeepsie Journal on November 29th, 2010.

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

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

Town Clerk Miller: I did hereby file the affidavit of posting on November 18th and published in the Poughkeepsie Journal on November 29th, 2010.

12:08-04 PUBLIC HEARING

A. Arlington Sewer Improvement Area #2

RESOLUTION

At a regular meeting of the Town Board of the Town of Poughkeepsie, Dutchess County, held at the Town Hall, One Overocker Road, in Poughkeepsie, New York in said Town, on the 8th day of December, 2010, at 7:00 o'clock PM Prevailing Time

ALL COUNCIL MEMBERS PRESENT:

WHEREAS, a map, plan and report have been duly prepared in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Poughkeepsie, Dutchess County, New York, relating to the construction of certain sewer improvements, being the relocation of a sewer main, including purchase and installation of new gravity sewer pipe and original equipment, machinery, apparatus, appurtenances, as well as other incidental improvements and expenses in connection therewith to serve a benefited area in said Town, to be known as Arlington Sewer Improvement Area #2 at a maximum estimated cost of \$200,000; and

WHEREAS, said map, plan and report have been prepared by competent engineers duly licensed by the State of New York, and have been filed in the office of the Town Clerk where they are available for public inspection; and

WHEREAS, said capital project has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant environmental effects; and

WHEREAS, the area of the Town of Poughkeepsie, Dutchess County, New York, to be benefited thereby shall be bounded and described as set forth in Appendix A annexed hereto and made a part hereof and as depicted in the aforesaid map; and

WHEREAS, it is proposed that the cost of the aforesaid improvements shall be borne by the lands benefited thereby by assessing, levying upon and collecting from the several lots and parcels of land within said Arlington Sewer Improvement Area #2, outside of any village which the Town board shall determine and specify to be especially benefited by the improvements, an amount sufficient to pay debt service, including principal and interest, on any obligations issued pursuant to the provisions of the Local Finance Law to finance the cost of the aforesaid improvements; and

WHEREAS, said costs shall be authorized to be financed by the issuance by the Town of its serial bonds with a maximum maturity not in excess of the forty year period prescribed by the Local Finance Law; and

WHEREAS, the Town Board of the Town of Poughkeepsie duly adopted an Order on November 17, 2010 calling a public hearing upon said plan, report and map and the question of providing the sewer improvement to be known as Arlington Sewer Improvement Area #2, such public hearing to be held on the 8th day of December, 2010, at 7:00 o'clock PM, Prevailing Time, at the Town Hall, One Overocker Road, Poughkeepsie, New York, in said Town, at which time and place all persons interested in the subject thereof could be heard concerning the same; and

WHEREAS, notice of said public hearing was duly posted and published as required by law; and

WHEREAS, said public hearing was duly held at the place and at the time aforesaid and all persons interested in the subject thereof were heard concerning the same; and

WHEREAS, it is now desired to authorize the improvement to be known as Arlington Sewer Improvement Area #2; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Poughkeepsie, Dutchess County, New York, as follows

Section 1. It is hereby determined that it is in the public interest to establish said Arlington Sewer Improvement Area #2 and to make the sewer improvement hereinafter described and such sewer improvement area is hereby established and authorized at a maximum estimated cost of \$200,000. The proposed area hereby determined to be benefited by said Arlington Sewer Improvement Area #2 is as set forth in Appendix A annexed hereto and hereby made a part hereof.

Section 2. The proposed improvement shall consist of the construction of certain sewer improvements, being the relocation of a sewer main, including purchase and installation of new gravity sewer pipe and original equipment, machinery, apparatus, appurtenances, as well as other incidental improvements and expenses in connection therewith to serve a benefited area in said Town, to be known as Arlington sewer Improvement Area #2 at a maximum estimated cost of \$200,000. The method of financing of said cost shall be by the issuance of serial bonds of said Town to mature in annual installments over a period not exceeding forty years and such bonds shall be payable from assessments levied upon and collected from the several lots and parcels of land deemed benefited from said improvement and located in said benefited area outside of any village, so much upon and from each as shall be in just proportion to the amount of the benefit which the improvement shall confer upon the same; but if not paid from such sources, all the taxable real property in said Town shall be subject to the levy of ad

valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 3. It is hereby determined that the estimated expense of the aforesaid improvement does not exceed one-tenth of one per cent of the full valuation of the taxable real property in the area of said Town outside of any village and, therefore, in accordance with the provisions of subdivision 13 of Section 209-q of the Town Law, the permission of the State Comptroller is not required for such improvement.

Section 4. Pursuant to subdivision 6(d) of Section 209-q of the Town Law, the Town Clerk is hereby directed and ordered to cause a certified copy of this resolution be duly recorded within ten days of the adoption, which when so recorded shall be presumptive evidence of the regularity of the proceedings and action taken by the Town Board in relation to the aforesaid improvement.

Section 5. It is hereby further determined that all of the cost of the aforesaid improvement shall be borne by property within the Arlington Sewer Improvement Area #2, and therefore this Order shall not be subject to permissive referendum.

Section 6. this Order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll, which resulted as follows:

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

Town Clerk Miller: I did hereby file the affidavit of posting on November 18th, and published in the Poughkeepsie Journal on November 29th, 2010.

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, and
Tancredi,
Nays: Supervisor Myers
CARRIED: 6-1

APPENDIX & BOUNDARY DESCRIPTION ATTACHED TO FINAL BOOK COPY

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

CARRIED: 7-0

Gordon McKensie: I must say the general principal is, if it's not a problem, don't fix it. We've never had a problem with the Sewer Department, or with the Country Club, it's been here over 20 years and I don't think this is the right moment to try to farm this out.

I would suggest that you not do this and that you reconsider not farming the Sewer Department, I see no reason to that, even when we had Fred Andros, we didn't try to farm out the Water Department. We don't have that problem here with the Sewer Department, do we? So, my recommendation to you is that you sincerely reconsider not farming this out, This company does not have a good reputation and I really think we are on the wrong track. So please consider my comments. Thank you.

Jillian Guenther and Charlene from Vassar College. We wanted to express similar sentiment. (Static in the microphone) We feel that local control of water issues is an important part of the community and we wanted to express our thoughts about that. Charlene: Also, in general, we also visited, as a class, the Water, Sewer Plant and we were able to see the process and in general the privatization would not be a good choice for the Town and the workers there are very passionate about what they do there and it's very sad about what will happen if it is privatized.

Michael Ramyita, Harvey Frankel, Marianne Axtmann (Sewer Plant Employee), Antonio Esteves, Doreen Tignanelli, Joe Simon, and Bob Eichler (Sewer Plant Employee), James Podeszedlik (Camo and Sewer Plant Employee), Ed Axmann (Sewer Plant Employee) and Tom and Mary Hanaburg (Ex Town Employee and Ex Camo Employee) all had questions, pros and cons, and all spoke about the privatization, United Water, and of the Water/Sewer plant and the cost of water, loss of jobs, etc.

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

CARRIED: 7-0

12:8-04B AUTHORIZE

Contract Negotiations With United Water
To Manage & Operate the Arlington
Wastewater Treatment Facility & The
Country Club Wastewater Treatment
Facility

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize Councilman Stephan Krakower and Councilman Todd Tancredi, representing the Finance Committee, and Legal Counsel to negotiate a contract with United Water in accordance with its proposal to manage and operate the Arlington Wastewater Treatment Facility and the Country Club Wastewater Treatment Facility

SO MOVED: S. Krakower/M. Cifone

Councilman Eagleton: When it comes to time for decisions of great gravity, I often read things by people who have made great decision pertaining to items of great gravity. Lincoln is one of my favorites. So is William Bradford, the founder of the Plymouth Day Colony in 1630 and he said "All great and good endeavors take great action and they will

be faced with great difficulty, both of which require great courage to deal with” and Lincoln had two I read that rally inspired me for this meeting today. Lincoln, who was one of the founders of the Republican Party said, “The Republican Party is for both man and dollars. When there is a conflict between man and dollars, man wins”. The other thing that Lincoln said is, “He never liked the man who dumber today than he was yesterday.” I would hope that when Lincoln sees me today, he would realize I’m a little bit smarter today than I was yesterday. What I mean by that is, there is a great deal of things we could have learned from what went on in the Waste Water Treatment Plant for the past 9 years. For instance, I think the contract ended in 2001 with Camo, it wasn’t renewed except through yearly or annual extensions. We didn’t challenge the managers of that facility to be better than they were and I think that’s brought us to this point. To say some positive things about United Water because they are a large company that serves as best they can the public good. I work for a large company that serves the public as best they can the public good as best they can, it makes mistakes and all big companies, in fact all great endeavors have people that make and you do your best to over come them, the reality is, no matter how great the company is, no matter how well their management is, if they are not challenged, they will never rise to be better than they are. I think, as we go forward, the lesson learned and the thing that would make Lincoln proud of anybody today is that it would make us smarter today is what we learned from yesterday, that whoever takes this plant over, that we challenge them to be better than they were year by year, month by month or as Rick has suggested, maybe every two weeks, we create that challenge and we don’t foster the complacency that has lead us to where we are today. Other things I would urge my fellow Board members to consider is that as good of a company that United Water may be and as good as their analysis has been, always, in any analysis, there is always uncertainty, and my experience as an engineer for the past 22 years, as an operator and a manager and dealing with all facilities, when you get into a position of dealing with uncertainty, you find out all these little things you didn’t know before you take on the endeavor to fix it, in over time it would cost more than you really anticipated and what I’m saying plainly, is I don’t believe that the savings we think we will obtain, will be obtained. We may obtain some and probably in a few years once the facility is automated, and certain improvements are made in terms of the electrical distribution system, etc., etc., you will obtain savings, but that will be a few years down the road and those are the things we ought to consider. I think the real issue for us as a Board and as a government is to provide oversight going forward and I don’t think, in my review of what has gone on for the past 10 years, that oversight was sufficient. Councilman Lecker had one suggestion that I think is a good suggestion, no matter what the outcome of this vote is today, remember I am a member of the Water, Sewer and Infrastructure Committee, with some pretty broad experience of this type of matters and can act somewhat as a someone you can go to to tell me how things are going, any time. The real issue, as I see it, although I appreciate the efforts of all the Councilmen, including Councilman Krakower and Councilman Tancredi, I think you might be biting off more than you can chew, I appreciate the idea that you want to take this burden upon yourselves, but I think it’s a burden we all should share and we should all participate in and we should try to make this as open as possible. I think all of that being said, this is a great effort of great gravity and a decision, that once we make it, if we decide as a group to turn over employees to a private company there is no going

back and the reality is, any company can fail and we may decide in the future we want to take it back, if our employees aren't ours any more and they belong to someone else, we can't take it back easily. So, that's another thing that needs to be considered as part of this vote. Remember Mr. Lincoln and make him proud of all of you today.

Supervisor Myers: I agree with you and I agree that our greatest asset in the Sewer Plant is our employees. These people would no longer be Town employees and that would be a great disservice to the Town to the benefit of maybe 20% of the population of the Town, because when you get rid of the plant employees, it's not just them, whether they get hired by United Water or not, the ripple effect because of Civil Service, is that you are going to be losing the people on the collection system. You are going to be losing people in the Water Department, because that is the way Civil Service works. It's not a chose how you do it, that's just the way it is. I would offer an amendment to this resolution to remove the words, "And operate" and go with United Water to negotiate to "Manage" the Arlington Wastewater Treatment Facility and the Country Club Wastewater Treatment Facility. In essence, taking the position that Camo now has at this point. Councilman Eagleton seconded the motion.

Councilman Krakower: I would just say that that doesn't change really much and it will set the company up to fail and that is a bad idea.

Supervisor Myers: I don't think anyone is looking to set the company up to fail. I think we are looking to keep the position of experienced people through attritions and spending some of this bond money we can upgrade the plant so that we, too, can run it in the same manner that they had projected running it. Over and Over, you were just looking for ideas as to how to do it. As a compromise to not managing it ourselves, but to have an outside source who is an expert in the field by managing the plant and managing Town employees.

Councilman Krakower: You're not going to see a saving in that.

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

FAILED: 3-4

Motion made to add Councilman Eagleton to Committee of Councilmen Krakower, and Tancredi, to negotiate to manage and operate the Arlington Wastewater Treatment Facility and the Country Club Wastewater Treatment Facilities: Seconded by T. Tancredi

ROLL CALL ON AMENDMENT TO NEGOTIATE BY THE COMMITTEE: Ayes:

Councilmen Lecker, Conte, Cifone, Krakower, Tancredi

Nays: Councilmen Eagleton, and Supervisor Myers

CARRIED: 5-2

Supervisor Myers: I think everyone has known since day one that I am not in favor of this, it's nothing against United Water, I really don't know anybody from United Water and I really don't have anything against United Water, but I do know all of our employees and I do know what this is going to do to their lives and I do know what this is going to do to morale to the rest of the Town and I know how it's going to affect the rest of the Sewer Department, the collections, how it's going to affect the Water Department and how it may very possibly affect Town Hall when all the bumping plays out. It may save 20% of the Taxpayers some money, but it's going to cost 100% taxpayers money when you pay the unemployment, the negotiated benefits and settlements depending on who ends up leaving the Town employ when the bumping dust settles out and I can't support this amendment.

ROLL CALL ON RESOLUTION: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi

Nays: Supervisor Myers

CARRIED: 6-1

12:08-05 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 19th day of January, 2011 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: Section 210-74. Home Occupations.

ADD:

Section 210-74. Home Occupations.

A) General criteria

- 1). The provisions of this section are intended to protect and maintain the residential character of the districts in which such uses are permitted.
- 2) 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.
- 3) All home occupation activities shall be conducted within the enclosed space of the principal building. No outdoor storage or displays shall be permitted.
- 4) The residence must be occupied by those engaged in the home occupation as their principal domicile.
- 5) A sign or nameplate identifying the name of the business and the service in accordance with Article IX of this Chapter is permitted.
- 6) No services generating noise audible beyond the parcel boundary shall be permitted.
- 7) The home occupation shall not generate more than four one-way, commercial vehicle trips per day.
- 8) No stock-in-trade shall be permitted.
- 9) No home occupation shall create a hazard to public health, welfare or safety.

B) The following uses are specifically prohibited as home occupations shall include, but are not limited to, the following: retail sales or rental business; bed & breakfast; ambulance; taxi; or towing service; automobile-related business including repair; parts; sales; upholstery; body work; painting; washing; or

detailing service; appliance or engine repair; rental; or service; restaurant; bar; servicing of construction equipment; public stable; kennel; animal hospital; group instrument instruction; boarding house; funeral home or mortuary establishments; convalescent homes and other extended care medical facilities.

C) Specific criteria:

1. Home occupations that meet the following criteria are allowed subject to registration with the Zoning Administrator and payment of a fee as set {forth by} the Town Board. The registration shall identify the name of the person(s) operating the business; the business name; the name of the property owner; and a certification as to compliance with the general and the specific criteria as set forth herein.
 - a. No more than one nonresident employee may be employed in the home occupation.
 - b. 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.
 - c. No more than 15% of the floor area of the principal structure may be used in the home occupation.
 - d. Areas devoted to inventory and supplies shall not occupy more than 50% of the area permitted to be used for the home occupation.
 - e. Services and instruction offered are limited to no more than two clients or customers at a time.

2. Home occupations that do not meet the criteria in paragraph “C” {(1)} above but meet the following criteria are allowed subject to Special Use Permit approval by the Zoning Board of Appeals and are also subject to the requirements of the New York State Uniform Fire Prevention and Building Code for a commercial occupancy.
 - a. No more than two nonresident employees shall be permitted.
 - b. No more than 25% of a residential building’s floor area, as defined in Section 210-9, shall be devoted to such use.
 - c. Services and instruction offered shall be limited to no more than five clients or customers at a time.
 - d. Any additional parking spaces as may be required for the home occupation shall be provided in such a manner as to preserve the residential character of the parcel, subject to review and approval by the Zoning Board of Appeals.

D) Occupations that do not meet the general criteria and either C(1) or C(2) of the specific criteria are not home occupations and are not permitted pursuant to this section.

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: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 7-0

12:08-06 SET DATE FOR
PUBLIC HEARING

Amend Town Code, Chapter 210, Entitled “Zoning”, Specifically Section 210-9, Entitled “Definitions”, Section 210-11, Entitled “Zoning Map” & Section 210-24, Entitled “Crown Heights Center Overlay (CHCO) District”

AMENDED RESOLUTION

WHEREAS, the Town Board has prepared amendments to Section 210-9, Section 21-11 and Section 210-24 of the Town Code relative to the Crown Heights Center Overlay District (“Amendments”) as set forth in the attached Exhibit “A” and Exhibit “B”; and

WHEREAS, the action by the Town Board on the Amendments is a Type I Action as defined by 6 NYCRR 617.4(b)(2) of the SEQRA regulations; and

WHEREAS, the adoption of changes to the Town Code is an act that only can be performed by the Town Board thereby making the Town Board the only involved agency

and the only potential lead agency to coordinate the environmental review of the action;
and

WHEREAS, the proposed amendments are subject to a public hearing.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby establishes itself as the Lead Agency; and
2. The Town Board sets December 22, 2010 at 7:00 PM, or as soon thereafter as the matter may come to be heard, in the Town Hall Meeting Room, as the date, time and place for the public hearing on the Crown Heights Center Overlay District amendments; and
3. The Town Board hereby directs that a copy of the Crown Heights Center Overlay District amendments be delivered to the Town Planning Board for an advisory report pursuant to Town Code Section 210-154; and
4. The Town Board hereby directs that a copy of the Crown Heights Center Overlay District amendments be delivered to the Dutchess County Department of Planning and Economic Development for review and recommendation pursuant to the General Municipal Law section 239-m; and
5. The Town Board hereby directs that a copy of this Resolution be delivered to the municipalities adjoining the Town of Poughkeepsie pursuant to the notice requirements of the General Municipal Law Section 239-nn.

SO MOVED: Supervisor Myers/M. Cifone

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

Nays: None

CARRIED: 7-0

EXHIBIT A ATTACHED TO FINAL BOOK COPY

12-08-07 SET DATE FOR
PUBLIC HEARING

Amend Town Code Chapter 105, entitled
“Fees”, Specifically Section 105-4,
Entitled “Fee Schedule”

AMENDED
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 22nd day of December, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, as and for time, date and place of a public hearing to consider an amendment to Chapter 105, entitled “Fees”,

specifically Section 105-4, entitled "Fee Schedule", which amendment would be as follows:

AMEND:

A. Chapter 57, Animals.

DELETE: (1) Dog licenses:

- (a) Spayed: \$5
- (b) Unspayed: \$15

ADD: (1) Dog licenses:

- (a) Spayed: \$8
- (b) Unspayed: \$18

DELETE: (2) Summons: \$15

ADD: (2) Dog Enumeration Fee: \$10

DELETE: (3) Seizures:

- (a) First: \$75
- (b) Second: \$100
- (c) Third: \$125

ADD: (3) Seizures:

- (a) First: \$100
- (b) Second: \$125
- (c) Third: \$150

DELETE: (5) Lost tag: \$1.50

ADD: (5) Replacement Tag: {\$3.00}

ADD:

- (7) Fees and costs incurred for municipal shelter services as provided in Section 115 of the Agriculture and Markets Law and other services in relation to confined stray, sick, injured or unwanted dogs and other animals ordered confined pursuant to Part 2 of Section 2.14 of the New York State Sanitary Code as contained in Chapter 1 of Title 10 (Health) NYCRR.

AND BE IT FURTHER RESOLVED, that, if adopted, said local law would take

effect immediately upon filing with the Secretary of State.

SO MOVED: R. Lecker/S. Eagleton

Supervisor Myers: How come we raised the rates when we no longer have to give money back to people other than \$1.00 each to the State?

Town Clerk Miller: For each dog that is spayed, we have to give \$1.00 for each dog that is spayed that we have to give \$3.00 for unsprayed dogs and we also have to cover all the expense of mailing out letters to people to notify them that their licenses are due and delinquent letters. We have to cover the cost of tags and I've already ordered tags and that's come in at \$360 and all the expenses now have to be covered by the Town.

Councilman Tancredi: Is this in line with what other Towns are doing? You said you called some other Towns.

Town Clerk Miller: Yes, I did. We are about in the middle of the rates. Most of the Towns raised the rates to cover the additional expenses. We are \$8 and \$18 and that is just about the middle. Some are higher and some are a little lower.

Supervisor Myers: What about the cost for seizures, because I really hate to think that we are really hammering the guy whose dog gets away once by mistake.

Councilman Tancredi: I agree with you there.

Supervisor Myers: If its \$100, seems to me \$75 would be enough of a lesson to not let your dog get away of his chain again. I really don't know that we need to raise that to \$100. If we pick up the dog and it goes to the Animal Hospital, they are going to have to pay for the boarding fees on top of it. I think it could get very difficult to bail your dog out. I think we should leave the fees the way they were and not up them at all.

Motion made to make an amendment that we leave the seizure fees as currently noted:
Delete both the DELETE and ADD and remove all references under seizures: Supervisor Myers/T. Tancredi
CARRIED: 7-0

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

12:08-08 APPROVE

Clearwire To Co-Locate On TowerCo
Assets, LLC Antenna Support Structure
On Barnes Drive

A.SEQRA
Approve Co-Location

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the request from TowerCo Assets, LLC for Clearwire to co-locate on the antenna support structure located at 20 Barnes Road, Town of Poughkeepsie, with the Town of Poughkeepsie receiving 25% of the additional revenue generated from this collocation, pursuant to paragraph 6 of the Lease Agreement with IWO's successor, TowerCo Assets, LLC, a copy of which is attached, subject to the approval by the Town of Poughkeepsie Planning Board or Planning Department, as applicable; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorize to execute all papers necessary and proper to effectuate said collocation.

SO MOVED: R. Lecker/J. Conte

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

Nays: None

CARRIED: 7-0

10:08-8A SEQRA

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has received a notice of co-location by Clearwire on an existing cell tower at 20 Barnes Road, in the Town of Poughkeepsie owned by TowerCo Assets, LLC; and

WHEREAS, an Environmental Assessment Form (EAF) has been prepared; and

WHEREAS, the Town Board is the only involved agency; and

WHEREAS, the action is briefly described as follows:

1. Installation of three panel antennas on an existing 150 ft. high communications monopole at a centerline elevation of 110 ft. above ground level.
2. Installation of a 3 x 6 foot steel platform (1 foot height) which would support a 24 x 26 inch equipment cabinet (69 inches high).
3. Associated ground and electrical equipment.

AND WHEREAS, the Town Board has reviewed the potential environmental impacts that may be associated with this action in accordance with the standards and criteria of SEQRA Section 617.7(a), (b) and (c); now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie determines this co-location to be an Unlisted Action according to the State Environmental Quality Review Act (SEQRA), Parts 617.4 and 617.5; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie has determined that the proposed action will not have a significant adverse effect on the environment and a draft environmental impact statement will not be prepared; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie uses the following reasons in support of this determination of non-significance:

1. The proposed action is an Unlisted Action;
2. It does not meet the threshold set forth in Part 617.7(c) as likely to have a significant effect on the environment.
3. The effects on existing air quality, surface and groundwater, noise levels, traffic, solid waste, and erosion is non-significant.
4. There are not any known archaeological significant conditions. The impact upon the visual aesthetic and cultural resources is non-significant.
5. The impact upon vegetation and wildlife is non-significant.
6. The change of intensity of use of land is non-significant and does not exceed zoning regulations.
7. Effect upon growth and subsequent development is non-significant.
7. Existing utility and energy sources are sufficient.

SO MOVED: J. Conte/R. Lecker

Town Attorney Hagstrom: The condition #1 was recommended by Keith Ballard and we had a talk and conditions 2, 3 and 4 were reviewed by the Planning Department and were requested and those departments have been consulted in regard to this and the lease does allowed us, but it does increase the revenue.

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

Nays: None

CARRIED: 7-0

12:08-08B Approve Co-Location

AMENDED
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the request from TowerCo Assets, LLC for Clearwire to co-locate on the antenna support structure located at 20 Barnes Road, Town of Poughkeepsie, with the Town of Poughkeepsie receiving 25% of the additional revenue generated from this collocation, pursuant to paragraph 6 of the Lease Agreement with IWO's successor, TowerCo Assets, LLC, a copy of which is attached, which approval is conditioned upon the following:

1. TowerCo Assets, LLC, its successors, assigns, licensees and subleases notifying the Water Department in advance to obtain access to the site, as is the current practice; and
2. Approval of the co-location is limited to the proposed facilities and conditions as described and shown in the set of plans entitled "Clearwire Wireless Broadband, NY Ross Pavilion, Site Number NY-PKPS002-B, 20 Barnes Road, Poughkeepsie, NY 12603, New Wimax Antennas and Equipment Cabinet", Sheets T-1, C-1 through C-6 and E-1 through E-5, prepared by Abraham Jacob Rokach, P.E., Fullerton Engineering Consultants, dated revised 11/10/10; and
3. Any future expansion of facilities beyond those proposed, including but not limited to any addition to the three proposed antennas, shall require Town Board review and approval prior to installation; and
4. Reasonable inspection fees in an amount to be determined by the Director of Municipal Development shall be submitted to the Town prior to the issuance of a Building Permit.

AND BE IT FURTHER RESOLVED, that the Supervisor is hereby authorize to execute all papers necessary and proper to effectuate said co-location.

SO MOVED: R. Lecker/J. Conte

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

Nays: None

CARRIED: 7-0

8A AND 8B LEASE AGREEMENT, ETC ATTACHED TO FINAL BOOK COPY

12:08-09 AUTHORIZE

Adoption & Posting of The Town of

Poughkeepsie Workplace Violence
Prevention Policy Statement

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby adopt and authorize the posting of the Town of Poughkeepsie Workplace Violence Prevention Policy Statement, a copy of which is attached, and does designate Supervisor Patricia Myers as the designated contact person.

SO MOVED: M. Cifone/J. Conte

Motion made to add a second person for the designated HR contact person: M. Cifone/S. Krakower

CARRIED: 7-0

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

Nays: None

CARRIED: 7-0

12:08-10 AUTHORIZE
SUPERVISOR
TO SIGN

Street Light Authority Order For Upgrades
To Oak Bend Road & Lincoln Drive

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign the attached Central Hudson Gas & Electric Corporation Street Lighting Authority Order to upgrade four (4) older incandescent street lights on Oak Bend Road and Lincoln Drive, pursuant to the attached memorandum from the Assistant Town Engineer.

SO MOVED: S. Krakower/T. Tancredi

Supervisor Myers: Central Hudson is doing a free electrical audit of the building and the first appointment we could get was December 16th.

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

Nays: None

CARRIED: 7-0

CENTRAL HUDSON AUTHORITY ORDER ATTACHED TO FINAL BOOK
COPY

12:08-11 RESIGNATION

Police Department of Part-Time Police

Dispatcher Katherine Crimi

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the resignation of Katherine Crimi from the Town of Poughkeepsie Police Department, effective the close of business November 29, 2010.

SO MOVED: T. Tancredi/S. Krakower

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

12:08-12 AUTHORIZE Town Clerk's Office of Rollover of Unused
Vacation for Karen Schubert, Deputy Town
Clerk

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the rollover of unused 2010 vacation time to 2011 for Karen Schubert for twelve (12) hours of earned vacation time.

SO MOVED: Supervisor Myers/S. Krakower

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

12:08-13 AUTHORIZE MUNICIPALITY Contract
SUPERVISOR
TO SIGN

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the Document Management Services Proposal presented by General Code for Laserfiche and Municipality Building and Zoning Software, a copy of which is attached.

SO MOVED: R. Lecker/S. Eagleton

Councilman Lecker: When we went through the Budget process I had spoken with Neil, and this program is over \$90,000 and we want to really look at it and see if we can find something a little less expensive and for him to handle it and do a little more research and the other point is the Laserfiche document is an upgrade and I was told today was the last day to sign it and we can't really run it legal is using it right now and so I don't see that it pays for us to up grade it.

Councilman Cifone: Neil, does the City of Poughkeepsie use this software? If so, is there any way we can have a joint venture and share this?

Neil Wilson: They don't use the Muncity software, I don't know if they use the accounting software. The closest users of it is the Town of Lloyd. They have an earlier version of the software. We don't even know who is using it at this time. This is for 24 people. That document management portion of it is a separate program and is not going to be part of it because the current version I haven't even gotten an answer on as to how many people are actually even using it. We are going to continue to work on it and see if this is the right price.

Councilman Lecker: We really should withdraw it. If we find nothing else, and the only program is this \$90,000 program, yes, we have in the budget to go with it because you have a problem that's not working and needs to be fixed, it's not an upgrade. But, the document management portion of it is a separate program and is not going to be a part of this because the current version of the document software I've not received an answer as to how many people are actually even using it. This is for 24 people and we don't even know who is using it. We know Neil's Department needs something and it can wait until next year.

Neil Wilson: The reason that I asked for this to be put on tonight is the Laserfiche part of the contract, they are only holding the price incentive through tomorrow and I'm not going to make the decision and say "No" we are not going to take it because obviously it's policy decision as part of the Board. But, as to how many people are using it besides my department, I don't have an answer to that. So, if we let the pricing go by the wayside, that's fine. We may ultimately decide we don't want to use it after all. I don't know.

Councilman Lecker: There are other programs out there that do that and I think we ought to look at those programs and the needs. The Muni software, we can so far figure out about 7 people actively using it. This program costs us \$100,000 of dollars for this program and we pay \$45,000 a year to maintain and I think there are a lot of features we could be using elsewhere and we should really be looking at that.

Councilman Tancredi: I agree, the only concern I have is that when you expressed the desire to get this, you indicated that down the road it could lead to cost savings due to efficiency, so I would encourage everyone to get on this right of way and see what cost savings and what ever can be realized by these programs or new programs.

Supervisor Myers: I don't think so. No, because Jim didn't know it when he came here.

Motion made to Table this: R. Lecker/S. Eagleton

Motion made to withdraw the motion to Table this item: R. Lecker and S. Eagleton withdrew his second to the motion.

Motion to Table withdrawn.

RESOLUTION WITHDRAWN FOR
FURTHER REVIEW

12:08-14 AUTHORIZE

Settlement of Tax Certiorari With
Galleria Partners, Ltd.

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 Galleria Partners, Ltd, settling the tax certiorari proceedings for the tax years 2005/2006, 2006/2007, 2007/2008, 2008/2009, 2009/2010 and 2010/2011, whereby there is no reduction for the 2005 assessment roll and otherwise as stated in the attached Consent Judgment.

SO MOVED: S. Krakower/T. Tancredi

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

Nays: None

CARRIED: 7-0

ORDER AND JUDGEMENT ATTACHED TO FINAL BOOK COPY

12:08-15 AUTHORIZE

Settlement of Tax Certiorari With NY State
Apartments Builders I, Ltd.

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 NY State Apartments Builders I, Ltd. settling the tax certiorari proceedings for the tax years 2003/2004, 2004/2005, 2005/2006, 2006/2007, 2007/2008, 2008/2009, 2009/2010 and 2010/2011, whereby there is no reduction for the 2003, 2004, 2005 and 2006 assessment rolls and otherwise as stated in the attached Consent Judgment.

SO MOVED: T. Tancredi/S. Krakower

Councilman Tancredi: What is NY State Apartments Builders I, Ltd.?

Town Attorney Hagstrom: They are one of the low income places. I would like to point out that 5 out of 11 proceedings have been dismissed. I filed motions to dismiss 4 of them. That was a good leverage to get this person to come to the Table.

Councilman Tancredi: We have all these tax certs and they aggravate the heck out of me. You do a good job handling them. Part of the problem I see it is, we have our non-homestead and homestead. Most of our commercials file on a regular basis and are adjusted. It's almost like a built in system where they file each year and get a reduction and the problem that I see is that the only way to correct it is for you to knock their assessed values down. Homestead has to go up, which means a hit for taxes for a residential unit and I see it, the problem we have, it's hunger for money, the revenue it takes to run this Town. It's just a vicious cycle as I see it.

Town Attorney Hagstrom: Let me bring you up to date. We are dealing with a very low budget for McGrath and we've asked him to take a look and just give us a financial analysis of it, not give us a preliminary appraisal, in using him only on a consulting basis. If he were here, he would tell you that he would make five times the money if he worked for petitioners rather than the Town. I have worked with Don for a long time. He's an outstanding appraiser. We got the appraisal and we were able to get 5 out of 11 knocked out with no refunds. There is a second thing that happened in this particular type of property. In 2006 they went to the Legislature and got a new way to actually value them and what happened is you had to assess them on the actual income. Prior to that, if you had a normal market rent, you could use that and that's why you see a big bump in the middle and so we were ok in the beginning and we got that across. We were ok in the beginning years. The refunds went down substantially. We are taking a pro-active approach and trying to look at these and we are sorting them by properties. We've had another one of these we settled three months ago and so there are six of them. We did them all at once, I know we settled three, but I think we settled four of them. That's what we are doing.

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

ORDER AND JUDGEMENT ATTACHED TO FINAL BOOK COPY

12L:08-16 AUTHORIZE

Waiver of 30 Day Review Period for
Renewal of a Liquor License For The
Treasure Chest Restaurant & Bistro, Inc.
D/B/A Cappucino by Coppolas Located at
2373 South Road

APPROVED BY POLICE

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from the owner of Cappucino by Coppolas, 2373 South Road, Poughkeepsie, NY 12603 for a waiver of the 30 day review period for renewal of a liquor license; and

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

SO MOVE: T. Tancredi/J. Conte

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

Nays: None

CARRIED: 7-0

12:08-17 AUTHORIZE
SUPERVISOR
TO SIGN

2009 Community Development Block Grant
Agreement Amendment

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute an amendment to the 2009 Community Development Block Grant Agreement, between Dutchess County and the Town of Poughkeepsie, which amendment reflects the Town's request for an extension, as well as the transfer of \$2,252.64 from the Fairview District Infrastructure Improvements project to the Arlington Sidewalks project.

SO MOVED: Supervisor Myers/J. Conte

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

Nays: None

CARRIED: 7-0

AGREEMENT ATTACHED TO FINAL BOOK COPY

12:08-18 AUTHORIZE
SUPERVISOR
TO SIGN

Historic Resource Survey Update Phase II
Letter Agreement With Larson Fisher
Associates, Inc.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a Historic Resource Survey Update Phase Letter Agreement with Larson Fisher Associates, Inc., a copy of which is attached, which cost for same is funded by the Certified Local Government Grant – CLG-10-010.

SO MOVED: R. Lecker/S. Eagleton

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

Nays: None

CARRIED: 7-0

AGREEMENT ATTACHED TO FINAL BOOK COPY

12:08-19 ACCEPT

2010 Minutes

October 4, Special Board Meeting
October 6, Regular Board Meeting
October 13, Special Board Meeting
October 13, Committee of the Whole
October 20, Regular Board Meeting
November 3, Regular Board Meeting
November 10, Special Board Meeting
November 10, Committee of the Whole

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:

October 4, 6, 13, 20 and November 3, and 10
Special, Regular, and Committee of the Whole Meetings

SO MOVED: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 7-0

12:08-20 APPOINTMENT

Guy Lashomb As permanent Full-Time
Town Cleaner

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Guy Lashomb to the position of permanent full time Cleaner at the CSEA Grade 2, Step 1 salary of \$14.19 per hour, effective January 1, 2011, which appointment is subject to a probationary period of not less than 8 nor more than 26 weeks, per Civil Service Law.

SO MOVED: J. Conte/S. Eagleton

Supervisor Myers: Guy has worked here part time for many months now, since Tim was hurt in his accident and he does an excellent job and it will be an asset to the Town. We are very glad to have him coming on board. Welcome aboard, Guy.

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

Nays: None

CARRIED: 7-0

12:08-21 NOTIFICATION

Renewal Application Notice Form For Liquor License For Sushi Village, Inc. D/B/A Sushi Village Located At 26 Raymond Avenue
APPROVED BY POLICE

NOTED BY TOWN BOARD

12:08-22 NOTIFICATION

Alteration Application Notice Form For Liquor License For Umberto Primo, Inc. D/B/A Mamma Marisa Pizzeria Located at 2245 South Road
APPROVED BY POLICE

NOTED BY TOWN BOARD

12:08-23 AUTHORIZE

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

RESOLUTION

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

SC 1 Budget Modification

Water Department

SC 2 Retirement

Michael Alphonse
Town Court

SC 3 Approve

Vacation Time Rollover to 2011
Chief Thomas Mauro

- | | | |
|------|------------------------------|---|
| SC 4 | Authorize Supervisor to Sign | Hudson Heritage Water Easement |
| SC 5 | Set Date for Public Hearing | Amend Town Code Chapter 57
“Animals” Section 57-10 – “Fees” |
| SC 6 | Approve | Vacation Time Rollover to 2011
Eric Hollman |
| SC 7 | Notification | Alteration Application with NYS
Liquor Authority – Red Lobster |

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: M. Cifone/T. Tancredi

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

12:08-SC 1 BUDGET Water Department
MODIFICATION

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the 2010 Budget, pursuant to the attached Budgetary Transfer Request Form submitted by the Comptroller, to allow the Water Department to purchase leak detector equipment, as follows:

FROM:

F 8320.0462	Electric	\$12,500.00
-------------	----------	-------------

TO:

F 8340.0211	Other Equipment	\$12,500.00
-------------	-----------------	-------------

SO MOVED: R. Lecker/S. Eagleton

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

12:08-SC 2 RETIREMENT

Town Justice Court of Correction Officer
Michael C. Alphonse

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the retirement of Michael C. Alphonse from the Town of Poughkeepsie Justice Court, effective December 27, 2010.

SO MOVED: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 7-0

12:08-SC 3 APPROVE

Police Department of Vacation Time
Rollover to 2011 of Police Chief Thomas
Mauro

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the rollover of unused 2010 vacation time to 2011 for Thomas Mauro, Chief of Police, for twenty-three (23) days of earned vacation time.

SO MOVED: J. Conte/S. Krakower

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

Nays: None

CARRIED: 7-0

12:08-SC 4 AUTHORIZE
SUPERVISOR
TO SIGN

Hudson Heritage Water Easement

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie accepts an Easement from Hudson Heritage Development, LLC to the Town of Poughkeepsie for a waterline and accessories in reference to tax parcel number 134689-6163-03-011149, formerly known as the Hudson River Psychiatric Center, which easement is attached, and authorizes the Supervisor to sign the Easement and the TP-584.

SO MOVED: M. Cifone/J. Conte

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

and Supervisor Myers
Nays: None

CARRIED: 7-0

EASEMENT ATTACHED TO FINAL BOOK COPY

12:08-SC 5 SET DATE FOR
PUBLIC HEARING

Amend Town Code, Chapter 57, Entitled
“Animals”, Specifically Section 57-10
Entitled “Fees”

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 22nd day of December, 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 57, entitled “Animals”, specifically Section 57-10, entitled “Fees”, which amendment would read as follows:

ADD:

Upon the failure of an owner to pay the fees listed in Chapter 105 (A), the Town Board shall hold a public hearing. The public hearing shall be held upon notice to the owner of the dog, forwarded to the last known address as appears on the records of the Town, by Certified Mail, Return Receipt Requested. Service of such notice shall not be less than ten (10) days prior to the date of the public hearing.

The Town Board, after a public hearing as provided above, shall ascertain the fees and costs in connection with the impoundment and assess such expense against the record owner’s property. The expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the time as other Town charges. Such owner, notwithstanding such action, shall be subject to the penalties and costs as provided in Chapters 57 and 105 (A) of the Town of Poughkeepsie Code.

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/T. Tancredi

Councilman Krakower: Can’t we just give the dog back at some point? This is saying we are going to tag it on their property. So, the County reimburses us, but we still –

Town Attorney Hagstrom: What happened here is the dog was picked up and had to be put into the Arlington Animal Hospital, which is our shelter. The dog had major medical problems and the pet bill came to be about \$1300 and the owner said, I don’t want the dog and so we had nothing there –(Inaudible)

Councilman Krakower: I just wanted to be sure we didn't hold the dog hostage for fines, but that fine. If we do this, we release the dog, right? We give them the dog back?

Town Attorney Hagstrom: We're trying to. He won't come to pick him up.

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

Nays: None

CARRIED: 7-0

12:08-SC 6 APPROVE

Planning Department of Vacation Time
Rollover to 2011 of Eric Hollman

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the rollover of unused 2010 vacation time to 2011 for Eric Hollman, Planner for the Town of Poughkeepsie, for six (6) days of earned vacation time.

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 7-0

12:08-SC 7 NOTIFICATION

Alteration Application Notice Form For
Liquor License For N & D Restaurants, Inc.
D/B/A Red Lobster #311 Located At 630
South Road

APPROVED BY POLICE

NOTED BY TOWN BOARD

12:08-SC 8 WALGREEN PROJECT – DeGarmo 44, LLC

Town Attorney Hagstrom: We are at a point with our agreements with Walgreens related to the DeGarmo 44, LLC where we should be saying "Please proceed with the ongoing stop and pay us the \$25,000 and if you wish to proceed, I think you should adopt the motion tonight to direct the Town Attorney to advise them to proceed or accept the \$25,000. There is a Lot A and a Lot B.

Councilman Krakower: I would propose the motion to direct them to proceed. Motion seconded by J. Conte

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/S. Krakower

CARRIED: 7-0

LETTERS AND MATERIALS ATTACHED FROM PUBLIC SPEAKERS

Jim Wojtowicz, Town Comptroller: First of all, I'm looking forward to working with Guy. He's going to be a real asset. As Pat said, he will do anything and he has a great attitude and he is a Met fan. We were talking about Tax Certs. I was at a committee meeting at the City in 2005 when we decided to invest a ½ million dollars and we had a Mayor who was extremely against it, but one of the selling points was, if we got to 100%, we would cut back on the tax certs. So, that was one of the values we were buying. It was a tough committee and we ending up hiring Mr. Watch and firing him at the time. We are lucking to have Dave Hagstrom in house because Dave worked for the City as a specialty. We have no money in the 2010 Budget so I told Dave we will pay for him out of 2011 funds. I'm very uncomfortable with Tax Certs.

Town Attorney Hagstrom: (Noise, in and out and Inaudible)

Doreen Tignanelli: We talked about economy and I would like to bring up a few things about the Arlington Fire District again. The Budget for 2010 has an Budget item of \$10,000 for annual inspection as well as \$14,000 refreshment/inspections. On November 19th, Arlington Fire District paid \$10,000 to Cristo's Restaurant for 125 to attend a dinner at \$80 per person. Originally I heard this dinner was to honor volunteers. I filed a FOIL request for the attendee list, there were volunteers and paid firefighters and so they are paid for doing their job and also going to an \$80 dinner. Out of the district guests that were invited at tax payer costs was the AFD Attorney and he is invited as a guest, free of charge, and he brings a guest at taxpayer's expense and they hired a DJ at a cost of \$650 at tax payer's expense. Then they spent another \$640 for plaques for people. Again, we are talking about people losing their homes. So, this was a cost of \$11,300 for three hours of recreation for the Arlington Fire District. There were a couple of Special Attorney fees for a lawsuit of \$15,000 and Special attorney fees. The Arlington Fire District's spending is out of control. They don't seem to be getting the message that people are struggling. Unless we change commissioners, who are currently up for vote, it's not going to change. There are three people running. One is a retired NY City firefighter, and there are two other people running, Frank Karl in, and Tony Kuchelo. We need someone who will look out for the taxpayers in the District.

Councilman Krakower: I think it's a good idea to recognize the volunteers, but I don't think it's a good idea to recognize them at a cost of \$10,000 at this point in time.

Doreen Tignanelli: I couldn't attend the Joint Water Board Meeting yesterday between the City and the Town because I had a meeting conflict. My husband went and he was going to tape record the meeting for me and Water Board Attorney David Weiss demanded that he stop recording the meeting and I quote, "The Board doesn't allow that, you need to turn that off." I find it troubling that an attorney representing a Municipal Board does not allow recordings and doesn't know the law about recording. So, I e-mailed an opinion from Robert Freeman to all the Water Board Members: The opinion of Robert Freeman was, "Any person may record an open meeting of a public body as long as the use of a recording device is not disruptive or obtrusive and permission or approval to record is not required."

Tom Hawley: I'm here because my neighbor wishes to build a large industrial solar panels on his property and it would really compromise the value of my property and there are currently no Town Ordinances that address this issue, as I understand it. I spoke to Neil Wilson on the phone regarding this issue. This issue is now pending in the Town Zoning Board of Appeals. It requires a variance because he wishes to build within the setback area for a portion of the installation. The last meeting this was addressed and will be addressed in the next meeting. The last meeting didn't go well because there were a lot of residents very upset about it and the Board was very skeptical as well. One of the options brought up during the meeting was for him to find a way to do this without a variance. If my neighbor really feels he wants to build these modules, there really is nothing standing in his way. There are no ordinances existing to govern this installation, he just needs to comply with the Building Codes. These panels are 10' X 8', 5 of them, and they would span across 60' to 80' on a rather small plot of land. We both live on the Hudson River and the panels would be built at the rear of his house along the Hudson River and they would be very visible from our house, we are south of these installations. We bought this home taking in the fact of the view and this would compromise our house. I am here today to ask that the Board would consider appropriate and reasonable ordinances governing these types of non-standard accessories.

Supervisor Myers: Did Neil indicate he would be looking at coming up with some guidelines for this?

Mr. Hawley: Yes. He did suggest I bring this to you as well.

Councilman Krakower: There was another situation in the Town that was similar to this and the owner only needed to get a building permit and I do think we need to look into this somehow as it does compromise neighborhoods. I do know, even if we did create an ordinance, how quickly it would impact things with your neighbor just now. I think, also, if your river views are impacted, you may also have civil recourse to bring litigation against him.

Supervisor Myers: Unfortunately, I don't think we can do too much to help you at this point with an Ordinance, but I do suggest that you hang in there with the Zoning Board and keep up the fight there with them. Keep the pressure on, and we will look into doing something about it.

Councilman Tancredi: Yes, and encourage your neighbors to come and support you with strong opposition. You might then get some relief.

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

CARRIED: 7-0

MEETING CLOSED AT 10:15 PM

SJM: lkm