

**MINUTES OF TOWN BOARD MEETING HELD ON
DECEMBER 22, 2010 AT 7:00 PM AT TOWN HALL, ONE
OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

PRESENT: Supervisor Myers
Councilman Lecker
Councilman Eagleton
Councilman Conte (Arrived at 7:10)
Councilman Krakower
Councilman Tancredi
Town Attorney Hagstrom
Town Clerk Miller

ABSENT: Councilman Cifone

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

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

{ } designates corrections

7:00 PM

CALL TO ORDER

SALUTE THE FLAG

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

CARRIED: 6-0

Supervisor Myers: I think we need to put in the record the comments that were received from Mr. Kaminski. (ATTACHED TO FINAL BOOK COPY)

Motion made to resume the rules: Supervisor Myers/R. Lecker

CARRIED: 6-0

12:22-1A 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"
A- Reaffirmation of SEQRA Findings of
9/27/07 State Environmental Quality
Review Negative Declaration Notice of
Determination of Non-Significance

RESOLUTION

Matter of the Amendments to the CHCO District Map and Regulations Sections 210-11 and 210-24 of the Town Zoning Law

WHEREAS, on September 26, 2007 the Town Board of the Town of Poughkeepsie adopted amendments to Chapter 210, "Zoning", of the Town Code (hereinafter "2007 Amendments"); and

WHEREAS, included in the 2007 Amendments are changes to Section 210-24 of the Code known as the Crown Heights Center Overlay (CHCO) District (hereinafter "CHCO District"); and

WHEREAS, at the time of the 2007 adoption the Town Board expressed an interest to re-examine the language of Section 210-24 to consider additional clarifying amendments to the CHCO District regulations; and

WHEREAS, the Town Board has identified several changes to the CHCO District Regulations (hereinafter "2010 Amendments") that should be considered in order to clarify and explain the intent and purpose of the CHCO District regulations; and

WHEREAS, the clarifying amendments to the CHCO District regulations are as follows:

- * Clarify the actual location of the CHCO East District and the CHCO West District overlay boundaries; and the Zoning Map
- Acknowledge the distinct characteristics and development considerations of the east side (adjoining a golf course open lands) and the west side which abuts existing residential properties, with no large open space or recreation buffer between the Town Center and the adjoining residential areas. Additionally, the higher residential densities on the west side obviate the need to create a transitional area between the existing residential neighborhood and the Town Center.
- * Explicitly require that any CHCO project include a mix of non-residential and residential development; Direct the Planning Board to ensure that any CHCO project be constructed so that the phasing include an appropriate mix of non-residential and residential development while ensuring that the maximum allowable retail density and the minimum required non-retail commercial densities are maintained during each phase of construction.
- Re-affirm the existing language that limits the amount of gross building square footage devoted to retail uses and that requires that no less than 25% of any commercial square footage must be devoted to non-retail uses.

- Limit the type of hotels allowed in the Crown Heights Center to Conference Center Hotels, limited in height to 50 feet or 3 stories, and provides a definition. At the same time, an updated definition of “hotel” is added to the code. It was deemed important to restrict the type of hotel within the Crown Heights Center to one which is particularly suited to a golf course location.
- Limits the amount of ground floor and second floor commercial space on both the east and west side of the street, thus reducing the amount of allowable commercial as compared to the present 2007 zoning and require that any Conference Center Hotel development shall be included in the commercial square footage limitation.
- Reduces the maximum permitted building height of attached residential dwellings as compared to the present 200 zoning (from 3.5 story to 3 story, and from 55 feet to 50 feet.
- Reduces the permitted height of commercial only buildings, as compared to the present 2007 zoning, from 5 stories to 4 stories.
- Explicitly provide that the maximum allowable residential and nonresidential development densities are for the entirety of, respectively, the CHCO East District and the CHCO West District regardless of the number of applicants seeking development approvals under the CHCO regulations in Section 210-24.
- Limit the height of a freestanding parking garage to 45 feet.
- Clarifies and reaffirms the authority and direction of a Planning Board to achieve an appropriate unity of design in a Town Center development.
- Merge the primary and secondary development area on the east side, and amends the zoning map accordingly, as a recognition of the unique characteristics of the east side of the overlay district, and to reaffirm greater flexibility in the location of residential and nonresidential units within, alongside, and without the CHCO East District boundary, as determined by the Planning Board.
- Provides an overall cap of the number of residential units on the east side of Route 9, including the golf course area and the Town Center area of 350 units.
- Add subject line headings for sub-paragraphs to make the code easier to read; and eliminate redundant language.

WHEREAS, the action on the proposed 2010 Amendments is a Type I Action as defined by 6 NYCRR 617.4(b)(2) of the SEQRA regulations; and

WHEREAS, the Town Board has previously declared itself to be the Lead Agency to coordinate the review of the action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, by resolution dated December 14, 2010 the Town of Poughkeepsie Planning Board has recommended adoption of the proposed 2010 Amendments; and

WHEREAS, by letter dated 12/22, 2010 the Dutchess County Department of Planning and Development has determined that action on the proposed 2010 Amendments is a matter of local concern under General Municipal Law 239-m.

NOW THEREFORE BE IT RESOLVED, for the reasons as set forth in the attached Reaffirmation of SEQRA Findings and Negative Declaration, the Town Board hereby reaffirms its SEQRA Findings of September 27, 2007 with respect to the Crown Heights Overlay District as amended by this local law, and further determines that the proposed 2010 Amendments, even if considered separately, would not have a significant adverse impact on the environmental and that a Draft Environmental Impact Statement will not be required; and

BE IT FURTHER RESOLVED, the Town Board hereby adopts the 2010 Amendments.

SO MOVED: R. Lecker/S. Eagleton

Neil Wilson: I think Mr. Kaminski is overstating the difference relative to the hotel and the hotel conference center. He has approvals for a hotel, which has not been constructed yet. Whatever approvals he has under the then prevailing code he has. What we are trying to do relative to the hotel/conference center is describing a sort of a much higher end type of hotel. Again, it's a hotel and the additional spa's services that the definition describes are intended to define a hotel that you might find associated more with an overall larger recreational area, such as a golf course. It does not preclude those kinds of uses within a general hotel. I certainly disagree with his assessment of that. He also had a couple other comments in there about removal of certain paragraphs and if you take a look at the sections he is referring to, in the original 2007 Code, Paragraphs 29 and 30, are really more purposes. They are really just in the wrong section, they in more of a regulatory section. We simply took those out and moved them elsewhere. We've done a lot of rearranging in that regard. So, again, I think he overstated the problem there.

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

CARRIED: 6-0

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

CARRIED: 4-2

12:22-1B

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

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on December 22, 2010 at 7:00 PM at the Town Hall, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town Code, Chapter 210, entitled "Zoning", specifically Section 210-9, entitled "Definitions", and Section 210-11, entitled "Zoning Map" and Section 210-24, entitled "Crown Heights Center Overlay (CHCO) District", and

BE IT FURTHER ENACTED, that a copy of said amendments is attached hereto as Exhibit "A", and incorporated herein; and

BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does hereby waive a verbatim reading and does direct that said amendments be spread across the record as if it, in fact, had been read verbatim; and

BE IT FURTHER ENACTED, that the Town Board declares itself as Lead Agency under the New York State Environmental Quality Review Act and upon review of the full Environmental Assessment Form does declare said action a Type I Action and will not have an significant adverse impact on the environment; and

BE IT FURTHER ENACTED, that written recommendations were received from the Dutchess County Department of Planning and Economic 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.

SO MOVED: S. Eagleton/J. Conte

Town Clerk Miller: I hereby filed the affidavit of posting on December 9, 2010 and published in the Poughkeepsie Journal on December 11, 2010.

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

CARRIED: 4-2

12:22-02 PUBLIC HEARING

Amend Town Code, Chapter 105, Entitled
"Fees", Specifically Section 105-4, Entitled

“Fee Schedule”

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

CARRIED: 6-0

Supervisor Myers: In case you didn't know, as of December 31st, the State is dropping their responsibility of licensing dogs. They sort of oversaw in the Town where you came to get the license, but they are no longer having any thing to do with it any more and all of the municipalities have to establish their own local laws for licensing and fees and all that associated with it and that's what this is all about.

NO SPEAKERS CAME FORWARD

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

CARRIED: 6-0

Town Clerk Miller: I did hereby file the affidavit of posting on December 9, 2010 and published in the Poughkeepsie Journal on December 11, 2010.

12:22-02 PUBLIC HEARING

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

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 22nd day of December, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend Chapter 105, entitled “Fees”, specifically Section 105-4, entitled “Fee Schedule”, which amendment is 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: \$10.00

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

SO MOVED: J. Conte/S. Eagleton

Supervisor Myers: I'm not sure if this goes under this one or the next one to discuss, but right now when your dog gets away and is picked up by the Town on a Friday and it goes to the Animal Hospital, there is no way that the individual can pick that animal up until Monday and so you are forced to pay the "over the weekend fees". I wonder if there is anyway we can designate the Arlington Animal Hospital to receive the money on a Saturday. I think we should be able to do that and save the people that money.

Town Attorney Hagstrom: I think the Town should contact the Animal Hospital and ask if they couldn't pay for it there and get a receipt and retrieve the animal. We can work it out.

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

Nays: None

CARRIED: 6-0

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

CARRIED: 6-0

12:22-03 PUBLIC HEARING

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

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 22nd 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", specifically Section 57-10, entitled "Fees", which amendment is 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 ENACTED, that said local law shall take effect immediately upon filing with the Secretary of State.

SO MOVED: S. Krakower/T. Tancredi

Town Clerk Miller: I did hereby file the affidavit of posting on December 9, 2010 and published in the Poughkeepsie Journal on December 11, 2010.

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

Nays: None

CARRIED: 6-0

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

CARRIED: 6-0

Robert Rubin: Spoke regarding the smoking free zones in the parks and playgrounds. "I really would appreciate that, but I am concerned that that oversteps boundaries that the Town has as to what they can carry onto Town property and I think smokers and non-smokers all have equal rights and I don't really know that the Town should step into this

and restrict smokers on the Town playgrounds and in the parks. That's, of course, just my opinion."

Bob Casement: I just have one question on this public hearing you had on the dog fees. You said they would be assessed to their real estate property. What about the people that don't own property?

Town Attorney Hagstrom: We don't have the authority to do it other than on our own people and so we are going as far as we can. It is, of course, restricted to Town property owners.

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

CARRIED: 6-0

12:22-04 AUTHORIZE SUPERVISOR TO SIGN	Town Playground Lease Agreement With VFW Vail Wolff Post #170 From 01/01/11 To 12/31/11
---	---

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a lease agreement between the Town of Poughkeepsie and the VFW Vail Wolff Post No. 170, located on 1 Violet Avenue, Poughkeepsie, New York, for the lease of a playground for the period of January 1, 2011 to December 31, 2011, a true copy of which is attached hereto and incorporated herein.

SO MOVED: T. Tancredi/S. Krakower

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

CARRIED: 6-0

LEASE ATTACHED TO FINAL BOOK COPY

12:22-05 AUTHORIZE SUPERVISOR TO SIGN	Town Agreement With American Legion Post #1302 For Utilization of Premises For Recreational Purposes For Year 2011
---	---

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute an agreement for the year 2011 with the American Legion Post #1302 for the utilization of premises owned by the American Legion Post #1302, which premises shall be used for recreational purposes under the

terms and conditions set forth in the agreement, a true copy of which is attached hereto and incorporated herein.

SO MOVED: Supervisor Myers/S. Eagleton

Councilman Conte asked Tom Meyering, Recreation Director, about being contacted by one of the men from the Legion about the Basketball Court on this property actually being in disarray and he wanted to know if there was something that could be done as to upkeep and weed killer, paints, etc. for that basketball court.

Tom Meyering: We can look at it and see what the extent of the damage and I have to address the worst damaged courts first. I will look at it, however, and do our best to see if we can do something with it in the spring.

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

LEASE ATTACHED TO FINAL BOOK COPY

12:22:06 AUTHORIZE
SUPERVISOR
TO SIGN

An Inter-Municipal Agreement With
Spackenkill Union Free School
District to Provide A School
Resource Officer Who Shall Be A
Police Officer

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute an Inter-Municipal Agreement with the Spackenkill Union Free School District to provide to the school district a School Resource Officer who shall be a police officer of the Town of Poughkeepsie assigned to the Spackenkill School District, pursuant to the terms and conditions set forth in said agreement, a copy of which is attached hereto.

SO MOVED: R. Lecker/S. Eagleton

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

AGREEMENT ATTACHED TO FINAL BOOK COPY

12:22-07 AUTHORIZE

Sewer Department 2010 Vacation Rollover
To 2011 To Louise Baranick

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 Louise Baranick, Typist at the Arlington Sewer Treatment Plant, for five (5) days of earned vacation time.

SO MOVED: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 6-0

12:22-08 AUTHORIZE

Police Department To Accept A Donation Of Six Modular Office Desks With Dividers & Shelves From Lisa Iannell-Winkler Of CB Richard Ellis/Asset Services

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Police Department to accept a donation of six (6) modular office desks with dividers and shelves from Lisa Iannelli-Winkler of CB Richard Ellis/Asset Services, with appreciation, pursuant to the memorandum from Chief Mauro dated November 7, 2010.

SO MOVED: J. Conte/S. Eagleton

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

Nays: None

CARRIED: 6-0

12:22-09 AUTHORIZE
SUPERVISOR
TO SIGN

Contract Between Town & St. Martin De Porres For December 24, 2010 For Traffic Control By Police Department

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a contract between the Town of Poughkeepsie and St. Martin de Porres whereby the Town of Poughkeepsie will provide traffic control by its Police Department for December 24, 2010 from 3:00 PM to 8:00 PM at the sole cost and expense of St. Martin de Porres.

SO MOVED: S. Krakower/S. Eagleton

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

Supervisor Myers
Nays: None

CARRIED: 6-0

12:22-10 AUTHORIZE
SUPERVISOR
TO SIGN

Contract With The WorkPlace At Saint
Francis Hospital For Drug & Alcohol
Testing

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a contract with The WorkPlace at Saint Francis Hospital for Drug and Alcohol Testing.

SO MOVED: T. Tancredi/ J. Conte

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

Nays: None

CARRIED: 6-0

12:22-11 AUTHORIZE
SUPERVISOR
TO SIGN

Agreement With Comnetix
Computer Systems For Maintenance
Of The Police Department's "Live-
Scan" System

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute an agreement with Comnetix Computer Systems, a copy of which is attached along with Chief Thomas Mauro's memorandum requesting same, for the maintenance of the Police Department's "Live-Scan" System, which computer based equipment documents arrests, photographs and fingerprints electronically.

SO MOVED: Supervisor Myers/J. Conte

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

Nays: None

CARRIED: 6-0

CONTRACT ATTACHED TO FINAL BOOK COPY

12:22-12 AUTHORIZE

Designation Of All Town Public
Parks & Playgrounds As Tobacco
Free Zones

RESOLUTION

WHEREAS, smoking is responsible for the premature deaths of over 440,000 Americans each year from lung cancer, heart disease, respiratory illness and other diseases; and

WHEREAS, tobacco kills more Americans each year than alcohol, cocaine, crack, heroin, homicide, suicide, accidents, fires and AIDS combined; and

WHEREAS, 80% of smokers started before the age of 18 and the average age of initiation is 12 years old; and

WHEREAS, an estimated 3,900 young people under the age of 18 try their first cigarette and one-third of these children will die prematurely from tobacco related illnesses; and

WHEREAS, to help role model non-smoking behavior to children and youth, and to provide children, youth and their families with a safe, smoke-free environment, the Town Board of the Town of Poughkeepsie designates all Town public parks and playgrounds as Tobacco Free Zones; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie hereby designates all Town public parks and playgrounds within the Town of Poughkeepsie as Tobacco Free Zones, effective immediately; and

BE IT FURTHER RESOLVED, that the Town Board authorizes and directs the posting of signage at all Town public parks and playgrounds within the Town of Poughkeepsie as Tobacco Free Zones.

SO MOVED: R. Lecker/J. Conte

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

Nays: Councilman Lecker

CARRIED: 5-1

Councilman Lecker: I am a smoker and I have no problem with restricting smoking in safe areas. As for me, I smoke in my garage. I've had to replace a few cars, but not from second-hand smoke, so, it's a responsibility of parents, also. To say that you want to do this, I'm not going to support it. I understand it will go through and its fine, but I just want to point out that if you are trying to protect the children's lives, what we should be doing is banning smoking of adults in cars with children sitting in the back seats with the windows up. We should be looking at homes where parents smoke and children are there. I don't think this resolution is achieving the goal of protecting the children.

Councilman Conte: I think the idea of doing this is that we are trying to show people that not smoking around the kids playing in the parks there. This I do endorse. However, I like Mr. Rubins suggestion of a designated area in the parks away from everyone.

12:22-13 REAPPOINTMENT

Joint City/Town Water Board of Mark
Newton For A 3 Year Term

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reappoint Mark Newton to the Joint City/Town Water Board for a three (3) year term from January 1, 2011 through December 31, 2013.

SO MOVED: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 6-0

12:22-14 ACCEPT

Course Certification From Dutchess Land
Conservancy Issued To Thomas A. Bauer
For Course Entitled "Conservation
Easements & Subdivisions: What Works &
What Doesn't"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Course Certification from Dutchess Land Conservancy issued to Thomas A. Bauer for the course entitled "Conservation Easements and Subdivisions: What Works and What Doesn't", a copy of which is attached.

SO MOVED: J. Conte/S. Eagleton

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

Nays: None

CARRIED: 6-0

CERTIFICATE ATTACHED TO FINAL BOOK COPY

12:22-15 ACCEPT

Offer Of Cession & Deed Donation Of Lee
Subdivision 7.6 Acres Of Vacant Land

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Lee Subdivision Offer of Cession and the deed donating 7.6 acres of vacant land in the Town of Poughkeepsie; and

BE IT FURTHER RESOLVED, that the Town Board does hereby authorize the Supervisor to execute all papers necessary and proper to effectuate said donation.

SO MOVED: S. Krakower/S. Eagleton

Councilman Krakower: How many lots is this subdivision?

Town Attorney Hagstrom: I think it's only three.

Councilman Krakower: A three lot division wouldn't be subject to the recreation fee?

Supervisor Myers: Yes, it would.

Councilman Krakower: Did they pay a recreation fee?

Town Attorney Hagstrom: I don't know.

Supervisor Myers: I think they did, that was some time ago, so I couldn't tell you. This was not in lieu of.

Councilman Krakower: By accepting this, we are taking land and accepting their offer of cession and we don't have to execute it at this time?

Town Attorney Hagstrom: Taking their offer and their offer is for zero.

Tom Meyering, Recreation Director: I, myself, would prefer that we own it because we would have more control over it. I realize as an easement, we would have the right to use the property. Right now, there is a trail through it and we continue to use the trail on it. I would envision in the future, being able to hook that trail up and formalize it and hook it into the development in Hills Park and over that way.

Councilman Krakower: Do you see using that for something other than the trail?

Tom Meyering: Yes, fishing in the Creek.

Councilman Krakower: I really think an easement would be a better way to go with this.

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

Nays: Councilman Krakower

CARRIED: 5-1

12:22-16 RETIREMENT

Highway Department of Diane
Harris

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the retirement of Diane Harris from the Town of Poughkeepsie Highway Department, effective December 31, 2010.

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 6-0

12:22-17 ACCEPT

Course Certification From Pace University School Of Law – Land Use Law Center Issued To Ed LaPerche For The Land Use Leadership Alliance Training Program

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Course Certification from Pace University School of law – Land Use Law Center issued to Ed LaPerche for the Land Use Leadership Alliance Training Program, a copy of which is attached.

SO MOVED: Supervisor Myers/J. Conte.

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

Nays: None

CARRIED: 6-0

CERTIFICATE ATTACHED TO FINAL BOOK COPY

12:22-18 BUDGET

Highway 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 Highway Department to purchase a Trackless, as follows:

FROM:

DB 5110.0431	Materials/Supplies	\$ 8,000.00
DB 5110.0101	Regular Pay	35,000.00
DB 5110.0443	Repairs/Maint.	90,000.00
DB 5140.0116	Seasonal	2,000.00

TO:

DB 5110.0201 Equipment \$135,000.00

SO MOVED: S. Eagleton/T. Tancredi

Supervisor Myers: This is for a Trackless Mower and Blower.

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

Nays: None

CARRIED: 6-0

12:22-19 AUTHORIZE
SUPERVISOR
TO SIGN

Agreement With NYSDOT For
Route 9 At Marist For Street Light
Maintenance, Repair & Energizing,
Maintenance Of Landscaped & Non-
Landscaped Medians

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign an Agreement between New York State Department of Transportation and the Town of Poughkeepsie for maintenance, repair and energizing of highway lighting, and maintenance of landscaped median, non-landscaped median and sidewalks on Route 9 at Marist College, a copy of which is attached.

SO MOVED: J. Conte/S. Eagleton

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

Nays: None

CARRIED: 6-0

AGREEMENT ATTACHED TO FINAL BOOK COPY

12:22-20 AUTHORIZE

Reimbursement Agreement With
Marist College For Street Light
Maintenance, Repair & Energizing,
Maintenance Of Sidewalks, and
Maintenance Of Landscaped &
Non-Landscaped Medians

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a Reimbursement Agreement with Marist College

for the maintenance, repair and energizing of highway lighting, and maintenance of landscaped median, non-landscaped median and sidewalks on Route 9 at Marist College, a copy of which is attached, said area of maintenance responsibility is depicted on a map set entitled "Route 9 Over Pedestrian Walkway, S.H. 1792 Delafield Street, S. H. 9003 Hospital, Contract Number D261566", dated October 14, 2010 and consisting of Sheets 1 – 135, prepared by the New York State Department of Transportation.

SO MOVED: S. Krakower/J. Conte

Motion was made to read the amended resolution above: Supervisor Myers/T. Tancredi

CARRIED: 6-0

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

Nays: None

CARRIED: 6-0

AGREEMENT ATTACHED TO FINAL BOOK COPY

12:22-21 AUTHORIZE
SUPERVISOR
TO SIGN

Sewer Line Easement With Dyal
Resources, LLC

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a Sewer Line Easement between the Town of Poughkeepsie and Dyal Resources, LLC, a copy of which is attached.

SO MOVED: T. Tancredi/J. Conte

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

Nays: None

CARRIED: 6-0

EASEMENT ATTACHED TO FINAL BOOK COPY

12:22-22 NOTIFICATION

Association Of Towns Instructions
For 2011 Training School & Annual
Meeting In February 20-223, 2011

NOTED BY TOWN BOARD

12:22-23 AUTHORIZE

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

RESOLUTION

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

- | | |
|-----------------------|--|
| SC 1. Retirement | Police Officer Anthony Antenucci |
| SC 2. Retirement | Police Officer Gregory Wagler |
| SC 3. Approve | Rollover of 2010 Vacation Time to 2011 – Thomas Meyering |
| SC 4. Resolution | Call Special Meeting – January 5, 2011 at 6:30 PM |
| SC 5. Notice of Claim | Pappadio v. Town |
| SC 6. Notice of Claim | Travelers – Subrogation – Azher |

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

SO MOVED: Supervisor Myers/J. Conte

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

Nays: None

CARRIED: 6-0

12:22-SC 1 RETIREMENT

Police Department of Police Officer Anthony Antenucci

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the retirement of Police Officer Anthony Antenucci, effective the close of business on January 27, 2011.

SO MOVED: R. Lecker/S. Eagleton

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

Nays: None

CARRIED: 6-0

12:22-SC 2 RETIREMENT

Police Department of Police Officer

Gregory Wagler

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the retirement of Police Officer Gregory S. Wagler, effective the close of business on January 14, 2011.

SO MOVED: S. Eagleton/J. Conte

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

12:22-SC 3 APPROVE

Recreation Department of Rollover
Of Vacation Time to 2011 For
Thomas Meyering

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the rollover of sixteen (16) hours of unused 2010 vacation time to 2011 for Thomas Meyering, Park Facilities and Programs Director.

SO MOVED: J. Conte/T. Tancredi

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

12:22-SC 4 RESOLUTION

To Call A Special Town Board
Meeting on January 5, 2011 At
6:30 PM

RESOLUTION

BE T RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby call a Special Meeting to be held on Wednesday, January 5, 2011 at 6:30 PM for the following:

1. Executive Session
Matters leading to the appointment, employment, dismissal or removal of a corporation.
2. Any other matters that may legally come before the Board.

SO MOVED: Supervisor Myers/J. Conte

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

Nays: None

CARRIED: 6-0

12:22-SC 5 NOTICE OF
CLAIM

Zoe Pappadio V Town of Poughkeepsie
For Sewer Overflow Into Basement

REFERRED TO LEGAL DEPARTMENT

12:22-SC 6 NOTICE OF
CLAIM

Travelers Insurance For Shaheda Azher
V Town For Water Damage To Home &
Car Being Submerged From Water
Main Breach Under The Street

REFERRED TO LEGAL DEPARTMENT

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

CARRIED: 6-0

James Podezedlik: Spoke regarding the proposal of the Company to be hired for the
Sewer Department.

Councilman Conte stated that he felt the entire Town Departments should be scrutinized
and looked into as to how to save money and minimize the burden on the taxpayers.
He feels that there should be a presentation by the company as to what is going to be
accomplished and what money to be saved, etc.

Rob Rubin: Stated that his own opinion upon reading the Town Charter is that he
believes the outsourcing of municipal resource such as this is outside the scope of what
the Town Board can do.

Marianne Axmann: Stated to Councilman Conte "Thank you" for what he said and how
he spoke up for the employees of the Town who were laid off from the Sewer Plant due
to the hiring of the new company. There was over 130 years of service by the 4
employees in the Sewer Department who were laid off. She felt this was a grave
disservice to the Town and she wished them the best.

TOWN BOARD MEETING ADJOURNED AT 8:03 PM

12:22 ES 1 RESOLUTION

To Enter Executive Session To
Consider Following Matters:

1. Contract Negotiations
2. Confidential Communications Between The Attorney & His Client, The Town Board, Based on The Attorney/Client Privilege
3. Matters Leading to the Appointment, Employment, Dismissal or Removal of a Corporation.

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. Confidential Communications Between The Attorney & His Client, The Town Board, Based on The Attorney/Client Privilege
3. Matters Leading To The Appointment, Employment, Dismissal Or Removal of a Corporation

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

SO MOVED: Supervisor Myers/S. Lecker

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

Nays: None

CARRIED: 6-0

TOWN BOARD ENTERED EXECUTIVE SESSION AT 8:10 PM

TOWN BOARD RETURNED TO MEETING AT 8:26 PM

12:22- ES 2 RESOLUTION

Resolution 12:22-SC 4 Calling A Special Town Board Meeting on January 5, 2011 At 6:30 PM Rescinded (Cancelled)

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

Nays: None

CARRIED: 6-0

TOWN BOARD MEETING CLOSED AT 8:30 PM

SJM:ikm

