

**MINUTES OF TOWN BOARD MEETING HELD ON
JANUARY 19, 2011 AT 7:00 PM AT TOWN HALL, ONE
OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

PRESENT: Supervisor Myers
Councilman Eagleton
Councilman Cifone
Councilman Krakower
Councilman Tancredi
Town Attorney Nelson
Town Clerk Miller

ABSENT: Councilman Lecker
Councilman Conte

- **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/S. Eagleton

CARRIED: 5-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 5-0

Town Clerk Miller: I hereby filed the affidavit of posting on January 7, 2011 and published in the Poughkeepsie Journal on January 10, 2011.

01:19-01 PUBLIC HEARING

Amend Town Code, Chapter 28 Entitled
"Officers & Employees", Specifically
Section 28-4, Entitled "Town Attorney"

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie pursuant to a public hearing held on the 19th day of January, 2011 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend

Chapter 28 of the Town Code, entitled "Officers and Employees", specifically Section 28-4, entitled "Town Attorney", which amendment is as follows:

DELETE:

Section 28-4. Town Attorney

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

SO MOVED: S. Eagleton/T. Tancredi

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

Nays: None

CARRIED: 5-0

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

CARRIED: 5-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 5-0

Town Clerk Miller: I did hereby file the affidavit of Posting on January 7, 2011 and published in the Poughkeepsie Journal on January 10, 2011.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 19th day of January, 2011 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend Chapter 195, entitled "Vehicles and Traffic", specifically Section 195-44, Schedule IX, entitled "Stop Intersections", which amendment is as follows:

ADD:

Stop Sign On	Direction of Travel	At Intersection of
Fern Lane	South	Cardinal Drive

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

SO MOVED: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 5-0

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

CARRIED: 5-0

Maria and John Rautenstrauch- Old Farms Road, We have a couple of comments about a home based business from our own experience. We have realized that what has happened that statements have been made in the past and assumed that they were correct. In one instance, it was said that this driveway accommodated four cars. This driveway does not accommodate four cars. These people can not park next to each other, the two people who live in this place. The other day there was a car that had the back end sticking out into the road. I think this should be checked. I also think that, people who have a home based business who are going to have people coming in and out need to understand that they need to confine that onto their property and that they can't have people waiting on their patio, that it is not appropriate to have people waiting in their cars outside until one person comes out and have the car running with heating and air conditioning. I think that it might be appropriate to have people come in the front door because in this situation, people are entering through a back sliding patio door. In the Zoning Meeting, it was said, "Why do (we) get a fence". I think Zoning for a home based business needs to pay attention. That property is 3 feet higher than we are. A seven foot fence would do us no good. There were no requirements for any kind of bushes as a buffer and we feel that something should be done to protect neighbors properties. I also would like to through one other comment out there. That is the fact that it wasn't considered that an MD is a business and I would just like to say, an MD is a very big business today. Its big bucks and all kinds of paper work, it's a big business and not just a little home based thing. There were no restrictions on the people who could come in and out, how many a day. It was limited to one employee. There have been people coming in and out of there at 8:20 at night on a Saturday, so I just wanted to voice my opinion that if this is going to be changed, it needs to be expanded a bit or looked at at some particular point in time. There are also blood specimens left on the back patio, which I feel is inappropriate.

Supervisor Myers: Thank you, that's what we are trying to do with this, is to tighten it up so neighbors aren't impacted the way you were impacted.

John: Another kind of thing I would like to see is some kind of hours on the business. I think the nightly hours should be limited. Is there some kind of inspections to see if the business is really what it was reported to be when they initially stated it?

Supervisor Myers: We kind of rely on someone like you to call the Zoning Department and let them know that they may have changed the business they originally started with.

Town Clerk Miller: I did hereby file the affidavit of Posting on December 15, 2011 and published in the Poughkeepsie Journal on January 3, 2011.

When I was here at a Zoning meeting it was said that the business is supposed to be checked every two years? Is that being done?

Supervisor Myers: We will check with Sarah, the Zoning Administrator, to see if it is. Is it the Board's notion to look into a few of these things before we go forward? (Yes) I make a motion to adjourn this Public Hearing until a future date: Supervisor Myers/M. Cifone

CARRIED: 7-0

01:19-03 PUBLIC HEARING

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

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 19th day of January, 2011 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, the Town Code, Chapter 210, entitled "Zoning", specifically Section 210-9, entitled "Definitions" and Section 210-74, entitled "Home Occupations", which amendments are as follows:

SECTION 210-9. Definitions.

DELETE:

Home Occupation

Habitable Space

SECTION 210-9. Definitions.

ADD:

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

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

DELETE: 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 accessorized 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 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" 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 ENACTED, 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 ENACTED, that written recommendations were received from the Dutchess County Department of Planning and Development and the Town of Poughkeepsie Planning Board; and

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

ROLL CALL ON AMENDMENT TO ADJOURN PUBLIC HEARING: Supervisor Myers/S. Eagleton

CARRIED: 5-0

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

CARRIED: 5-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 5-0

01:19-04 APPOINT

Legal Counsel of Pannone, Lopes, Devereauz & West, LLC To Represent Town For Negotiations For Private Management of The Arlington Wastewater Treatment Facility & The Country Club Wastewater Treatment Facility With United Water

Peno West, partner with Pannone, Lopes, Devereauz & West, LLC, and Counsel we are here to present our qualifications to represent the Town in its negotiations with United Water on the Arlington Wastewater Treatment Plant management contract. I head up the firm's municipal infrastructure team and our practices representing municipalities in these types of transactions, water, wastewater, solid waste and other infrastructure related transactions between municipalities and private entities who operate municipal infrastructure projects such as water, wastewater plants and the like. We solely represent municipalities. We do this around the northeast and we have had some projects in other parts of the countries as well, but we mostly focus on the northeast. We are based in

White Plains. We would represent the Town in these actions as well as the associates I have here with me. I have been doing this for about fifteen or sixteen years. Before I was a lawyer, I was a Town Manager of Vermont and Massachusetts and so I was dealing with a lot of these issues. I have spoken frequently on these issues around the country and this is what we do day in and day out.

Motion made to go into Executive Session: S. Krakower/S. Eagleton

CARRIED: 5-0

01:19-04

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby retain Pannone, Lopes, Devereauz & West, LLC to represent the Town of Poughkeepsie for negotiations for the private management of the Arlington wastewater Treatment Facility and the country Club Wastewater Treatment Facility with United Water, as outlined in the Terms of Engagement, a copy of which is attached.

SO MOVED: S. Eagleton/S. Krakower

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

Nays: None

Carried: 5-0

TOWN BOARD ENTERED EXECUTIVE SESSION TO
DISCUSS POTENTIAL HIRING OF LEGAL COUNSEL AT 7:20 PM

MEMBERS OF LEGAL COUNSEL OF PANNONE, LOPES,
DEVEREAUZ & WEST ENTERED EXECUTIVE SESSION AT 7:25 PM

RETURN TO REGULAR MEETING AT 7:52 PM

01:19-05 BOND
RESOLUTION

Arlington Sewer Improvement Area #2 To
Pay For Cost Of Certain Sewer
Improvements

BOND RESOLUTION
DATED JANUARY 19, 2011

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$200,000 SERIAL BONDS OF THE TOWN OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK, TO PAY THE COST OF CERTAIN SEWER IMPROVEMENTS TO SERVE THE ARLINGTON SEWER IMPROVEMENT AREA #2 OF THE TOWN OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK

WHEREAS, pursuant to the proceedings heretofore duly had and taken in accordance with the provisions of Article 12-C of the Town Law, and more particularly an Order dated December 8, 2010, said Town Board has determined it to be in the public interest to establish the Arlington sewer Improvement Area #2 at a maximum estimated cost of \$200,000; and

WHEREAS, the capital project therefore, as hereinafter described 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, it is now desired to provide funding for such project; NOW, THEREFORE, BE IT

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

Section 1. For the specific object or purpose of paying the cost 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, which specific object or purpose is hereby authorized at said maximum estimated cost, there are hereby authorized to be issued \$200,000 serial bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the plan for the financing of the improvements for the establishment of Arlington Sewer Improvement Area #2 by the issuance of the \$200,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Poughkeepsie, Dutchess County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be annually levied upon all the taxable real property deemed to be especially benefited thereby, in said Arlington Sewer Improvement Area #2, an amount sufficient therefore, but to the extent not paid thereby, all the taxable real property within said Town shall be subject to the levy of an ad valorem tax, without limitation as to rate or amount sufficient to pay principal of and interest on such obligations.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds as a statutory installment bond and all matters related thereto, prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service and all matters relating thereto, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at her sole discretion, to execute a project finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and

contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements, and instruments or to do any similar acts necessary to affect the issuance of the aforesaid serial bonds and/or notes without resorting to further action of this Town Board.

Section 11. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorize to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This resolution, which takes effect immediately, shall be published in full in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

Councilman Sean Eagleton	VOTING	Aye
Councilman Michael Cifone	VOTING	Aye
Councilman Stephan Krakower	VOTING	Aye
Councilman Todd Tancredi	VOTING	Aye
Supervisor Patricia Myers	VOTING	Aye

The order was thereupon declared duly adopted.

SO MOVED: M. Cifone/S. Krakower

Councilman Eagleton: How does this interact with the Bond that was approved for the Wastewater Treatment Plant improvements?

Supervisor Myers: Not at all. This is a separate one for the Tucker Drive Sewer Line there that doesn't exist at the moment and this will be totally paid back by the people in that improvement area.

CARRIED: 5-0

TERMS OF ENGAGEMENT ATTACHED TO FINAL BOOK COPY

01:19-06 AUTHORIZE
SUPERVISOR
TO SIGN

Morris Associates Proposal For Engineering
Services For Arlington Sewer Improvement
Area #2 – Wastewater Collection System

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign the Proposal for Engineering Services for the Arlington Sewer Improvement Area #2 – Wastewater Collection System submitted by Morris Associates, a copy of which is attached.

SO MOVED: S. Krakower/T. Tancredi

Councilman Eagleton: The only concern I have with this is there is no language there to protect the Town in the event that Morris Associates make a mistake with their design and there is rework and there is extended work as far as construction is concerned. They have two fees, one for the design and one for construction phase. If they make a mistake in design, we have no recourse for the extra hours incurred because of their mistake, either for their inspection of the work done or the extra work that has to be done by a construction because of their mistake. I think this is a weakness to this and I don't know what is best to resolve that.

Supervisor Myers: It all gets paid for by the people in this area, it won't be the Town, per say, it would be the residence of that – but it would still be the people paying it, yes.

Councilman Eagleton: I believe the Engineering company should be accountable for that.

Attorney Nelson: If the unfortunate day came when something like that happened, you could have a claim against that professional for what they did. If it involves not paying for work and conceivably for the cover of damages caused by the fact, I don't see any waiver in here of any such subsequence. If the Board is not comfortable with it, we could put it over and ask for language to clarify that, but I think that when you hire people, unless there are waivers in there, if the professional doesn't act within the normal standard, the client technically does have a claim.

Motion made to Table until February 2, 2011 Town Board Meeting and Supervisor will speak to Mr. Don Beer about clarifying language: T. Tancredi/S. Eagleton

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

Nays: None

CARRIED: 5-0

01:19-07 AUTHORIZE
SUPERVISOR
TO SIGN

Sewer Agreement With Dutchess County,
City of Poughkeepsie & Fourth Ward
Sewer Improvement Area For Wastewater
Services For Dutchess County Park
Known As Quiet Cove

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a Sewer Agreement among the Fourth Ward Sewer Improvement Area, the City of Poughkeepsie and the County of Dutchess to provide for wastewater services for the Dutchess County Park known as Quiet Cove, a copy of which is attached.

SO MOVED: T. Tancredi/S. Eagleton

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

Nays: None

CARRIED: 5-0

AGREEMENT ATTACHED TO FINAL BOOK COPY

01:19-08 AUTHORIZE
SETTLEMENT

Settlement of Tax Certiorari Proceedings
Involving Target #1856

RESOLUTION

BE IT RESOLVED, that the tax review proceeding instituted by Target #1856 for the tax assessment rolls of 2008, 2009 and 2010 be settled as shown on the attached Consent Order and Judgment and that Kyle W. Barnett, Esq., Van DeWater & Van DeWater, LLP, Patricia Myers, Town Supervisor and Kathleen Taber, Town Assessor are authorized to sign such papers as are necessary to effectuate the settlement.

SO MOVED: Supervisor Myers/S. Eagleton

Is there a wait in which that has to get paid back? Is that an immediate payment as soon as we approve this?

Supervisor Myers: I think it is like within 60 days and then you don't pay any interest on the refund.

ROLL CALL: Ayes: Councilman Eagleton, Cifone, Krakower, Tancredi, and
Supervisor Myers
Nays: None CARRIED: 5-0

CONSENT ORDER AND JUDGMENT ATTACHED TO FINAL BOOK COPY

01:19-09 RETIREMENT Assistant Town Engineer Russell King

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the retirement of Russell King from his position as Assistant Town Engineer, effective February 15, 2011.

SO MOVED: S. Eagleton/S. Krakower

Councilman Tancredi: I wish to thank Russell for his service.

Supervisor Myers: 20 years to the day on February 15th. We wish him well in all of his future endeavors.

ROLL CALL: Ayes: Councilman Eagleton, Cifone, Krakower, Tancredi, and
Supervisor Myers
Nays: None CARRIED: 5-0

01:19-10 DESIGNATION Of Delegate, Alternate Delegate &
Attendance To Association of Towns
Meeting

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby appoint Richard Lecker as the delegate to the Association of Towns; and

BE IT FURTHER RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize and approve the attendance of all elected and non-elected officials with prior Town Board approval to the annual meeting of the Association of Towns.

SO MOVED: M. Cifone/S. Eagleton

ROLL CALL: Ayes: Councilman Eagleton, Cifone, Krakower, Tancredi, and
Supervisor Myers
Nays: None CARRIED: 5-0

01:19-11 AUTHORIZE
SUPERVISOR
TO SIGN

Grant Writing Services Contract With
Susan Roeller Brown

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a Contract Proposal between the Town of Poughkeepsie and Susan Roeller Brown to provide grant writing services, which contract will be in effect from January 1, 2011 through December 31, 2011, a copy of which is attached.

SO MOVED: S. Krakower/M. Cifone

Councilman Cifone: I hope we go through with this as she has been wonderful for the Town.

Supervisor Myers: And she has not raised her rates since she has been working for us, I think that should be duly noted. We are happy to have her, she does an excellent job.

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

Nays: None

CARRIED: 5-0

CONTRACT ATTACHED TO FINAL BOOK COPY

01:19-12 AUTHORIZE
SUPERVISOR
TO SIGN

Water Easement Between Town & Harry
Bagheri, 25 Arbor Court, Located in
Boardman Estates

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a Water Easement between the Town of Poughkeepsie and Harry H. Bagheri, 25 Arbor Court in the Kreisberg/Ritter Subdivision (Boardman Estates), along with the TP-584, copies of which are attached, and does further authorize the Comptroller to deposit a \$1,000.00 check received from Boardman Estates, Inc. for the benefit of Mr. Bagheri, and to pay over said \$1,000.00 to Mr. Bagheri in exchange for a General Release.

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 5-0

EASEMENT ATTACHED TO FINAL BOOK COPY

01:19-13 ACCEPT

Arbor Court (Boardman Estates) As Town
Road

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept Arbor Court (Boardman Estates) as a Town road, pursuant to the recommendation of the Superintendent of Highways; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to sign any and all documents necessary and proper to effectuate the acceptance of Arbor Court as a Town road.

SO MOVED: Supervisor Myers/T. Tancredi

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

Nays: None

CARRIED: 5-0

01:19-14 AUTHORIZE
SUPERVISOR
TO SIGN

2011 Summer Recreation Program Grant
Application For Youth Development
Delinquency Prevention Funds

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign all papers necessary and proper to process and accept a grant, in the amount of \$10,355.00, for the 2011 NYS Office of Children and Family Services funding cycle for the Summer Recreation Program for the Youth Development Delinquency Prevention funds.

SO MOVED: S. Eagleton/M. Cifone

Supervisor Myers: I just wanted to take note that every year these numbers go down a little more. We get a little less from the County every year.

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

Nays: None

CARRIED: 5-0

01:19-15 AUTHORIZE
TO GO TO
BID

For Park Mowing & Median Maintenance
For Recreation Department

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Town Clerk to advertise for bids for "PARK MOWING AND MEDIAN MAINTENANCE", pursuant to the plans and specifications prepared by the Recreation Department, which will be available on January 24, 2011 at the office of the Town Clerk, with a bid opening on February 14, 2011, at 11:00 AM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY; and

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

SO MOVED: M. Cifone/T. Tancredi

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

Nays: None

CARRIED: 5-0

01:19-16 ACCEPT

Approval of 2010 Minutes
November 17 – Regular Meeting
December 8 – Regular Meeting
15 – Special Meeting
22 - Regular Meeting

RESOLUTION

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

November 17 – Regular Town Board Meeting
December 8 – Regular Town Board Meeting
December 15 - Special Town Board Meeting
December 22 - Regular Town Board Meeting

SO MOVED: S. Krakower/S. Eagleton

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

Nays: None

CARRIED: 5-0

01:19-17 AUTHORIZE

Letter of Credit Reduction From
Riverside Bank on Behalf of LVS
Enterprises, LLC.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the reduction from \$46,000.00 to \$35,000.00 of the Letter of Credit from Riverside Bank on behalf of LVS Enterprises, LLC, pursuant to the recommendation of the Town Engineer, a copy of which is attached.

SO MOVED: T. Tancredi/M. Cifone

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

Nays: None

CARRIED: 5-0

RECOMMENDATION ATTACHED TO FINAL BOOK COPY

01:19-18 AUTHORIZE

Maintenance Bond Reduction From
Colonial Surety Company On Behalf Of
Marquise Development Corp. For Henmond
Blvd. Road Improvement Project

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the reduction from \$60,637.00 to \$10,000.00 of the Maintenance Bond from Colonial Surety Company on behalf of Marquise Development Corp. for the Henmond Blvd. Road Improvement Project, pursuant to the recommendation of the Town Engineer.

SO MOVED: Supervisor Myers/T. Tancredi

Town Attorney Nelson: We received a replacement extension bond, not in the reduced amount, which extended it for three months.

Supervisor Myers: So, we should just pull this?

Town Attorney Nelson: I think you should.

Supervisor Myers: We already motioned it and seconded it so I think we will have to vote it down now.

ROLL CALL: Ayes: None

Nays: Councilman Eagleton, Cifone, Krakower, Tancredi, and
Supervisor Myers

FAILED: 0-5

01:19-19 APPROVAL

Town of Poughkeepsie Little League
Opening Day Parade On April 16, 2011
From 10:00 AM to 11:00 AM

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Jack Smith, on behalf of Town of Poughkeepsie Little League, to hold its Opening Day Parade on April 16, 2011 at 10:00 AM, which parade route is outlined on the attached documentation; and

WHEREAS, the Town Clerk of the Town of Poughkeepsie is in receipt of a Certificate of Liability Insurance naming the Town of Poughkeepsie as an additional insured, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application as submitted for said Opening Day Parade to be held on April 16, 2011 at 10:00 AM.

SO MOVED: S. Eagleton/M. Cifone

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

Nays: None

CARRIED: 5-0

01:19-20 ACCEPT/
AUTHORIZE

Maintenance Bond, Contractor's Affidavit
Of Release Of Liens & Contractor's
Affidavit of Payment of Debts & Authorize
Final Payment To DiCorcia Mason
Contractors, Inc. For Improvement For Main
Street For 2010 Project

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Maintenance Bond, Contractor's Affidavit of Release of Liens and Contractor's Affidavit of Payment of Debts in regard to the Improvements for Main Street – 2010 project undertaken by DiCorcia Mason Contractors, Inc.; and

BE IT FURTHER RESOLVED, that the Town board does hereby accept the Maintenance Bond in the sum of \$57,801.00 and does consent to the final payment due under the contract, pursuant to the recommendation of the Assistant Town Engineer.

SO MOVED: M. Cifone/S. Krakower

ROLL CALL: Ayes: Councilman Eagleton, Cifone, Krakower, Tancredi, and
Supervisor Myers
Nays: None CARRIED: 5-0

01:19-21 AUTHORIZE

Filing of a Local Government Records
Management Improvement Fund Grant
Application To Digitize Planning
Department Records & Purchase a Server

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to file an application to the New York State Archives for a grant from the Local Government Records Management Improvement Fund (LGRMIF) to digitize Planning Department records and purchase a server, and upon approval of said request, to act on behalf of the Town of Poughkeepsie in all matters related to this financial assistance.

SO MOVED: S. Krakower/M. Cifone

ROLL CALL: Ayes: Councilman Eagleton, Cifone, Krakower, Tancredi, and
Supervisor Myers
Nays: None CARRIED: 5-0

01:19-22 NOTIFICATION

A. Renewal Application Notice Form
For A Liquor License For Bugaboo
Creek Holdings, Inc. D/B/A
Bugaboo Creek Steakhouse Located
At South Road Square, 804

APPROVED BY POLICE

B. Liquor License For John Geargiedes
D/B/A Arlington Diner, LLC.
Located at 805 Dutchess Turnpike

APPROVED BY POLICE

BOTH NOTED BY TOWN BOARD

01:19-23 NOTICE OF

State Farm Mutual Automobile
Insurance Company V Town of
Poughkeepsie Highway Department For
Damage to Insured Automobile of Anita
G. Hoyt

REFERRED TO LEGAL DEPARTMENT

01:19-24 AUTHORIZE

Special Consent Items SC 1 and SC 2

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. Appointment

Doreen Tignanelli – Conservation Advisory
Commission

SC 2. Acknowledge

30 Day Waiver-Liquor License- Table Talk
Diner

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

SO MOVED: T. Tancredi/S. Eagleton

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

Nays: None

CARRIED: 5-0

01:19-SC 1 REAPPOINT

Conservation Advisory Commission For A
Two (2) Year Term of Doreen Tignanelli

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby re-appoint Doreen Tignanelli to the Conservation Advisory Commission for a two (2) year term, which term commences on January 1, 2011 and expires on December 31, 2012.

SO MOVED: Supervisor Myers/T. Tancredi

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

Nays: None

CARRIED: 5-0

01:19-SC 2 AUTHORIZE

Waiver of 30 Day Review Period For an Original Application Notice Form For A Liquor License For Table Talk Diner, LLC D/B/A Table Talk Diner Located at 2521C 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 Gellert & Klein, P.C., on behalf of Table Talk Diner, LLC, 2521C South Road, Poughkeepsie, NY 12601, for a waiver of the 30 day review period for an original liquor license; and

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

SO MOVED: S. Eagleton/M. Cifone

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

Nays: None

CARRIED: 5-0

NOTED BY TOWN BOARD

Town Attorney Nelson: In rethinking the Henmond Blvd. Bond, if I were the contractor and paying for the Bond for \$100,000.00, even being only three months, I might want to replace it with the \$10,000,00 Bond which the Board was prepared to accept. So, I think the contractors might appreciate the opportunity to not have to pay for more bond than they have.

Motion made to reconsider Resolution #18: Supervisor Myers/T. Tancredi

CARRIED: 5-0

01:19-18 AUTHORIZE

Maintenance Bond Reduction From Colonial Surety Company on Behalf of Marquise Development Corp. For Henmond Blvd. Road Improvement Project

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the reduction from \$60,637.00 to \$10,000.00 of the Maintenance Bond from Colonial Surety Company on behalf of Marquise Development Corp. for the Henmond Blvd. Road Improvement Project, pursuant to the recommendation of the Town Engineer.

SO MOVED: Supervisor Myers/M. Cifone

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

Nays: None

CARRIED: 5-0

RECONSIDERED AND APPROVED

Motion made to suspend the rules for public speaking: Supervisor Myers/S. Eagleton

CARRIED: 5-0

Robert Rubin: I have something I'm going to hand out, rather than read. It just states a position I have in reference to Town business we have been talking about for months and months.

STATEMENT ATTACHED TO FINAL BOOK COPY

Michael Arrick: I own a residential house on Davis Avenue and around the corner is a doctor's office, which is very, very busy, to the point that I can't even get in or out of my own driveway. People who come to visit me have to park way down the street. The doctor has a note attached to the tree, "PATIENT PARKING ONLY". So, all his employees park on the street and it's just inconvenient and way out of hand. I would just like to have someone look at it and see if something can be done about it. I've already talked to Mr. Tancredi about it. It's to a point people don't want to come and visit me. I would like to see if someone could look at it.

Councilman Tancredi: Yes, he did talk to me about this and I am going to call the doctor and let him know that this is an issue and Mr. Arrick has let me know that there are some other neighbors feel the same way.

Michael Arrick: I'm working on a list now of people who have complained about this. Mr. Tancredi has been trying to help me on this, but I just wanted to be formal about it and come to you with the complaint as well.

Councilman Tancredi: The only recourse I think we have is to post two hour parking signs on that street, which is similar to other areas in Arlington.

Doreen Tignanelli: I have a question about Item 4, the Legal Counsel that was hired. Was there a maximum amount?

Supervisor Myers: There was a cap of \$50,000.00.

Doreen Tignanelli: I would like to now make some comments about the Arlington Fire District. She made note that the people should be getting their tax bills soon and should keep in mind that if they are in the Arlington Fire District and their taxes are high like mine, the largest part of your Town Tax Bill is the Arlington Fire District taxes and from the Years 2000 to 2010 the Budget increased 9.2 million dollars. It went from 5.9 million dollars to 15.1 million dollars. So, it's an average yearly increase of \$925,000. The largest increase was in 2008 when the Budget went up \$2 million or 18 %. So, it's pretty clear that over the years the Arlington Fire District has not shown the proper amount of fiscal control when it comes to their Budget. The only thing accomplished at the new Board Meeting of Fire Commissions Workshop was to eliminate public comments. The New York State Comptroller's Office is auditing the Arlington Fire District and they will be there several months looking over their transactions for the year and they will be putting out a report on what they find.

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

CARRIED: 5-0

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

CARRIED: 5-0

MEETING CLOSED AT 8:30 PM

SJM:lkm