

**MINUTES OF A SPECIAL TOWN BOARD MEETING AND A  
COMMITTEE OF THE WHOLE MEETING HELD ON  
FEBRUARY 9, 2011 AT 7:00 PM AT TOWN HALL,  
ONE OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

**PRESENT: Supervisor Myers**

**Councilman Lecker**

**Councilman Eagleton**

**Councilman Cifone – Arrived at 7:05**

**Councilman Krakower – Arrived at 7:06**

**Councilman Tancredi**

**Town Attorney Nelson**

**Town Clerk Miller**

**ABSENT: 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**

**\* SPECIAL NOTATION \***

**AGENDA ITEMS ADDRESSED AT THIS MEETING  
INCLUDE FEBRUARY 9, 2011 TOWN BOARD MEETING  
AND FEBRUARY 2, 2011 CANCELLED TOWN BOARD  
AGENDA ITEMS 02:02-01 THROUGH 02:02-17**

**Supervisor Myers: At this time I would like to take a moment to commend a Town Employee. We had a very unfortunate incident here last Friday, one of our employees had a heart attack. Fortunately, we have a lady who works down stairs recognized the symptoms immediately and got 911 on the phone and had Lenny bring over the AED. The individual who had the heart attack is now home today. It was very touch and go in the beginning and I'm sure that Karen DeClair's spotting what was happening and immediately reacting to it in a very positive way, was instrumental toward seeing that he is now safely home and on the road to recovery and I just wanted to commend her for really thinking faster than most of us would put in that situation, so that was a very good job.**

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

**CARRIED: 6-0**

Doreen Tignanelli: Central Hudson, do we know yet how much money ---

Supervisor Myers: Yes, I think it's about \$9,744 they are projecting in cold hard money at no cost to the Town. They do all of the changing out of the equipment.

Doreen Tignanelli: My next question is about Item #5, the Highway Department purchasing of the de-icing supplies, I was wondering if Marc Pfeifer could tell me if the Town is doing what East Fishkill does by using the computers to send the air temperature and truck speed and salt feed road accordingly. According to Supervisor Hickman from East Fishkill, they've saved a total return on their investment, even after retrofitting their trucks, a \$103,000 the first year. I was wondering if we do that.

Supervisor Myers: No, we don't do that. We do use the brine stuff though, right, Marc, which does save us a significant amount?

Marc Pfeifer, Highway Superintendent: We don't have all of the equipment you mentioned to retrofit our trucks. It is about \$20,000 a truck. We have 18 trucks that are out so it would get a bit costly. I would like to maybe have that built into new trucks when we get them, but to retrofit all the old ones would be too expensive, but I certainly would love to have it.

Doreen Tignanelli: Are there any grants for that?

Supervisor Myers: Susan is always looking for grants and I'm sure if she spotted one she would let us know immediately. She is very conscientious about that, but it is something we should explore.

Robert Rubin: Just an observation. I was looking at the agenda and I noticed there were 30 items listed here. Two of them reference using Van DeWater and Van DeWater, 10% of the line items anyway. I just have a little problem with outsourcing legal issues and I don't know if that is something we should proceed on going on with. We do have a Legal Department here and I don't know if these are specialty issues that we don't have the expertise in. I don't know that that is such a wise expenditure.

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

CARRIED: 6-0

02:02-01 AUTHORIZE  
SUPERVISOR  
TO SIGN

Water Easement Between Town Of  
Poughkeepsie & Sandra O'Donnell,  
Coachlight Drive (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 Sandra O'Donnell, 57 Coachlight Drive (Boardman Estates), along with the TP-584, copies of which are attached.

SO MOVED: R. Lecker/S. Eagleton

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

Nays: None

CARRIED: 6-0

#### COPIES OF EASEMENT ATTACHED TO FINAL BOOK COPY

02:02-02 AUTHORIZE  
SUPERVISOR  
TO SIGN

Water Easement Between Town of  
Poughkeepsie & Birinder Singh &  
Sukhminder Singh, Coachlight Drive  
(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 Birinder Singh and Sukhminder Singh, 51 Coachlight Drive (Boardman Estates), along with the TP-584, copies of which are attached.

SO MOVED: S. Eagleton/T. Tancredi

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

Nays: None

CARRIED: 6-0

#### COPIES OF EASEMENT ATTACHED TO FINAL BOOK COPY

02:02-03 AUTHORIZE

Release of Performance Bond Posted  
By Boardman Estates & Waiver of  
Maintenance Bond

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, upon the recommendations of the Town Highway Superintendent and the Town Engineer, does hereby release the bond posted by Boardman Estates relating to the previously accepted road dedication, to wit, Bond No. 4170, and

BE IT RESOLVED, that in consideration of the fact that the bonded improvements in Boardman Estates have been in full service for more than three (3)

years, and show no signs of damage or deterioration, the Town Board does hereby waive the Town Code Section 177-32(B)(2) requirement for a one-year maintenance bond for Arbor Court, pursuant to the recommendations of the Town Highway Superintendent and the Town Engineering Department.

SO MOVED: M. Cifone/T. Tancredi

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

Nays: None

CARRIED: 6-0

02:02-04 BID AWARD

Highway Department For  
New 2011 Municipal Tractor To Joe  
Johnson Equipment, Inc.

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the bid for a new 2011 Municipal Tractor to the low bidder, Joe Johnson Equipment, Inc. at the bid price of \$143,431.00, pursuant to the recommendation of the Superintendent of Highways.

SO MOVED: S. Krakower/S. Eagleton

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

Nays: None

CARRIED: 6-0

02:02-05 BUDGET  
MODIFICATION

Highway Department For  
Purchasing of De-Icing Supplies

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the 2011 Budget, pursuant to the attached Budgetary Transfer Request Form submitted by the Comptroller, to allow the purchasing of de-icing supplies by the Highway Department, as follows:

INCREASE:

DB 909	Fund Balance	\$75,000.00
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TO:

DB 5142-0431	Materials-Supplies	\$75,000.00
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SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 6-0

02:02-06 BUDGET  
MODIFICATION

Police Department To Appropriate Grant  
Funds From Prior Year

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the 2011 Budget, pursuant to the attached Budgetary Transfer Request Form submitted by the Comptroller, to allow the Police Department to appropriate grant funds that were received in the prior calendar year, as follows:

#### INCREASE:

B 909	Fund Balance	\$21,438.00
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#### TO:

B 3120-0209	Grants – Police	\$21,438.00
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SO MOVED: Supervisor Myers/M. Cifone

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

Nays: None

CARRIED: 6-0

Councilman Eagleton: Why am I increasing a fund balance? I thought we were taking money out of the Police Department?

Supervisor Myers: We are.

Speaker from audience not audible.

02:02-07 AUTHORIZE  
SUPERVISOR

Grant Acceptance Entitled NYS Office Of  
Children & Family Services (OCFS)  
Funding Year 2011 For The Program  
Entitled Juvenile Aid

#### 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 accept a grant entitled NYS Office of Children and Family Services (OCFS) Funding Year 2011, in the

amount of \$9,319.00, for Youth Development Delinquency Prevention (YDDP), for the program entitled Juvenile Aid.

SO MOVED: S. Eagleton/M. Cifone

Supervisor Myers: We get these grants every year and for the last three years, at least, they have been dropping every year. They are a little bit less than they were in the previous year.

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

Nays: None

CARRIED: 6-0

02:02-08 AUTHORIZE  
SUPERVISOR  
TO SIGN

Maintenance Agreement Between  
Town of Poughkeepsie Police  
Department & Business Electronics,  
Inc. For The NICE Call Focus III  
24 Channel Voice Recorder

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a Maintenance Agreement between the Town of Poughkeepsie Police Department and Business Electronics, Inc. for the NICE Call Focus III 24 channel voice recorder, hard drive and related equipment, which digitally records the police radio and telephone communication systems for the period from April 15, 2011 through April 14, 2012, in the amount of \$1,100.00.

SO MOVED: R. Lecker/S. Eagleton

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

Nays: None

CARRIED: 6-0

02:02-09 AMENDMENT

To Resolution 1:06 # 30 (January 6,  
2010 Town Board Meeting) For The  
Standard Work Day For Elected &  
Appointed Officials

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby establish the standard workday for each elective and appointive official, which shall be not less than 6 hours per day; and

BE IT FURTHER RESOLVED, that the standard work week shall be Monday through Friday; and

BE IT FURTHER RESOLVED, that the following is a list of the elected officials with their term expiration date:

	TERM ENDS	HOURS PER WORKDAY
Patricia Myers, Supervisor	12/31/11	8
Joseph Conte, 3 <sup>rd</sup> Ward Councilman	12/31/11	6
Michael Cifone, 4 <sup>th</sup> Ward Councilman	12/31/11	6
Stephan Krakower, 5 <sup>th</sup> Ward Councilman	12/31/11	6
Geoffrey Patterson, Receiver of Taxes	12/31/13	8
Susan J. Miller, Town Clerk	12/31/11	8
Marc Pfeifer, Superintendent of Highways	12/31/13	8
Paul O. Sullivan, Town Justice	12/31/11	6
Paul Banner, Town Justice	12/31/11	6

AND BE IT FURTHER RESOLVED, that the following is a list of the appointed officials with their term expiration date:

	TERM ENDS	HOURS PER WORKDAY
James Wojtowicz, Comptroller 8:00 am – 4:00 pm (1 hour lunch)	12/31/11	8

AND BE IT FURTHER RESOLVED, that commencing January 1, 2010 the elected or appointed official shall record his or her work activities for a period of three consecutive months, which will include matters outside the normal working hours for the purpose of actually attending to official duties, including to responding to an emergency, attending an employer sponsored event or meeting with, or responding to, members of the public on matters of official business; and

BE IT FURTHER RESOLVED, that said records shall be completed within 150 Days of taking office and shall be submitted within 180 days to the Clerk of the Governing Board; and

BE IT FURTHER RESOLVED, that the Town Clerk is authorized and directed to certify the “Standard Work Day and Reporting Resolution” as presented to this Town Board.

SO MOVED: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 6-0

02:02-10 AUTHORIZE

Payment To ASCAP For The Year 2011  
For Town Events

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the payment to ASCAP for the year 2011 in the sum of \$309.00, pursuant to the attached documentation, which is applicable to events sponsored solely by the Town of Poughkeepsie.

SO MOVED: S. Krakower/S. Eagleton

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

Nays: None

CARRIED: 6-0

Absent: Councilman Cifone

DOCUMENTATION ATTACHED TO FINAL BOOK COPY

02:02-11 BID AWARD

Sharon Drive Road Improvements (Route  
9 To Morehouse Road) To HB Wiltse  
Excavating

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the bid for all labor and materials for SHARON DRIVE: ROUTE 9 TO MOREHOUSE ROAD – ROAD IMPROVEMENTS to the low bidder, HB Wiltse Excavating, at the bid price of \$518,717.00, pursuant to the recommendation of the Town Engineer.

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 6-0

Absent: Councilman Cifone

02:02-12 NOTICE OF  
CLAIM

Matthew S. Sviridoff V Dutchess County,  
Town of Poughkeepsie, City of  
Poughkeepsie and Town Water Department

REFERRED TO LEGAL DEPARTMENT

02:02-13 NOTICE OF  
CLAIM

Peter Sabbagh V Town Highway  
Department, Mark Pfeifer, Jake Simmons  
& Robert Buzzeo

REFERRED TO LEGAL DEPARTMENT

02-02-14 ACCEPT

2011 Minutes:

January 5, 2011 Regular Meeting  
January 19, 2011 Regular Meeting

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the minutes for the following 2011 Town Board Meetings, to wit:

January 5, 2011 – Regular Town Board Meeting  
January 19, 2011- Regular Town Board Meeting

SO MOVED: Supervisor Myers/S. Eagleton

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

Nays: None

Absent: Councilman Cifone, Councilman Conte

CARRIED: 5-0

02:02-15 AUTHORIZE  
SUPERVISOR  
TO SIGN

To effectuate A Lighting & Management  
Evaluation With Alliance Energy Solutions,  
A Subsidiary Of Central Hudson Gas &  
Electric

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign all papers necessary to effectuate a lighting and management evaluation with Alliance Energy Solutions, a subsidiary of Central Hudson Gas & Electric Corporation, at no cost to the Town of Poughkeepsie.

SO MOVED: R. Lecker/S. Eagleton

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

Nays: None

Absent: Councilman Cifone, Councilman Conte

CARRIED: 5-0

02:02-16 AUTHORIZE

Waiver Of 30 Day Review Period  
For Renewal Of A Liquor License  
For The Courtyard Management  
Corporation & Courtyard II  
Associates, LP D/B/A Courtyard  
By Marriott Located At 2641  
South Road

NOTED BY TOWN BOARD

Supervisor Myers: I make a motion that we authorize a waiver of the 30 Day waiting period for the Courtyard Management Corporation & Courtyard II Associates, D/B/A Courtyard By Marriott, located at 2641 South Road.

SO MOVED: Supervisor Myers/M. Cifone

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

CARRIED: 6-0

02:02-17 NOTICE  
OF CLAIM

Mannino Electric Inc. V Highway  
Department

REFERRED TO LEGAL DEPARTMENT

**NOTE:**

**THE FOLLOWING AGENDA ITEMS ARE NOW FROM  
FEBRUARY 9, 2011 TOWN BOARD MEETING**

02:9-18 AUTHORIZE

Special Consent Items SC 1, SC 2,  
SC 3, SC 4, SC 5, SC 6, SC 7, SC 8,  
SC 9, SC 10, SC 11, SC 12, & SC 13

RESOLUTION

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

SC 1. Authorize Supervisor to Sign

Lochner Engineering, P.C. Revised  
Architectural/Engineering  
Consultant Agreement – Sharon  
Drive Road Improvements

SC 2. Authorize	Van DeWater & Van DeWater to Initiate a lawsuit against Chas. H. Sells, Inc.
SC 3. Set Date for Public Hearing	Amend Town Code Chapter 195 Vehicle & Traffic – Time Limit Parking – Davis Avenue
SC 4. Authorize	Transfer – Deborah Andrews from Building Dept. to Highway Dept.
SC 5. Retain	Special Counsel – Kyle Barnett, Esq. Town v. Zurkowski
SC 6. Authorize	Part Time Employee Laurie Tortarella to work an additional 3 ½ hours per day
SC 7. Authorize	Liquor License 30 day Waiver Umberto’s of Mamma Marisa
SC 8. Authorize Supervisor to Sign	Copier Lease Agreement with IKON
SC 9. Retirement	Timothy Beahan
SC 10. Appointment	Anthony Antenucci – Part Time Security Officer – Town Court
SC 11. Authorize Supervisor To Sign	Letter Agreement with Hudson Valley Appraisal Corporation – Hornbeck Road Improvement Project
SC 12. Authorize	1111 Realty Group, Inc. Tax Certiorari Settlement
SC 13. Authorize	Vikat P – Town, LLC Tax Certiorari settlement

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: S. Eagleton/M. Cifone

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

CARRIED: 6-0

02:09-SC 1 AUTHORIZE  
SUPERVISOR  
TO SIGN

Revised Architectural/Engineering  
Agreement With Lochner  
Engineering, P.C. To Conduct  
Construction Inspections For  
The Sharon Drive Road  
Improvements

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor, subject to revisions approved by the Town Engineer and the Attorney to the Town, to sign the revised Architectural/Engineering Consultant Agreement with Lochner Engineering, P.C. to conduct construction inspections for the Sharon Drive Road Improvements, a copy of which is attached hereto, subject to the New York State Department of Transportation authorization for said improvements.

SO MOVED: M. Cifone/T. Tancredi

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

CARRIED: 6-0

#### AGREEMENT ATTACHED TO FINAL BOOK COPY

02:09- SC 2 AUTHORIZE

Van DeWater & Van DeWater To  
Initiate A Lawsuit On Behalf Of  
Town Against Chas. H. Sells, Inc.

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby retain Van de Water & Van DeWater, in the place and stead of David Hagstrom, to initiate a lawsuit on behalf of the Town of Poughkeepsie against Chas. H. Sells, Inc. to recover monies for a breach of contract by Chas. H. Sells, Inc. in regard to a failure of said company to do a contract for survey of the Police/Court Facility, and

BE IT FURTHER RESOLVED, that this resolution shall supersede the prior resolution known as **RESOLUTION 7:1-16 OF 2009**, wherein David Hagstrom was Retained.

SO MOVED: Supervisor Myers/S. Krakower

Town Attorney Nelson made the motion to Table this item to be discussed at the following Executive Session.

02:09-SC 3 SET DATE FOR  
PUBLIC HEARING

On February 16, 2011 At Town Hall To Consider An Amendment To Chapter 195 Of Town Code, Entitled "Vehicles & Traffic", specifically Specifically Section 195-54, Schedule XIX, entitled "Time Limit Parking: for Davis Avenue

### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 16<sup>th</sup> day of February, 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 Chapter 195 of the Town Code, entitled "Vehicles and Traffic", specifically section 195-54, Schedule XIX, entitled "Time Limit Parking", which amendment would read as follows:

ADD:

<b>Name of Street</b>	<b>Side</b>	<b>Time Limit; Hours/Days</b>	<b>Location</b>
Davis Avenue	North	2 hours; 9:00 a.m. To 6:00 p.m./All	From the Intersection of Raymond Avenue to 3 Davis Avenue

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

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

SO MOVED: S. Krakower/T. Tancredi

Supervisor Myers: I think this is an excellent idea, because that road is one-way, particularly the way the snow is now. Barely one lane of traffic can get through it, it's really hazardous right now.

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

CARRIED: 6-0

02:09-SC 4 AUTHORIZE

Transfer Of Deborah Andrews From  
Building Department To Highway  
Department

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the transfer of Deborah Andrews from the Building Department to the Highway Department, at her current title and salary, effective February 21, 2011.

SO MOVED: T. Tancredi/S. Krakower

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

CARRIED: 6-0

02:09-SC 5 RETAIN

Kyle W. Barnett, Esq. As Special Counsel  
To Prosecute The Violation Of The Town  
Code By Lisa Zurkowski

#### RESOLUTION

WHEREAS, the Town of Poughkeepsie Animal Control Officer has cited Lisa Zurkowski for a violation of the Town of Poughkeepsie Town Code; and

WHEREAS, the Town wishes to appoint Kyle W. Barnett, Esq. as special counsel to prosecute the violation of the Town of Poughkeepsie Code, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Kyle W. Barnett, Esq., 85 Civic Center Plaza, Poughkeepsie, NY, as special counsel for the purpose of prosecuting Liza Zurkowski for a violation of the Town Code at the rate of \$165.00 per hours, and

BE IT FURTHER RESOLVED, that the Town Board authorizes Mr. Barnett to prosecute such legal action in the Town of Poughkeepsie Justice Court and defend the Appellate Court action as may be necessary pursuant to Chapter 57 of the Town Code on behalf of the Town of Poughkeepsie and the Town of Poughkeepsie Animal Control Department.

SO MOVED: Supervisor Myers/S. Krakower

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

Nays: None

CARRIED: 6-0

02:09-SC 6 AUTHORIZE

Police Department Part Time Employee  
Laurie Tortarella To Work An Additional  
3 ½ Hours Per Day Not To Exceed 90 Days  
Of Total Work

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize part time employee in the Police Department Identification Bureau, Laurie Tortarella, to work an additional 3 ½ hours per day, for a total of 17 ½ hours per week, at her current rate of pay for a 30 day period, effective February 14, 2011, with up to two (2) 30 day extensions as needed, but not to exceed 90 days of total work, pursuant to the attached request by Captain Lecomte.

SO MOVED: R. Lecker/S. Eagleton

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

Nays: None

CARRIED: 6-0

02:09-SC 7 AUTHORIZE

Waiver Of The 30 Day Review Period For A  
Renewal Application Notice Form For  
Umberto Primo Inc. D/B/A Umberto's Of  
Mamma Marisa Located At 2245 South  
Road  
APPROVED BY POLICE DEPARTMENT

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Umberto Annunziata, on behalf of Umberto's of Mamma Marisa, 2245 South Road, Poughkeepsie, NY 12601, for a waiver of the 30 day review period for a 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 MOVED: S. Eagleton/M. Cifone

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

Nays: None

CARRIED: 6-0

02:09-SC 8 AUTHORIZE  
SUPERVISOR  
TO SIGN

Copier Rental Agreement With  
IKON For 2 Copier Machines For  
Town Hall For A 5 Year Period

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a copier rental agreement with IKON for two copier machines for the Town Hall for a 5 year period at an average cost of \$620.00 per month, pursuant to the attached recommendation from the Town Comptroller.

SO MOVED: M. Cifone/T. Tancredi

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

Nays: None

CARRIED: 6-0

02:09-SC 9 RETIREMENT

Timothy Beahan As Town Janitor

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the retirement of Timothy Beahan, effective February 17, 2011.

SO MOVED: S. Krakower/S. Eagleton

Councilman Krakower saluted Tim for being a very good employee and he always did a tremendous job and Town Hall always looked immaculate. He wishes him well.

Supervisor Myers: I'm happy Tim got his retirement. It's sad that he hurt his back because I don't think he had any intentions of retiring at this point in time. We wish him nothing but the best.

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

CARRIED: 6-0

02:09-SC 10 APPOINTMENT

Justice Court of Anthony Antenucci  
To Part Time Position of Security  
Guard

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Anthony Antenucci to the part time position of Security Guard at the Town of Poughkeepsie Justice Court at the salary of \$15.00 per hour, effective February 21, 2011.

SO MOVED: T. Tancredi/S. Krakower

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

CARRIED: 6-0

02:09-SC 11 AUTHORIZE  
SUPERVISOR  
TO SIGN

Letter Agreement With Hudson Valley  
Appraisal Corporation To Perform An  
Appraisal To Determine Market  
Value of 4 Fee Takings In Regard to  
The Hornbeck Road – Road Improvements  
Project

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby retain Hudson Valley Appraisal Corporation to perform an appraisal to determine the market value of four fee takings in regard to the Hornbeck Road – Road Improvements project, at a cost of \$4,999.00; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to sign a letter agreement with Hudson Valley Appraisal Corporation, a copy of which is attached.

SO MOVED: Supervisor Myers/S. Eagleton

Councilman Eagleton was not comfortable with the bidding process.

Don Beer talked to Luchner Engineering whom they consulted with and they both agreed that they should get at least another quote based upon the other work that Luchner had

done, including the Bridge in New Hamburg. When this came in at \$5500, I talked to Jim about it and I said I would go back and see if they would put it under \$5,000 and if they wouldn't, we would get more bids. I think if we had taken the approach to go get more bids, it most likely would have been that we would be paying \$5500. So, we can still go that approach and spend the addition \$500 and that's fine, whatever the Board wants to do.

Councilman Cifone: I don't think we are going to get a better price on that.

Councilman Krakower: I'm fine with that.

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

Nays: None

CARRIED: 6-0

#### AGREEMENT ATTACHED TO FINAL BOOK COPY

02:09-SC 12 AUTHORIZE

Kyle WS. Barnett, Esq. Van DeWater &  
Van DeWater, LLP, To Execute Stipulation  
Of Settlement & Order For Tax Certiorari  
Matter Entitled, 1111 Realty Group, Inc.  
V Town of Poughkeepsie

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize Kyle W. Barnett, Esq., Van DeWater & Van DeWater, LLP, on behalf of the Town of Poughkeepsie, to execute a Stipulation of Settlement and Order for tax certiorari matter entitled, 1111 Realty Group, Inc. v. Town of Poughkeepsie, copies of which are attached, settling the tax certiorari proceedings for the tax years 2009/2010, 2010/2011 and 2011/2012

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 6-0

#### STIPULATION OF SETTLEMENT ATTACHED TO FINAL BOOK COPY

02:09-SC 13 AUTHORIZE

Kyle W. Barnett, Esq, Van DeWater & Van DeWater, to Execute Consent Judgment For Tax Certiorari Matter Entitled, Vikat P-Town, LLC V Town of Poughkeepsie

### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize Kyle W. Barnett, Esq., Van DeWater & Van DeWater, LLP, on behalf of the Town of Poughkeepsie, to execute a Consent Judgment for tax certiorari matter entitled, *Vikat P-Town, LLC v. Town of Poughkeepsie*, a copy of which is attached settling the tax certiorari proceeding for the tax year 2010/2011.

SO MOVED: Supervisor Myers/S. Eagleton

Councilman Krakower: What property is this, do we know?

Supervisor Myers: 2349 South Road. It's a motel. The amount for this one is \$3,287.25.

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

Nays: None

CARRIED: 6-0

### JUDGMENT ATTACHED TO FINAL BOOK COPY

Town Clerk Miller requested that the Supervisor go back to Item #16 and vote on authorizing a waiver of the 30 Day Waiver Period for the renewal of a liquor license for Courtyard Management Corporation & Courtyard II Associates, LP D/B/A Courtyard By Marriott Located At 2641 South Road.

Supervisor Myers made a motion to do a waiver, which is reflected on the agenda under item 02:02-16.

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

CARRIED: 6-0

Doreen Tignanelli: I have a question about the audio system. Have we made any progress on that yet?

Councilman Eagleton: Mark is on vacation and I will be sitting with him when he returns, to go over the audio and the file server and all the other computer aspects that we have.

Doreen Tignanelli: My husband and I went to the Water Board Meeting on Tuesday and I am happy to report that our water, as most of you know, was brown partially due to the Chloramine and we went back to Chlorine treatment and now we don't have a problem and, hopefully, we will stay on that. I want to again talk about the Arlington Fire District and I got my tax bill since the last meeting and the most expensive line item on my bill is the Fire District at a little over \$1200. The Town Fire Budget is more than the Town Police Budget and the Town of Poughkeepsie Police cover the entire Town and the Town Fire doesn't cover the New Hamburg District or the Fairview District. I also note that there is \$523,000 left over in their budget and I asked why not use some of that money for taxpayer relief, but they said they still wanted to get more equipment. Taxpayers don't have any say and it is really unfortunate.

The Board discussed drinking parties at the Colleges as well.

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

CARRIED: 6-0

#### RESOLUTION

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

1. Litigation: To discuss litigation strategy of the case known as Ginsberg.
2. Personnel Matters, to wit: To discuss the employment history of Particular individuals who need not be identified at this time.
3. Confidential communication between attorney and his client/Town Board based on attorney/client privileges.
4. Discussion regarding proposed litigation.

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

SO MOVED: Supervisor Myers/R. Lecker

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

Nays: None

CARRIED: 6-0

Councilman Tancredi: Two weeks ago a gentleman was in talking about a doctor's office on Davis and Fairmont and I spoke to a few residents and I suggested two hour parking on that stretch of street and all the residents I spoke to did not agree with that idea. It would apply to them as well and they were not happy about it. So, I talked to the Doctor and he was very cordial and seemed very concerned and he agreed to make his staff park only on his property and not down the street in front of the residences. He also, on his

own dollar, he cleared the snow piles from his parking lot plus on the streets near his place to provide more parking. I don't know if it will be a perfect solution, but, hopefully, it will work out better than has been.

## COMMITTEE OF THE WHOLE MEETING

### NO AGENDA ITEMS

### COMMITTEE REPORTS

FINANCE	Councilman Krakower: No Report
FIRE ADVISORY	Councilman Conte: ABSENT
GOVERNMENT OPERATIONS	Councilman Eagleton: No Report
LAND USE & PLANNING	Councilman Krakower: No Report
PERSONNEL	Councilman Cifone: No Report
RECREATION	Councilman Tancredi: The only thing coming up would be the Bid openings next week for the field maintenance. 13 packages have been picked up by companies so far.
SENIOR CITIZENS	Councilman Tancredi: No Report
TECHNOLOGY & EQUIPMENT	Councilman Lecker: Waiting for Mark to return from vacation. I talked to him briefly before he went to go over the servers and some of the issues and once he gets back we will be getting together with Scott from CSI and re-evaluate our servers, we are running out of room. I will also talk to him about the audio.
WATER, SEWER, HIGHWAY	Councilman Eagleton: No Report

Motion made to go into Executive Session Meeting: Supervisor Myers/T. Tancredi

CARRIED: 6-0

INTO EXECUTIVE SESSION AT 7:55 PM

BACK FROM EXECUTIVE SESSION AT 8:55 PM

NO ACTION WAS TAKEN

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby retain Van DeWater and Van DeWater in place instead of David Hagstrom, to initiate a lawsuit on behalf of the Town of Poughkeepsie against Charles H. Sells, Inc. to recover monies for Breach of Contract by Charles H. Sells, Inc. in regard to failure of said company to do a contract for survey of the Police/Court facility.

BE IT FURTHER RESOLVED, that this resolution shall supersede the prior resolution known as Resolution 7:1 #16 of 2009 wherein David Hagstrom was retained.

SO MOVED: Supervisor Myers/T. Tancredi

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

Nays: None

CARRIED: 6-0

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

CARRIED: 6-0

MEETING CLOSED AT 8:58 PM

SJM:lkM