

**MINUTES OF TOWN BOARD MEETING HELD ON  
FEBRUARY 16, 2011 AT 7:00 PM AT TOWN HALL  
ONE OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

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

**ABSENT:** Councilman Krakower

**\*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: Supervisor Myers/T. Tancredi

CARRIED: 6-0

NO SPEAKERS CAME FORWARD

Motion made to close the public hearing: Councilman Lecker

CARRIED: 6-0

Town Clerk Miller: I did hereby file the affidavit of posting on February 10, 2011 and published in Poughkeepsie Journal on February 12, 2011.

12:16-01 PUBLIC HEARING

On February 16, 2011 at Town Hall  
To Consider an Amendment to  
Chapter 195 of Town Code, Entitled  
"Vehicles & Traffic" Specifically  
Section 195-54, Schedule XIX  
Entitled "Time Limit Parking" For  
Davis Avenue

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on 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, does hereby amend Chapter 195 of the Town Code, entitled "Vehicles and Traffic", specifically Section 195-54, Schedule XIX, entitled "Time Limit Parking", which amendment is 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 AM To 6:00 PM/All	From the Intersection of Raymond Avenue to 3 Davis Avenue

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

SO MOVED: R. Lecker/T. Tancredi

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

Nays: None

CARRIED: 6-0

Supervisor Myers: Before I suspend the rules for agenda items, we will have the next item on the agenda, which is a presentation from Recreation Director Tom Meyering.

Recreation Director Tom Meyering gave a video presentation of "The New ADA" (Americans With Disabilities) Parks Compliance Plan. The Town is required to adopt a "Program Access Test" by March 15, 2011. This is a tool to evaluate whether "Facilities" are available to all (Including Disabled) and spread throughout the Town. Also, the Town is required to make physical upgrades from the "Program Access Test" to existing facilities by March 15, 2012. Mr. Meyering discussed the key issues for the Town and work needed for designated "Facilities" and the rough cost estimate for the work is \$78,900.00. This directive came to him through the New York State Recreation Park Society and the National Recreational Park Society.

DRAFT OF THIS PROGRAM IS ATTACHED TO FINAL BOOK COPY

Councilman Tancredi: This would be eligible for Community Block Grant money wouldn't it?

Director Meyering: I think, depending upon where it is.

Supervisor Myers: I don't think you can split it up because not enough of these places we've chosen would qualify. I can only think of one park that would qualify, which is Fairview Park.

Director Meyering: I believe that the Community Development Block Grant is being slated by the current Congress to dispose of it.

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

CARRIED: 6-0

Doreen Tignanelli: I have a question about agenda item # 11 to amend the Town Zoning Code for Flag Lots. The Flag Lots was amended, I believe, when the master plan was updated in 2006 – 2007 time frames. I was wondering what the change was.

Development Director Neil Wilson: The Zoning Code expressly prohibits the creation and establishment of flag lots and typically the way the prohibition works is by establishing a minimal frontage requirement at the street line and a minimum lot width at the building line. Typically those two numbers should be the same so you end up with a lot that if you need 100 feet of frontage and 100 feet lot width at the building line, you end up with a lot uniformly square and the idea is, you don't have a flag lot, but a series of lots that are intended to be established and built upon. One of the thing my staff has been continuously doing is taking a look at the Code language and we've been presenting to the Board various amendments and cleaning them up and this happens to be one of them. The area and bulk requirements for the residential lots and for the commercial districts, you will see, in some cases, a standard for frontage, which is at the street line, but you will not see it in others. It was an oversight in drafting the original Code. So, the proposed language is to give full effect and clean up and provide for the appropriate lot frontage and lot width standards for all the districts.

Doreen Tignanelli: Does this have anything to do with the Flynn sub-division flag lot?

Neil Wilson: Not specifically, no. This is a necessary fix, in any event.

Jean Murphy, Town Historian: I am speaking to the appointment of Robert Rubin to the Historic Preservation Commission. I was first appointed as Assistant Historian in 1990 and we applied to be a certified local government with the State and I went to a meeting some years after that and they never filed it and then she sent a letter saying they did file it and they got in 1995 filed. But, because we have it, I was able to get from the State museum a copy of the Town Charter. When we read it, we found out that they had left out the Town of Fishkill and I questioned that and they sent me several pages for \$10 and one more page for \$10. That's their minimum. Robert Rubin would be an excellent member to our Historic Preservation Commission. He is really interested in the Town and he is very knowledgeable and we really need him. We still need someone to represent the Fourth and Fifth Wards.

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

CARRIED: 6-0

02:16-03 RETIREMENT

Police Department of Detective  
Bruce A. Griffing

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the retirement of Detective Bruce A. Griffing from the Town of Poughkeepsie Police Department, effective the close of business on February 26, 2011.

Supervisor Myers: We all wish Bruce the best in all future endeavors.

SO MOVED: S. Eagleton/M. Cifone

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

Nays: None

CARRIED: 6-0

**ITEM # 5 WAS INADVERTANTLY TAKEN OUT OF ORDER**

02:16-05 AUTHORIZE  
SUPERVISOR  
TO SIGN

Maintenance Contract With  
Coffee System of the Hudson  
Valley

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a Maintenance Contract with Coffee System of the Hudson Valley for a drinking water filtration system for the employees of the Police Department at a cost of \$414.00 per year.

SO MOVED: J. Conte/S. Eagleton

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

Nays: None

CARRIED: 6-0

02:16-04 AUTHORIZE  
SUPERVISOR  
TO SIGN

Washington Hollow Rod & Gun  
Club Agreement With Town Police  
Department

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a License Agreement with Washington Hollow Rod and Gun Club, Inc. for use by the Town of Poughkeepsie Police Department for target practice for an annual fee of \$2,000.00, which agreement shall be in effect from January 3, 2011 through December 26, 2011.

SO MOVED: M. Cifone/T. Tancredi

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

Nays: None

CARRIED: 6-0

02:16-06 APPOINTMENT

Historic Preservation Commission  
Of Robert J. Rubin

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Robert J. Rubin to the Historic Preservation Commission for a 5 year term, which term commences immediately with a termination date of April 19, 2015, pursuant to the recommendation of the Town Historian.

SO MOVED: T. Tancredi/J. Conte

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

Nays: None

CARRIED: 6-0

02:16-07 AUTHORIZE  
SUPERVISOR  
TO SIGN

2011 Dial A Ride Agreement With  
Dutchess County

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the 2011 Dial A Ride Agreement with the County of Dutchess, a copy of which is attached, which agreement provides for a joint service transportation system for senior citizens and handicapped individuals with payments made by the Town not to exceed \$52,556.00.

SO MOVED: Supervisor Myers/R. Lecker

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

Nays: None

CARRIED: 6-0

AGREEMENT ATTACHED TO FINAL BOOK COPY

02:16-08 AUTHORIZE  
SUPERVISOR  
TO SIGN

2011 STOP-DWI Program Contract  
With County of Dutchess

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign the 2011 STOP-DWI Program Contract with the County of Dutchess, a copy of which is attached.

SO MOVED: R. Lecker/S. Eagleton

Supervisor Myers: By the way, that was for \$53,500.00 money we are getting for the DWI Programs.

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

Nays: None

CARRIED: 6-0

AGREEMENT ATTACHED TO FINAL BOOK COPY

02:16-09 AUTHORIZE  
SUPERVISOR  
TO SIGN

Engineering Agreement For  
Police/Court Facility

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign an Agreement for the Provision of Professional Services with The DiSalvo Ericson Group in reference to the Town of Poughkeepsie Police Court Facility settlement investigation, at an estimated cost of \$1,200.00, plus an estimate of \$150.00 for reimbursables, which agreement is attached.

SO MOVED: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 6-0

AGREEMENT ATTACHED TO FINAL BOOK COPY

02:16-10 AMEND

2011 Non-Union Salary Schedule To  
Include Keith Ballard, Water  
Maintenance Supervisor

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby amend the 2011 Non-Union Salary Schedule to include Keith Ballard, Water, Maintenance Supervisor at the yearly salary of \$89,091.00.

SO MOVED: J. Conte/R. Lecker

R. Lecker: I just want to thank Keith for his patience. I appreciate him meeting us half-way on this.

02:16-11 SET DATE FOR  
PUBLIC HEARING

Amend Town Code Chapter 210,  
Entitled "Zoning", "Flag Lots"

RESOLUTION

WHEREAS, the Town Board has received a memorandum dated February 9, 2011 from the Director of Municipal Development recommending certain changes to Chapter 210 of the Town Code in regard to clarifying the regulation of "flag lots", and

WHEREAS, the Town Board has been advised that the current language of Chapter 210 does not completely regulate the establishment and creation of flag lots as intended by the Town Board when the Zoning Law was adopted in September 2007; and

WHEREAS, the action to amend the area and lot requirements for the various zoning districts in order to properly regulate the establishment and creation of flag lots is a Type I Action under the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Town Board has determined that the proposed amendments must be referred to the Dutchess County Department of Planning and Economic Development and to the Town Planning Board for review and recommendation; and

WHEREAS, the amendments are subject to a public hearing.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby sets a public hearing on the proposed amendments to Chapter 210, which are attached as Exhibit "A", for March 23, 2011, at 7:00 PM, or as soon thereafter as the matter may come to be heard, in the Town Hall, One Overocker Road, Poughkeepsie, New York; and

2. The Town Board does hereby waive the verbatim reading and does direct that said amendments be spread across the record as if it, in fact, had been read verbatim; and
3. The Town Board hereby states that because only the Town board can consider and adopt changes to the Town Code that it is the only involved agency, and the Board hereby declares that it is the Lead Agency for purposes of coordinating the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law; and
4. The Town Board refers this matter to the Dutchess County Department of Planning and Economic Development for a recommendation pursuant to GML 239-m; and
5. The Town Board refers this matter to the Planning Board for an advisory report pursuant to Town Code Sections 210-154.
6. The Town Board directs the Town Clerk to notify the Town Clerks of each of the surrounding towns of the public hearing pursuant to GML 239-nn.

SO MOVED: M. Cifone/J. Conte

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

Nays: None

CARRIED: 6-0

#### VERBATIM AND EXHIBIT A ATTACHED TO FINAL BOOK COPY

02:16-12 APPROVE

Poughkeepsie Babe Ruth Baseball  
Opening Day Parade

#### RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Vincent D'Amato on behalf of Poughkeepsie Babe Ruth Baseball, to hold its Opening Day Parade on April 16, 2011 at 1:00 PM, 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 approved the application as submitted for said Opening Day parade to be held on April 16, 2011 at 1:00 PM.



SO MOVED: T. Tancredi/J. Conte

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

Nays: None

CARRIED: 6-0

02:16-13 AUTHORIZE

Special Consent items SC 1, SC 2  
And SC 3

#### RESOLUTION

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

SC 1 Appointment

Jason Gantt – Conservation  
Advisory Commission

SC 2 Authorize

Transfer Marianne Axtmann from  
Sewer Department to Typist in the  
Building Department

SC 3 Notice of Claim

Wynne v. Town of Poughkeepsie  
Police Department

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/M. Cifone

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

Nays: None

CARRIED: 6-0

02:16-SC 1 APPOINTMENT

Conservation Advisory Commission  
Of Jason Gantt

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Jason Gantt to the Conservation Advisory Commission, which appointment shall take effective immediately with an expiration date of December 31, 2012.

SO MVOED: R. Lecker/S. Eagleton

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

Nays: None

CARRIED: 6-0

02:16-SC 2 AUTHORIZE

Transfer of Marianne Axtmann from  
Town Sewer Department To Town  
Building Department

### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby transfer Marianne Axtmann from the Town of Poughkeepsie Sewer Department to the position of Typist in the Town of Poughkeepsie Building Department at the Grade 4 Step 5 salary of \$19.62 per hour, effective March 7, 2011.

SO MOVED: S. Eagleton/J. Conte

Board praised Marianne as an excellent employee and think the Building Department will soon appreciate the deal they are getting with her also.

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

Nays: None

CARRIED: 6-0

02:16-SC 3 NOTICE OF  
CLAIM

Notice of Claim for William J.  
Wynne V. Town of Poughkeepsie  
& Town Police Department

### REFERRED TO THE LEGAL DEPARTMENT

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

CARRIED: 6-0

Doreen Tignanelli: I just wanted to follow up on some items from last Town Board Meeting. I brought to the Board's attention that Supervisor Hickman in East Fishkill had substantial savings on road salt through due to the fact that they had equipped some of their trucks computers and Temperature apparatus and Councilman Cifone asked how many trucks they had and I did check and he said that they had 20 trucks and they changed all of their trucks that had hydraulic spreader controls and he said it saved them a significant amount of money. Someone also asked about Grant money and he said that he was not aware if there was grant money for that and they used their own money, but the investment paid for itself in the first year. They had substantial savings. I also talked last week about Vassar College and the fact that their party had cost taxpayers in EMS calls and I directly e-mailed college officials asking them if they would hire an ambulance for their TOGA party last weekend and the day before the party I did receive a

response from one of the Deans of the college saying that they had hired an ambulance service for both Friday and Saturday night from 10 to 2 which would alleviate the burden on the taxpayers in the district and I also asked him to consider every Friday and Saturday night during the school year to hire a private ambulance and that would come out to approximately \$48,000.

Supervisor Myers and Board all thanked Doreen for her efforts in that achievement.

Robert Rubin: Thanked the Jean Murphy, Town Historian, for her confidence in him to fill a position in the Historic Society. Last week before the meeting I asked the Board about seeing if a table of organization for the Town exists and you said you would get back to me and I haven't heard from you yet. Have you been able to look into that for me yet? Councilman Lecker said he would get back to him, he hadn't found anything yet. A couple of meetings ago I gave each Town Board member my position on our Town Charter and outsourcing Municipal jobs and at our last meeting I stated that outsourcing of Legal work was questionable. Has anyone had the opportunity to look through our Town Charter to just let me know where in the Charter that you believe we have the right to outsource any of our municipal functions that we have. I don't think we have the right. I would appreciate an answer on that soon. I also want to touch on the Arlington Fire District. The Department posted a legal notice in the district that they were going to spend \$32,000.00 for "full turnout gear". I didn't know what that meant. I thought it had something to do with some of their vehicles. They told me that this notice was to just advise that they were going to spend the money and I don't have a right to question their spending of their money is what they were trying to say on this item. Full turnout gear is gear for the fire fighters where it allows them to replace worn out equipment, which I am of course for that, I don't want them going out with only substandard equipment. But, when I asked them where this money was coming from, they were very reluctant to tell me and I'm going to pursue this matter further.

Jim Riley: I'm from the Town of Poughkeepsie Sewer Department. I regret seeing Marianne leave the Sewer Department. Also, towards the end of February, I know, on any given day, there are three vehicles from Massachusetts, one from Rhode Island, one from Connecticut, people employed by United Water down at the plant and I'm just wondering where, if anything, is going on with the negotiations and where some of our employees that I work with stand. We would like to know something.

Councilman Cifone: United Water has been asked to offer job employment to the individuals they chose to want to hire and then employees that are going to be affected, without an offer of a job, will be the ones that will be the ones offered impact negotiations. We have met twice, but until United Water actually issues the letter of hiring, we are kind of waiting on them to move forward. I believe there will be an announcement very shortly, however.

Supervisor Myers: They haven't finished negotiating the contract with the Town. I think that is what you are pretty much asking. We hired a new attorney and I don't believe he

has had a meeting with them yet. I think they are getting ready to set up meetings, but I don't think that they have yet.

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 in a case known as Ginsburg.

SO MOVED: Supervisor Myers/M. Cifone

Councilman Tancredi thanked the County Highway Department about clearing snow off Main Street and they have finished half today and will finish the other half tomorrow.

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

Nays: None

CARRIED: 6-0

TOWN BOARD MEETING ADJOURNED AT 7:47 PM

INTO EXECUTIVE SESSION AT 7:50 PM

RETURNED FROM EXECUTIVE SESSION AT 8:40 PM

NO ACTION WAS TAKEN

TOWN BOARD MEETING CLOSED AT 8:41 PM

SJM:lkm