

**MINUTES OF TOWN BOARD MEETING HELD ON
APRIL 20, 2011 AT 7:00 PM AT TOWN HALL, ONE
OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

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

ABSENT: Councilman Lecker
Councilman Eagleton
Councilman Tancredi

***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

7:15 PM

CALL TO ORDER

SALUTE THE FLAG

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

CARRIED: 4-0

Sarah Davis: I just wanted to do this so the fence could be fixed around 2 Bird Lane. The winter played a toll on the fence and so the Highway Department has indicated that they could put it back together.

Councilman Krakower: Has that been sold yet?

Sarah Davis: No, the people actually still own it.

Lisa Simpson: I'm a senior case manager for Dalta Adult Protective Services and I represent the owners tonight as they couldn't be here. We have been working with this elderly couple for quite a long time. They are both in separate nursing facilities. We are the guardians for the husband. They can not make decisions for themselves, nor do they have any money to fix anything going on at the property, which is most unfortunate.

Councilman Krakower: Who is the actual guardian, is it Adult Protective?

Lisa Simpson: Actually, the commissioner, which is Mr. Allard. But, I am the worker for the husband. And, like I told Sarah when I saw her at the property, I explained that we were trying real hard working with the realtor to get the property sold, but as

everyone knows, with the economy and the mortgage being upside down, it's been almost impossible to find any buyer for the property.

Supervisor Myers: We understand the circumstances for this property and it's all very sad situations and I think we all see it as that. This is just so we can do whatever we can to enhance it. Maybe you will get a buyer if the fence gets fixed. You can only hope.

Lisa Simpson: We just wanted the Board to know that it is not that we are not interested in what's going on, but we are not in any position to financially address anything that happens and it is very unfortunate that it is now incumbent upon the Town to have to take care of these matters and basically to put a lien out to recoup the money spent. I wish we had another solution.

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

CARRIED: 4-0

04:20-01 PUBLIC HEARING

Zoning Violation For 2 Bird Lane To
Remove Or Repair Stockade Fence

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on April 20, 2011 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, under Chapter 159 of the Town of Poughkeepsie Code, entitled "Property Maintenance", does hereby determine that said property located at 2 Bird Lane, Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6162-04-616245, owned by Athanasios and Effie Panagiotopoulos, is in violation of Chapter 195 insofar as the existing stockade fence is in severe disrepair; and

BE IT FURTHER RESOLVED, that said determination is based on the presentation, the report and pictures submitted at the public hearing by the Zoning Administrator of the Town of Poughkeepsie; and

BE IT FURTHER RESOLVED, that said owners of 2 Bird Lane have not complied with the Order to Remedy; and

BE IT FURTHER RESOLVED, that the Town shall cause the repair or removal of said stockade fence, and any continued maintenance thereafter if the premises continues not to be properly maintained and

BE IT FURTHER RESOLVED, that the charges shall be sent to the registered owner of said property for reimbursement; and

BE IT FURTHER RESOLVED, that if said costs and disbursements are not reimbursed within thirty (30) days of the bill, said charges shall be added to the next state, county and town tax bill pursuant to the provisions of Section 159-13 of the Town Code and shall become a lien against the property and filed with the Dutchess County Clerk and the Dutchess County Commissioner of Finance; and

BE IT FURTHER RESOLVED, that the Highway Department is authorized to repair or remove the existing stockade fence.

SO MOVED: J. Conte/M. Cifone

ROLL CALL: Ayes: Councilmen Conte, Cifone, Krakower and Supervisor Myers
Nays: None CARRIED: 4-0

PICTURE ATTACHED TO FINAL BOOK COPY

Town Clerk Miller: I hereby posted the public hearing on April 4, 2011 and published in the Poughkeepsie Journal on April 8, 2011.

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

CARRIED: 4-0

Victor Gennodi: I thought there was a proposal going on a couple of years ago that Spring Road was going to be swapped out with the County because there was a lot of work to be done for drainage. There is no drainage down across Route 9 and would have to go in the opposite direction and chop through rocks and they were going to try and swap the road out because it was a heavy traffic road. They stopped the trucks from going over it and it created a lot of situations for a lot of people because there was pressure from one person who built a house on the corner. They didn't like the trucks going that way and crossing over to the Galleria Mall. When the Galleria Mall was built that road was supposed to be the cross over and extension of Jackson Road and I thought there was a deal with the County to swap out that road.

Supervisor Myers: I know that at one point, going back some ways, there was some talk about that, but nothing ever became of it.

Victor Gennodi: Right, and Mr. Still didn't feel that we should be maintaining that road because it was as busy to traffic that it was.

Supervisor Myers: Well, nothing obviously ever became of it. It was quite some years ago. Then we got the money from Sue Kelly for it and that was awarded to the Town in 2004, I think. Finally, they are going to go forward with it.

Victor Gennodi: Once they do that, the deal was that they thought the road was too narrow for the trucks to come in that direction and now it is a stacking problem for

vehicles on Route 9 to go in the direction of Red Oaks Mill because there is not enough stacking area on Route 9 in front of Burger King for more than two trucks, so what they ended up doing was blocking Route 9 and standing out in the highway and the angle of the left hand turn onto Vassar Road is near impossible for a truck or trailer to make and they have to swing out into the highway into the intersection to come around and it was never designed for it to go that way. Is it ever going to go back to letting the truck traffic go over the road?

Supervisor Myers: I don't know.

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

CARRIED: 4-0

04:20-02 SET DATE FOR
PUBLIC HEARING

Adoption Of Time Warner Cable
Franchise Agreement

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 18th day of May, 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 the adoption of a franchise agreement with Time Warner Cable, which agreement shall be for ten (10) years.

SO MOVED: M. Cifone/J. Conte

Councilman Cifone: It's about time. I was on this committee, Stephan was on this committee on one time, Pat, and you were on it. These were the most difficult people to do business with and negotiate with.

Councilman Krakower: They just came out of left field, didn't they? When David Hagstrom was Town Attorney, he sent a letter to NY State to basically threaten to shut down the franchise and they didn't want to do anything.

Councilman Conte: We want to thank Time Warner for their warm engagement.

Supervisor Myers: Yes, we are very happy to go along with their tying up a lot of loose ends and getting things done.

ROLL CALL: Ayes: Councilmen Conte, Cifone, Krakower and Supervisor Myers
Nays: None

CARRIED: 4-0

04:20-03 CORRECTION

Resolution 2:09-#SC 10 of 2011 –
Appointment Of Anthony Antenucci
To The Part Time Position of Court
Attendant With Town Justice Court

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby correct Resolution 2:9-#SC 10 of 2011 to appoint Anthony Antenucci to the part time position of Court Attendant with the Town of Poughkeepsie Justice Court, instead of Security Guard.

SO MOVED: S. Krakower/M. Cifone

ROLL CALL: Ayes: Councilmen Conte, Cifone, Krakower and Supervisor Myers
Nays: None CARRIED: 4-0

04:20-04 REAPPOINTMENT

Zoning Board of Appeals of
Elizabeth Bomba

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reappoint Elizabeth Bomba to the Town of Poughkeepsie Zoning Board of Appeals for a 7 year term from January 1, 2011 to December 31, 2017.

SO MOVED: Supervisor Myers/J. Conte

CARRIED: 4-0

04:20-05 AUTHORIZE
SUPERVISOR
TO SIGN

Architectural/Engineering
Consultant Agreement With
Hudson Valley Engineering
Associates, P.C. For Spring
Road – Road Improvements

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor, to sign the revised Architectural/Engineering Consultant Agreement with Hudson Valley Engineering Associates, P.C. for design, right of way incidentals and right of way acquisitions for the Spring Road-Road Improvements.

SO MOVED: J. Conte/M. Cifone

ROLL CALL: Ayes: Councilmen Conte, Cifone, Krakower and Supervisor Myers
Nays: None CARRIED: 4-0

04:20-06 AUTHORIZE Phone System Maintenance
SUPERVISOR Agreement/Town Hall
TO SIGN

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a phone system Maintenance Agreement with TECH II Business Services, Inc. for the Town of Poughkeepsie Town Hall for the coverage period of April 21, 2011 through April 20, 2012, at the total cost of \$2,995.00, which cost includes voicemail services and modifications thereof, pursuant to the recommendation of the Building Inspector.

SO MOVED: M. Cifone/S. Krakower

ROLL CALL: Ayes: Councilmen Conte, Cifone, Krakower and Supervisor Myers
Nays: None CARRIED: 4-0

04:20-07 SETTLEMENT/
ORDER Tax Review Proceeding Instituted
By Lawrence F. Sheehan For Tax
Assessment Rolls Of 2008/2009
Through 2010/2011 – Tax Certiorari

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the settlement of the tax review proceeding instituted by Lawrence F. Sheehan for the tax assessment rolls of 2008, 2009 and 2010 as shown on the attached Consent Judgment and Stipulation Discontinuing Actions, and

BE IT FURTHER RESOLVED, that Patricia Myers, Town Supervisor, Kathleen Taber, Town Assessor and Kyle W. Barnett, Esq. of Van DeWater & Van DeWater, LLP are hereby authorized to sign such papers as are necessary to effectuate the settlement.

SO MOVED: S. Krakower/M. Cifone

ROLL CALL: Ayes: Councilmen Conte, Cifone, Krakower and Supervisor Myers
Nays: None CARRIED: 4-0

ASSESSMENT ROLLS ATTACHED TO FINAL BOOK COPY

04:20-08 ACCEPT

Course Consideration For Anne Conroy From The Dutchess County Planning Federation For Course Entitled "Down The Drain? Not So Fast! What Planning Boards Need To Know About Stormwater Regulations"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Course Certification for Anne Conroy from the D.C. Planning Federation for the course entitled "Down the Drain" Not so Fast! What Planning Boards Need to Know About Stormwater Regulations", a copy of which is attached.

SO MOVED: Supervisor Myers/M. Cifone

ROLL CALL: Ayes: Councilmen Conte, Cifone, Krakower and Supervisor Myers
Nays: None CARRIED: 4-0

CERTIFICATE ATTACHED TO FINAL BOOK COPY

04:20-09 BUDGET
MODIFICATION

Recreation Department For The Rental Of Arthur S. May School For Town Recreation Day Camp Program

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, for the rental of Arthur S. May School for the Town Recreation Day Camp program, as follows:

FROM:

A 7141-0211 Other Equipment \$1,856.00

TO:

A 7141-0451 Rental-Building \$1,856.00

SO MOVED: J. Conte/M. Cifone

Councilman Krakower: Is this kind of a basic cost?

Supervisor Myers: Yes. \$50.00 a week. It's a terrific deal.

Councilman Conte: How long is the camp for?

Supervisor Myers: July and August. Registration for the camp is going exceedingly well this year. We already have more children registered than we had for the entire camp last year.

ROLL CALL: Ayes: Councilmen Conte, Cifone, Krakower and Supervisor Myers
Nays: None CARRIED: 4-0

BUDGETARY TRANSFER FORM ATTACHED TO FINAL BOOK COPY

04:20-10: AUTHORIZE City & Town Intermunicipal
SUPERVISOR Agreement For Fallkill Avenue
TO SIGN Water Agreement

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a forty (40) year Inter-Municipal Water Supply Agreement between the Town of Poughkeepsie and the City of Poughkeepsie to provide for the distribution of up to 100,000 gallons per day of water to a portion of the City of Poughkeepsie from the Town-Wide Water District through an 8" delivery pipe to be constructed by the City of Poughkeepsie under Fallkill Avenue.

SO MOVED: M. Cifone/J. Conte

ROLL CALL: Ayes: Councilmen Conte, Cifone, Krakower and Supervisor Myers
Nays: None CARRIED: 4-0

04:20-11 AUTHORIZE Waiver Of 30 Day Hold On
Filing Of Application Notice Form
For An On-Premises Alcoholic
Beverage Renewal Application
License For Poughkeepsie
Restaurant Group, Inc. D/B/A Crew
Restaurant Located At 2290-2292
South Road

REVIEWED BY POLICE

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Glen F. Kubista & Associates, on behalf of

Poughkeepsie Restaurant Group, Inc., Crew, 2290-2 South Road, Poughkeepsie, NY 12601, for a waiver of the 30 day review period for a liquor license renewal; 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. Krakower/M. Cifone

ROLL CALL: Ayes: Councilmen Conte, Cifone, Krakower and Supervisor Myers
Nays: None CARRIED: 4-0

04:20-12 APPROVE

Fireworks Application For The
Vassar College Founders Day
Weekend Fireworks Display On
April 30, 2011 With Rain Date of
May 1, 2011

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Vassar College to include a fireworks display at their Vassar College Founders Day event to be held on Saturday, April 30, 2011 with a rain date of Sunday, May 1, 2011; and

WHEREAS, the applicant has notified the Arlington Fire Department; and

WHEREAS, a Certificate of Liability Insurance has been filed with the Town Clerk 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 a fireworks display to be held on Saturday, April 30, 2011 with a rain date of Sunday, May 1, 2011 at 9:00 PM on Vassar College property, Raymond Avenue, Poughkeepsie, New York.

SO MOVED: Supervisor Myers/J. Conte

ROLL CALL: Ayes: Councilmen Conte, Cifone, Krakower and Supervisor Myers
Nays: None CARRIED: 4-0

04:20-13 ACCEPT

2011 Town Board Minutes For:
March:

March 2, Regular Town Board Meeting
March 16 Committee of the Whole
March 16 Special Town Board Meeting
March 23 Regular Town Board 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:

March 2, 2011 – Regular Town Board Meeting
March 16, 2011 - Committee of the Whole
March 16, 2011 – Special Town Board Meeting
March 23, 2011 – Regular Town Board Meeting

SO MOVED: J. Conte/S. Krakower

ROLL CALL: Ayes: Councilmen Conte, Cifone, Krakower and Supervisor Myers
Nays: None CARRIED: 4-0

04:20-14 AUTHORIZE

Special Consent SC 1, SC 2, SC 3, SC 4,
And SC 5

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	Purchase of Dump Truck – Water Dept.
SC 2 Authorize Supervisor To Sign	Use of Facilities Request for Arthur S. May School
SC 3 Notification	Public Hearing – Dutchess County Local Development Corporation- Issuance of Bonds- Dutchess Community College
SC 4 Notification	Public Hearing – Dutchess County Local Development Corporation – Proposed

Grant – IBM

SC 5 Notification

Liquor License Renewal – O’Sho
Japanese Restaurant

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

SO MOVED: M. Cifone/S. Krakower

ROLL CALL: Ayes: Councilmen Conte, Cifone, Krakower and Supervisor Myers
Nays: None CARRIED: 4-0

04:20-SC 1 AUTHORIZE

Water Department Purchase Of 2012
International 7500 Dump Truck

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Water Department to purchase a 2012 International 7500 Dump Truck, with the purchase price for the truck cab and chassis of \$94,678.98 under NYS OGS Contract # pc62176, and for the dump body, to be purchased separately from Hudson River Truck and Trailer, for the price of \$23,426.00, (less than OGS Contract price), for a total cost of \$118,089.98, pursuant to the memorandum dated April 13, 2011 from the Water Maintenance Supervisor.

SO MOVED: S. Krakower/M. Cifone

Supervisor Myers: Congratulations, Keith, for saving the Town \$4,000 on that deal.

ROLL CALL: Ayes: Councilmen Conte, Cifone, Krakower and Supervisor Myers
Nays: None CARRIED: 4-0

04:20-SC 2 AUTHORIZE
SUPERVISOR
TO SIGN

Use of Facilities Request For Arthur S. May
School For The Town Recreation Day Camp
Program

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a Use of Facilities Request Form with the Arlington Central School District for the rental of the Arthur S. May School on Raymond Avenue, for the Town of Poughkeepsie Recreation Day Camp Program.

SO MOVED: Supervisor Myers/M. Cifone

ROLL CALL: Ayes: Councilmen Conte, Cifone, Krakower and Supervisor Myers
Nays: None

CARRIED: 4-0

04:20-SC 3 NOTIFICATION

Notice Of Public Hearing On Proposed Issuance Of Bonds On Dutchess Community College Campus At Bowne Hall, Room 122, April 29, 2011 At 11:0 AM, 53 Pendell Road, For Acquisition, Construction & Equipment Of A 137,310 Square Foot 473 Bed Student Housing Facility

NOTED BY TOWN BOARD

04:20-SC 4 NOTIFICATION

Notice Of Public Hearing Will Be Held By The Dutchess County Industrial Development Agency On April 29, 2011 At 9:30 AM At IBM Corp. Building 12, Lobby Conference Room, South Road For The Upgrade & Renovation Of Certain Of 18 Principal Buildings & 22 Accessory Buildings Located At 2455 South Road

NOTED BY TOWN BOARD

04:20-SC 5 NOTIFICATION

Filing Of Renewal Application Notice Form For Alcoholic Beverage License For O'Sho Corp. D/B/A O'Sho Japanese Restaurant Located At 1998 South Road

NOTED BY TOWN BOARD

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

CARRIED: 4-0

Doreen Tignanelli: Since this is a stormwater time of year, I have a request to make of the Supervisor asking that you would request either the Morris Associates or Don Beer, whomever, during the annual stormwater report for the Town that this year they make it a searchable PDS. It's not going to cost the Town any money and I don't know why they haven't done it. There is free software out there also, like pro PDS and micro PDS. The DEC encourages public participation and if taxpayer dollars are paying for this, then taxpayers are reviewing it, it should be in an easy format and it's easy to do, I believe. There are other towns who do it. So, I would like to request that be done this year. I wanted to bring up something also, Central Hudson's Spackenkill substation, last year they were supposed to put in their landscaping and they still haven't done that. It really doesn't need too much anyway, you're not going to camouflage it, but the point is, we've

lost a whole growing season and now it is almost May and they still haven't put it in. It was part of the Planning Board requirements and I hope they would do it.

Victor Gennodi: I thought there was a deal with the Town that if you were a developer and you cut some big trees down that you had to replace these trees. Well, can we make Central Hudson replace the trees they cut down back on other people's property?

Councilman Krakower: You would think that if they were even remotely environmentally friendly, they would, because they did take a lot.

Victor Gennodi: They had said that when they were done with the site that all you would see is green, well, you don't just see green. Some one should call them back and say "Hey, remember what you said" and I agree. Also, I would like to make a complement. All of us on this Town Board has used information and has been very helpful in many ways and I want to complement Doreen Tignanelli for her service to the Town on the Advisory Board and helping out, she works so hard and comes up with the facts and every one of us have used those facts in some way or another over the years. That's what I like to see. Thank you Doreen for your service.

Robert Rubin: I would like to thank Mike Cifone for working with the Preservation Commission. We have been talking about a Time Capsule that was found from the Bi-Centennial Time Capsule and we want to make sure it is appropriately marked and we've been still doing a little work on that. I also wanted to thank Jim Nelson and Sean Eagleton in regard to a couple of FOIL requests that I had put through in regard to just checking some more history on the Town of Poughkeepsie. I also wanted to thank our Town Police Department as I have been going around the neighborhood. They have been extremely responsive and sensitive to the people in Red Oaks Mill.

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

CARRIED: 4-0

Supervisor Myers: I just wanted to let everybody know that there is an organization called the Hudson Valley Leisure Services Association, which is a recreation group for Dutchess, Ulster, Orange, Rockland, Putnam and Sullivan Counties and they have awarded Tom Meyering a 30 year service award and he has been awarded a Charles Conington Fellowship, which is a \$500.00 award, to go to the same school he went to this year and this will offset the cost of part II next year, and volunteer service award has been given to the Friends of Peach Hill and I can't think of a better group to get a service award.

RESOLUTION

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

1. Contract Negotiations
2. Attorney/Client privileges, and
3. Personnel Matters

SO MOVED: Supervisor Myers/S. Krakower

CARRIED: 4-0

BOARD INTO EXECUTIVE SESSION AT 7:50 PM

BOARD BACK FROM EXECUTIVE SESSION AT 8:45 PM

NO ACTION WAS TAKEN

Motion made to close the meeting: Supervisor Myers/J. Conte

CARRIED: 4-0

MEETING CLOSED AT 8:47 PM

SJM:lkm