

**MINUTES OF A SPECIAL TOWN BOARD MEETING AND
REGULAR TOWN BOARD MEETING HELD ON
MAY 18, 2011 AT 6:30 & 7:00 PM AT TOWN HALL, ONE
OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

***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

SPECIAL MEETING WAS CALLED TO ORDER AT 6:54 PM

Motion was made to go into Executive Session to conduct the following:

1. Confidential communication between attorney and his client/
The Town Board based on Attorney/Client privilege
2. No money will be appropriated in Executive Session

SO MOVED: Supervisor Myers/S. Eagleton

**SUPERINTENDENT OF HIGHWAY MARC PFEIFER
WAS INVITED INTO EXECUTIVE SESSION**

BOARD INTO EXECUTIVE SESSION AT 6:55 PM

BACK FROM EXECUTIVE SESSION AT 7:36 PM

NO ACTION WAS TAKEN

Motion made to close the Special Meeting: Supervisor Myers/S. Eagleton

CARRIED: 5-0

REGULAR TOWN BOARD MEETING

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

**ABSENT: Councilman Lecker
Councilman Tancredi**

7:36 PM

CALL TO ORDER

SALUTE THE FLAG

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

CARRIED: 5-0

NO ONE CAME FORWARD TO SPEAK

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

CARRIED: 5-0

Town Clerk Miller: I hereby filed the affidavit of posting on April 29, 2011 and published in the Poughkeepsie Journal on May 2, 2011.

05: 18-01 PUBLIC HEARING

Adoption Of Time Warner Cable
Franchise Agreement

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on May 18, 2011 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY in regard to the Time Warner Cable for a Franchise Agreement, does hereby approve said Franchise Agreement and does authorize and direct the Supervisor to sign the same on behalf of the Town of Poughkeepsie.

SO MOVED: S. Eagleton/J. Conte

Supervisor Myers: This has been a long time coming and we are glad this finally has been resolved. Everyone worked very diligently on this in the Town's interest and we are all very pleased and glad it's over.

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

Nays: None

CARRIED: 5-0

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

CARRIED: 5-0

William Boyer, owner of A1 Transportation with his partner Donald Truelove: We attended a meeting a few months ago and we were asked to present our pricing structure

which is a Zoned structure that I know you are looking to move away from regarding per mile pricing. We never heard anything back and I know you are looking basically for exactly what the City is doing. The problem we have with that is you are taking pricing that is for a small City and then take that same pricing model, the City of Poughkeepsie, and take that same pricing mode and use it for one of the largest, if not the largest town in Dutchess County. What basically happens is the driver's, who don't make a lot of money to begin with, I don't know how it's going to work, if you take in the kind of trips we do, using the City model, you are going to cut the pricing for us and the drivers, probably anywhere from 15% to 30% depending on how far the trip is.

Supervisor Myers: So, tell me what the fare would be if you were picking me up here and taking me to Marist College?

William Boyer: It would be \$9.50.

Supervisor Myers: And if you were taking me to the train station?

William Boyer: \$7.50.

Supervisor Myers: I'm just trying to get an idea what the fares are, is all.

Councilman Krakower: Where is it in, what we are passing tonight, that affects the rates?

Supervisor Myers: 198-25.

Supervisor Myers: What is in the proposal is that the fee is no more than \$5.00 for the first 4 miles and then a \$1.00 for each additional mile, right.

William Boyer: Exactly, and that is what the problem is. Right now, with Social Services and Medicaid, they pay \$2.25 a mile, with a \$2.25 base. I do a lot of volume with them and that's why that price is negotiated and all the taxi companies get paid that rate to do those kind of trips.

Supervisor Myers: But, this doesn't have anything to do with that.

William Boyer: Right, but if they pay \$2.25 from them, who never really pays at all, and I'm going to get a \$1.00 from just anyone calling over the line. Most of our work is within the City.

Councilman Krakower: This requires caps on the amount you charge, but does not require zones, right. So, what is the problem?

William Boyer: The problem is, the Town using---

Councilman Krakower: But, if the Town is a lot more mileage than anywhere else, we are not telling you that you can only charge from one end of Town to the other. How does it make a difference if the City charges you and restricts you from doing over \$5.00?

William Boyer: The City is like a postage stamp. The Town has these streets all over the place.

Councilman Krakower: Does the City have a rate schedule that you can only charge so much to go from one end of Town to the other. So, how does it make a difference if the City restricts you to do over \$5.00

William Boyer: What I'm saying is, the City is all picked up within about a mile each, but, you have to travel maybe 4 miles or more just to pick the person up before taking them zone to zone and then you would probably deliver them within that 4 mile distance. Basically, if you were to call a cab from say Cherry Hill in the Town, and bring them to the farthest point on Rt. 44, you are still talking about a \$5.00 call, but to me that's a \$12.00 call. So, we would be going from a \$12.00 or \$14.00 call to a \$5.00 call. So, how do you get a driver to do that? All of our cars go in the city from Rt. 44, in the morning and run all their short calls for \$5.00, so you're making up on volume. Then all of a sudden you have to go all the way out here for \$5.00 and the bottom line is, gas goes up, workers comp, general liability, disability, heating oil. I'm a business man just like any other and I've not yet had one insurance premium come back and say, "Hey, you guys got a reduction this year." It is tough to run a business now on what we get and so I can't image running a business on what you are proposing. Then if you deliver packages, you can only deliver ONE package per car trip, can't put more than one package in a car trip. You could make up if you could put two or three packages in the car, but you can't. So, now my rates are going to be cut 15% to 30% and up to 50% on some of the calls and then tell me "Ok, the first person in the car, they have the right to say, 'no one else in the car'", which I totally understand, but at rush hour in the morning and pulling into a plaza and there are three different spots in the plaza you have three different stops in the plaza going to work – I haven't increased the fares in five years. We submitted all our zones and pricing lists to the Town Attorney and I feel you should look at those lists before making a call on changing the prices. I don't know how we are going to work it out on a per mile basis. We do a lot of work in the Town of Poughkeepsie.

Councilman Krakower: But, currently, Town Law doesn't restrict increasing.

Supervisor Myers: I think what we are all agreeing on is to take a harder look at this section of the proposal.

Councilman Krakower: Can you get your price lists to me in an e-mail and we will take a look at it.

Supervisor Myers: E-mail it to me and I will get it to the Board.

Town Attorney advised that if the Board wanted to change the fee schedule, the Board would have to adopt this one and then amend the fee schedule at a later time after tonight, but, you would have to re-advertise because it is a substantial change.

Sgt. Mel Clauson gave an overview of the amendment and then rebutted what Mr. Truelove stated. He clarified that the Town decided to mirror the City Code because it was more restrictive and more apt to reject, deny an operator or company due to their more stringent Code. The present Code not only standardizes not only the fares, vehicle markings and not only making vehicles safer, there is a semi-annual inspection on these vehicles and at the end of the year, the actual operators we are doing more background checks, reports, DMV abstracts and mandatory drug testing which is making this a much safer and standardized more than it was a year ago.

Supervisor Myers praised the Police Sergeants Jicha and Clauson for the work done on this particular Code item and felt they did a terrific job on making Cabs safe for the Town and City residents and getting the fee schedule together.

City Attorney Paul Ackerman wanted to add that the City's issue is that the number one complaint from people who ride taxi cabs is that they are charged a different rate every time they get into a cab and the City's way to address that is that they want all the fares clearly posted on the cab so that when you get into a cab you know what you are going to be charged and if you had to back it up, you could prove that "I went 6 miles and this is what the fare should have been and this is what I was charged." The rates should be clearly posted and be regulated so that each passenger is charged the same rate going to the same place, no matter what cab company they use, City or Town wise. There are 17 cab companies this affects.

Councilman Cifone: I would like to move on this tonight and then just tweek it at another time. Councilman Krakower agreed.

Rob Rubin: Would this also apply to limousines or just taxis?

Paul Ackerman: Just taxis. Limousines would be a separate issue on that.

Motion made to close the public hearing: Supervisor Myers/S. Krakower

CARRIED: 5-0

Town Clerk Miller: I did hereby file the affidavit of posting on May 6, 2011 and published in the Poughkeepsie Journal on May 10, 2011.

05:18-02 PUBLIC HEARING

Amend Town Code, Chapter 198,
Entitled "Vehicles For Hire"

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 18th day of May, 2011 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend Town Code Chapter 198, entitled "Vehicles for Hire", which amendment is as follows:

REPEAL: Chapter 198. Vehicles for Hire, as effective on May 1, 1995

ADD: Chapter 198. Vehicles for Hire

SEE ATTACHMENT

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

BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does determine that this action is a Type II Action requiring no environmental review; and

BE IT FURTHER ENACTED, that said local law shall become effective on June 1, 2011 and upon filing with the Secretary of State.

SO MOVED: J. Conte/S. Eagleton

Supervisor Myers: Ok, I'm confused, we are voting on it as is?

Councilman Krakower: Yes

Supervisor Myers: So, we are not going to try to amend it at all at this point?

Councilman Krakower: Right.

Supervisor Myers: Ok, get us the information and we will take a second look at it.

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

Nays: None

CARRIED: 5-0

AMENDMENT ATTACHED TO FINAL BOOK COPY

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

CARRIED: 5-0

Neil Wilson, Development Director: The report needs to be filed with the DEC in Albany, New York no later than June 1st, which is why we are on a fast track this month to get a Public Hearing tonight and get public comment as quick as possible to get the report into Albany. He spoke to the requests last year and this year about making the on-line form searchable. Such as key words you are using, you would be able to plug them into the PDF form and find the words in the document. The form that was posted to the Town web-site is searchable to the extent that I can make it searchable. I say it that way because the form that we are using is a form that is required to be used by the DEC and one of the things I did a couple of weeks ago is essentially “crack open” the PDF form and try to figure out how they had put this thing together. If you look at the form, there are a series of boxes that sort of get filled in and what is happening is the parts of the form that have these boxes, each of the boxes contain one character that is set up as a 12 point courier type and certain pages of the form are set up specifically like this and if you look on a specific page, you will see the Town of Poughkeepsie with each letter in each box and so if you type the word “POUGHKEEPSIE” it doesn’t find the stream of words because it doesn’t recognize only the characters as they are, the characters within the box. The DEC had a reason for setting it up this way. I can only surmise that they are receiving the paper copies and then they are scanning the copies in and doing something with the data. So, they are looking for the form exactly this set up with these characters spaced this way. I went through to make sure the document is searchable.

Eric Hollman: You have in your hands the stormwater report which describes the Town’s activities relating to the stormwater management for the year of March 2010 to March 2011 prepared in the manner required by the New York State DEC. It breaks those activities down into six categories as required by the Town’s SPDES PERMIT for what they call MS4 for activities, Municipals Separate Storm Sewer Systems. There is a whole body of regulations by the state that directs what the Town needs to keep track of and the options available and how they do it. They have provided this format for all of these jurisdictions to reply in the same manner. This year the Planning Department is preparing it. The Engineering Department has done it in the past. You have in your hands the draft form. You will notice there are some blanks in it. The information is still being compiled from Town departments and other sources. Those blanks will be filled in and completed and the report will also address all the public comments received tonight and during the public comment period and will be submitted to the State DEC by June 1st.

Doreen Tignanelli: I have asked in previous years and this year for the report to be in searchable PDS. I was able to search it. I had no problems and I am happy to be able to say I was able to search the PDS and so I thank you for that. I do have some issues about when you set the date for May 4th, you set the public comment period as being available for the 13th and the public comment period would end on May 20th. That was a shorter comment period than prior years. Actually, when you passed the resolution and put the Legal Notice in the paper, it also said that the report would be available for review on the Town’s website on May 13th. It was actually not there until May 16th. The public comment period ends on Friday and 4:00 PM and I would at least ask that it be changed to Monday morning, May 23rd, to give people the time that they lost on line.

Supervisor Myers: The reason for it not being on line on the 13th was because our whole system went down and didn't reappear until later in the day. So, it didn't get up on the 13th.

The Comment period was therefore extended until Monday, May 23rd, noon to give people the chance to make that up.

Doreen Tignanelli: Also, as was pointed out, one of my comments was that there are a number of questions that were answered TBD which I guess is "To be determined" and I don't know why at this late period in time. It's not a surprise that the report is due every year on June 1st and that the report period ends March 9th. So, why aren't those things filled in? How can I comment on it when I see things TBD? How can I provide meaningful input, if there is no input there? I consider that to be a flaw. Morris Associates was late in commenting also. My other big complaint is the inspection of construction sites. That's part of the minimum control measure #5 for construction site inspections included in there. I don't believe all of the sites are being inspected as they are supposed to. I filed FOIL requests and I have asked for FOIL records for inspections for one particular site, Woods at Cliffdale. Even if the site is shut down for the winter, they are supposed to be submitting monthly inspection reports. I was told the last inspection report the Town had was from January 3rd. So, where are these monthly inspection reports? What are we paying Morris Associates for? Did the Town pay Morris Associates to prepare the report this year?

Supervisor Myers: No, Neil Wilson and Eric Hollman did it.

Town Clerk Miller: I did hereby file the Affidavit of Posting on May 6, 2011 and published in the Poughkeepsie Journal on May 7, 2011.

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

CARRIED: 5-0

05:18-03 PUBLIC HEARING

To Accept Public Comment On The
Draft Stormwater 2011 Annual Report

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the draft Stormwater Annual Report prepared by the Town of Poughkeepsie Director of Municipal Development; and

BE IT FURTHER RESOLVED, that said report has been filed in the Town Clerk's Office for review and comment by any interested party, and has been posted on the Town's website and

BE IT FURTHER RESOLVED, that on May 18, 2011 a public hearing was held at a regular scheduled meeting of the Town Board; and

BE IT FURTHER RESOLVED, that the public review and comment period ends at 12:00 PM on May 23, 2011 when all written or oral comments are to be submitted; and

BE IT FURTHER RESOLVED, that the Town Board does direct the Director of Municipal Development to review the comments and prepare for filing the final report which is due June 1, 2011.

SO MOVED: M. Cifone/S. Krakower

Councilman Eagleton: I know a lot of effort was put into this, but is the report acceptable with things missing?

Supervisor Myers: I believe everything has to be filled in before it is actually signed. It has to have real numbers, not TBD's or it won't be signed.

Councilman Eagleton: Then what are we really accepting?

Supervisor Myers: We are accepting the draft and waiting to see the final version.

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

Nays: None

CARRIED: 5-0

Motion made to suspend the rules for public speaking on Public Hearing #4: Supervisor Myers/M. Cifone

CARRIED: 5-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 5-0

Town Clerk Miller: I did hereby file the Affidavit of Posting on May 6, 2011 and published in the Poughkeepsie Journal on May 10, 2011.

05:18-04 PUBLIC HEARING

Amend Town Code, Chapter 195, Entitled, "Vehicles & Traffic", Specifically Section 195-48 Schedule XIII, Entitled "Parking Prohibited At All Times" For Longview Road

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 18th day of May, 2011 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town of Poughkeepsie, One Overocker Road, Poughkeepsie, Town Code, Chapter 195, entitled "Vehicles and Traffic" specifically Section 195-48, Schedule XIII, entitled "Parking Prohibited At All Times", which amendment is as follows:

ADD to Section 195-48. Schedule XIII as follows:

Name of Street	Side	Location
Longview Road	West	From Dutchess Turnpike (Rt. 44) northbound approximately 147 feet to the south edge of the driveway at 5 Longview Road

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

SO MOVED: S. Krakower/M. Cifone

Councilman Conte: Sergeant, on this one, I think you spoke to me and said you spoke to the residents in that area and they felt that this was not going to impede their opportunities?

Sergeant Jicha: Yes, I spoke to the resident on Lot 5, being on the west side, and right at the end would be the 147 feet. I asked him if I was to impose "No Parking" at his mailbox to Rt. 44, would there be any issue. He had no problem with it. I also spoke to # 6 across the street in anticipation of maybe posting east side, but the issue tends to be the repair shop and any vehicle large enough going west attempting to make a right turn going north on Longview. But, at this time, I feel that just west side to #5 and there is no issue with it. I spoke to the owner of the business about posting along side the building and he would be able to drive vehicles behind. You just can't put them in the Apex next to his building. So there is no issue with that.

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

Nays: None

CARRIED: 5-0

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

CARRIED: 5-0

05:18-05 APPEAL

Vehicle for Hire License Denial Of
Walter Johnson, Jr.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, upon hearing the appeal of Walter Johnson, Jr. does hereby grant the application for a Vehicle for Hire License.

SO MOVED: Supervisor Myers/M. Cifone

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

Councilman Krakower asked why this license was being denied and he was told that Mr. Johnson had three accidents within five years and the Code reads he can be suspended for 2 or more accidents within five years.

Walter Johnson, Jr.: The police reports should show you there that only one accident was my fault.

Councilman Cifone: Have you gone to any traffic safety courses since these accidents happened?

Walter Johnson, Jr.: No, I haven't.

Councilman Cifone: In the past we have recommended that the drivers take a traffic safety course and come back with a receipt and we would grant the license.

Town Clerk Miller: He was not denied because of the three accidents, he was denied because he had three suspensions within two years and two of those accidents he was not responsible for.

Councilman Krakower: So, then if the accidents aren't the issue, then the accidents were do to his driving record. He shouldn't have to do anything because the suspensions were not traffic violations. He shouldn't have to do anything. They were for child support.

Supervisor Myers: He shouldn't even be here before us. It would be a nice idea if you took a safe driving course, but we are not forcing you to do so.

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

Supervisor Myers: You can come in to the Clerk's office tomorrow and get your license.

05:18-06 APPEAL

Vehicle for Hire License Denial Of
Lucious E. Jones

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, upon hearing the appeal of Lucious E. Jones, does hereby grant the application for a Vehicle for Hire License.

SO MOVED: S. Eagleton/Supervisor Myers

Councilman Krakower: Ok, the issue for denial is DWAI within the past five years. So, in October of this year, he could get it without even coming to the Board, correct?

Lucious E. Jones: That's why I came earlier, though, so I can go to work now. I don't have any other traffic suspensions against my license. I took the defensive driving course, I went to AA and all that.

Councilman Cifone: When did you take the defensive driving course?

Councilman Krakower: It was back in 2006 or 2007 when the tickets were resolved.

Supervisor Myers: I will make an amendment to the resolution that Mr. Jones obtain a certificate saying that he has taken a defensive driving course and present it to the Clerk and you can then get your license. Seconded by: M. Cifone

ROLL CALL ON AMENDMENT: Ayes: Councilmen Eagleton, Conte, Cifone,
Krakower and Supervisor Myers
Nays: None CARRIED: 5-0

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

05:18-07 APPEAL

Vehicle For Hire License Denial Of
Toni I. Ebnetter

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, upon hearing the appeal of Toni I. Ebnetter, does hereby grant the application for a Vehicle for Hire License.

SO MOVED: J. Conte/S. Eagleton

Toni I. Ebneter: The first accident in Orange County wasn't even me, I don't know what it was, and I was never there. So, the Clerk excluded. The second accident, was my fault. The third one was I was the third car in a rear ender, the first one stopped, the second lady stopped and then I rear ended the second. The third one, I had an accident on Route 9 coming off of Smithtown Road turning on to Route 9. I was turning into the right lane and going into the two lines going north on Route 9 and was going into the right hand lane and a man came out of Smithtown making a right hand turn and he hit me and totaled my vehicle, that wasn't my fault at all.

Councilman Krakower: You have had a lot of disobeying of traffic devices and no seat belts, you've been pulled over a lot of times. The reason for denial is the accidents? (Yes) Ok, two out of the five is marked excused, but the other three count and my suggestion is we would really have to have a police report to see what actually happened in the accident in order to have an idea who's fault it was. I would not be inclined to grant the license without out having something explaining the accidents. You took the defensive driving course but then got a ticket after that and we usually tell the drivers to get a driver safety certificate we will give you a license then as long as you don't get a ticket.

Supervisor Myers: If you can get a copy of the accident reports, come back and appeal again.

ROLL CALL: Ayes: None

Nays: Councilmen Eagleton, Conte, Cifone, Krakower and Supervisor
Myers

FAILED: 0-5

05:18-08 AUTHORIZE
SUPERVISOR
TO SIGN

Inter-Municipal Agreement Between Town
Of Poughkeepsie & City Of Poughkeepsie
To Coordinate Licensing, Permitting &
Regulations Governing Taxicabs & Vehicles
For Hire

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute an Inter-Municipal Agreement, in substantially the form attached, between the Town of Poughkeepsie and the City of Poughkeepsie to coordinate licensing, permitting and regulations governing taxicabs and vehicles for hire.

SO MOVED: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 5-0

INTER-MUNICIPAL AGREEMENT ATTACHED TO FINAL BOOK COPY

05:18-09 APPROVE

Agreement Between Town of Poughkeepsie
Police Department & Watch Guard Digital
In-Car Video

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve an agreement between the Town of Poughkeepsie Police Department and Watch Guard Digital in-Car Video for the maintenance of 14 Digital Mobile Video Recorders currently installed for a period of one year from date of purchase, in the amount of \$4,860.00, which estimated expiration date would be June 30, 2012, pursuant to the request and recommendation of the Chief of Police, a copy of which is attached.

SO MOVED: S. Krakower/M. Cifone

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

CARRIED: 5-0

CHIEF OF POLICE RECOMMENDATIONS ATTACHED TO FINAL BOOK COPY

05:18-10 AUTHORIZE
SUPERVISOR
TO SIGN

Maintenance Agreement With InterAct
Public Safety Systems For Maintenance
Service For Police Department's Server
& Mobile Data Terminal

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a Maintenance Agreement with InterAct Public Safety Systems for maintenance service for the Police Department's server and Mobile Data Terminal for the coverage period of July 1, 2011 through June 30, 2012 at the total cost of \$7,578.00 (no increase).

SO MOVED: Supervisor Myers/J. Conte

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

CARRIED: 5-0

05:18-11 AUTHORIZE

Part-Time Animal Control Officer Amanda
Ghiotti To Work Additional 3.5 Hours Per
Workday Each Week For A (90) Day Period

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize Part-Time Animal Control Officer Amanda Ghetto to work on additional 3.5 hours per workday each week at her current rate of pay for a total of 37.5 paid hours per week for a ninety (90) day period beginning on June 6 2011 and ending on September 2, 2011.

SO MOVED: S. Eagleton/S. Krakower

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

05:18-12 AUTHORIZE Agreement Granting Cary Institute Of
SUPERVISOR Ecosystem Studies Permission To Research
TO SIGN Tick & Lyme Disease On Town Property
Located At 820-842 South Road Rear

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute an agreement granting Cary Institute of Ecosystem Studies permission to research tick and Lyme disease on Town property located at 820-842 South Road Rear, one to two days per week during the months of April through July 2011, at no cost or expense to the Town, provided that the applicant demonstrates proper insurance and does agree to hold the Town harmless from any claim, and not to disturb the property.

SO MOVED: J. Conte/M. Cifone

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

05:18-13 SET DATE FOR Amend Town Code, Chapter 159, Entitled
PUBLIC HEARING "Property Maintenance", Specifically
Section 159-13, entitled "Removal By
Town; Charges"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 1st day of June, 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 the Town of Poughkeepsie Town Code, Chapter

159, entitled "Property Maintenance", specifically Section 159-13, entitled "Removal by Town; charges", which amendment would read as follows:

DELETE: Section 159-13 A.

ADD: Section 159-13 A. to read as follows:

- A. Upon the failure of an owner, tenant or occupant or person in control with notice to correct a condition complained of, the Town Board shall hold a public hearing. The public hearing shall be held upon notice published in the official paper, posted conspicuously on the affected property and, if obtainable, forwarded to the last known address of the property owner, as it appears on the current assessment records of the Town, by certified mail, return receipt requested. Posted, forwarding and publication shall be made not less than 10 days prior to the date of the public hearing.

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does determine that this action is a Type II Action requiring no environmental review; and

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

SO MOVED: M. Cifone/S. Krakower

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

CARRIED: 5-0

05:18-14 AUTHORIZE Revocation Of New Paltz Gardens Contract
 Award For Mowing Of Town Building
 Property & Award Of Bid To Next Lowest
 Bidder EdgeTech

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby revoke its award of the Town Hall mowing contract to New Paltz Gardens by reason of its failure to timely submit the required contract documentation and its attempt to subcontract the work without prior permission in violation of the contract specifications, and does hereby declare New Paltz Gardens' bid bond of \$2,500.00 to be forfeited; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the bid for Town Building mowing to the next lowest

bidder, EdgeTech, at its bid price of \$8,500.00 for 2011, renewable at the Town's sole option for an additional two (2) years at \$17,000.00 (\$8,500.00 annually); and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute a contract agreement with EdgeTech, contingent upon receipt of insurance certificates and security bond.

SO MOVED: S. Krakower/J. Conte

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

Nays: None

CARRIED: 5-0

05:18-15 APPOINTMENTS

Donald A. Beer As Associate Town
Engineer & Sean Crimmins As Assistant
Town Engineer

AMENDED
RESOLUTION

BE IT RESOLVED, that, pursuant to paragraphs 3 (a) and (b) of the Agreement for Professional Engineering Services between the Town of Poughkeepsie and Morris Associates Engineering Consultants, PLLC, which contract is effective June 1, 2011, the Town Board of the Town of Poughkeepsie does hereby approve the appointment by Morris Associates of Donald A Beer as Associate Engineer and Sean Crimmins as Assistant Engineer, which appointments will be effective June 1, 2011, the funding for which is allocated in the 2011 Budget.

SO MOVED: Supervisor Myers/M. Cifone

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

Nays: None

CARRIED: 5-0

05:18-16 AUTHORIZE

Dyal Resources, LLC
A. Corrected Temporary Construction
Easement & Permanent Sewer Line
Easement
B. Permit To Lay & Maintain Sewer Pipes
Under Town Highway

PULLED FROM AGENDA

05:18-17 AUTHORIZE

Konover/Walgreens

A. Amended Easement

B. Permit To Lay & Maintain Sewer Pipes
Under Town Highway

AMENDED
RESOLUTION

WHEREAS, the Town of Poughkeepsie Planning Board granted a two-lot subdivision approval and site plan approvals on January 21, 2010 to allow for development of property owned by DeGarmo 44, LLC (“Degarmo”) fronting on Route 44, commonly known as 825-29 Dutchess Turnpike, located in the Town of Poughkeepsie, and now identified as tax parcel identification numbers 6262-03-595080 and 6262-04-589067 (the “Properties”), with commercial facilities (the “Project”); and

WHEREAS, DeGarmo entered into two Sewer Tenancy Agreements, one for each lot of the two-lot subdivision, with the Town of Poughkeepsie, Arlington Sewer District, Arlington Sewer District Capital, Arlington Sewer District Main, Arlington Sewer District Area and Arlington Sewer Service Area #1 on July 23, 2010, which Sewer Tenancy Agreements provide for the cooperative investigation by DeGarmo and the Town of Poughkeepsie of the provision of sewer service to the Properties and to neighboring properties by connection to the former DeLaval property and exploration of all reasonable alternatives including alternatives to connection to the former DeLaval property; and

WHEREAS, the alternatives for sewer connection of the Properties would entail the installation, location, and maintenance of sewer lines under and across either Edwin Road or Brett Place, which are Town roads; and

WHEREAS, the installation, location, and maintenance of a sewer line under and across either Edwin Road or Brett Place, which are Town Roads, by DeGarmo, requires the issuance of a permit for a highway crossing pursuant to Highway Law Section 149 by the Town of Poughkeepsie Superintendent of Highways, upon the consent of the Town Board; and

WHEREAS, by letter dated May 12, 2011, Degarmo requested said Highway Law Section 149 Permit from the Town of Poughkeepsie Superintendent of Highways; and

WHEREAS, both the Project and the Sewer Tenancy Agreements, both of which contemplated and included the installation of sewer lines and connection to municipal sewer service, were subject to full and complete review by the Town of Poughkeepsie Planning Board and the Town Board of the Town of Poughkeepsie, respectfully, in accordance with the requirements of the State Environmental Quality Review Act (“SEQRA”).

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie pursuant to Highway Law Section 149, hereby consents to the issuance of a Highway Law Section 149 Permit to DeGarmo 44, LLC, or its appropriate agent or representative, or its successor or assigns (“Permittee”), by the Town of Poughkeepsie Superintendent of Highways, for whichever alternative for sewer supply is determined by the parties pursuant to the Sewer Tenancy Agreements, subject to, but not limited to, the following conditions:

1. All pipes, hydrants or crossings shall be so laid, set or constructed in a location and at a depth in accordance with the approved site plan for the Project and the manner of construction shall be per the approved site plan and in accordance with all applicable specifications.
2. All pipes, hydrants or crossings shall be so laid, set or constructed as not to interrupt or interfere with public travel upon the Town highway.
3. All pipes, hydrants, fittings, and materials shall be in accordance with the approved site plans and subdivision plans for the Project and as acceptable to the Town Engineer, Director of Municipal Development and Town Superintendent of Highways.
4. The Permittee shall obtain liability insurance, from a carrier and in an amount acceptable to the Town, naming the Town as an additional insured while the pipe installation and other work under the permit is ongoing, and proof of said addition to the liability insurance policy shall be provided to the Town prior to the commencement of any construction.
5. The Permittee shall replace the earth removed and shall leave the highway in all respects in as good condition as before the laying of said pipes or the construction of the crossing, and shall provide security for such restoration in an amount and type determined by the Town Engineer.
6. The Permittee shall keep the pipes, hydrants or crossing in good repair and shall hold the Town harmless from any and all damages which may accrue by reason of the location of the pipes, hydrants and/or crossings in the Town highway.
7. The Permittee shall indemnify, defend and hold the Town harmless from any and all liability, obligation, claim, loss, cost or expense resulting from any injury sustained by, or damage to, any person or property by reason of (a) the installation, maintenance, repair, replacement or removal of the subsurface sewer lines, pipes and appurtenances, thereto in the Town highway by Permittee and (b) any violation by Permittee of the conditions of the permit, and shall provide an indemnification agreement to the Town, in a form acceptable to the Town Engineer, Director of Municipal Development and

Town Superintendent of Highways, prior to commencing any work pursuant to the permit.

8. The Town shall have the right to open and inspect the pipe installation authorized by the permit.
9. The Town shall have the right to change the area of the Town road covered by the permit and to relocate the sewer lines at its sole expense provided sewer service remains unimpaired, excluding any temporary interruption in service during work.
10. Upon notice by the Town Highway Superintendent, Permittee shall make any and all repairs, inspections, testing, replacement or other actions required for the protection or preservation of the Town highway.
11. In the event Permittee fails to make any of the repairs, inspections, testing, replacement or other actions required to be made under this permit, they may be made by the Town Highway Superintendent at the expense of the Permittee and such expenses, including any reasonable consultant fees, shall be a lien, prior to any other lien, upon the land benefited by the use of the highway for the laying and maintenance of such pipes, hydrants and/or structures.
12. Permittee shall provide a recordable instrument, i.e., a Declaration of Covenants, Restrictions and Obligations, and record such instrument in the chain of title of the property benefited by the permit, which Declaration of Covenants, Restrictions and Obligations shall be enforceable against Permittee and any of its successors and assigns, and shall include all of the conditions of the permit, including condition Number 11, above.
13. The Permittee must provide as-built plans of the sewer pipe installation to the Town Engineer, Director of Municipality Development and Town Superintendent of Highways after installation pursuant to the permit has been completed.
14. The permit may be revoked by the Town Highway Superintendent upon the failure of Permittee to comply with any of the permit conditions.
15. The Permittee must comply with all applicable local, state and federal regulations, including the requirements for obtainment of a permit pursuant to Town of Poughkeepsie Town Code Chapter 174, Article IV, and Excavations.
16. The permit shall be subject to any NYDEC requirements for monitoring of the work and excavation carried out during the installation of the sewer pipes and any and all required NYSDEC permits or approvals, and Permittee shall acquire, at its expense, any such permits necessary to undertake the work authorized by the permit.

17. The permit, with the consent of the Town Board and the acceptance of the Permittee, shall be executed in duplicate, one of which shall be filed in the Office of the Town Clerk and the other in the Office of the County Superintendent of Highways.

18. Such other and reasonable conditions as required the Town Engineer, Director of Municipal Development and/or Town of Poughkeepsie Superintendent of Highways.

AND, BE IT FURTHER RESOLVED, that the Town reserves all of its rights pursuant to the Sewer Tenancy Agreements and that the adoption of this Resolution by the Town Board of the Town of Poughkeepsie consenting to issuance of a Highway Law Section 149 permit by the Town of Poughkeepsie Superintendent of Highways to DeGarmo does not constitute any waiver of such rights or of any provision of the Sewer Tenancy Agreements.

SO MOVED: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 5-0

05:18-18 AUTHORIZE

24 Hour Operations – William Schultz
Construction To Perform Route 9
Pedestrian Underpass Work For NYSDOT

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the request from Wm. Schultz Construction, pursuant to Town Code Section 139-6.I, to perform 24 hour operations on a public works project for the period from midnight July 8, 2011 to midnight July 28, 2011 for the Route 9 Pedestrian Underpass work for the New York State Department of Transportation; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does determine that this action is a Type II Action requiring no environmental review.

SO MOVED: J. Conte/S. Eagleton

Councilman Cifone: We looked at this a couple of weeks ago. We didn't vote on it, we tabled it for this week. I was against this and I'm still against the 24 hours. I am sure there are people close to Route 9 and Beck Place that will be disturbed by this. The State sent us a nice letter saying they are going to go ahead and do it anyway because it is in the Right-of-way. So, that being said, we are drafting a letter. I talked to Neil today and

he is going to get with Jim and draw up a letter and send it to DOT that when they do require digging on Beck Place, they have to come back for our approval and so their waiver is only good for Route 9.

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

Nays: Councilmen Cifone and Krakower FAILED 3-2

05:18-19 AUTHORIZE

Waiver of 30 Day Hold On Filing Of
Application Notice Form For An On-
Premises Alcoholic Beverage New
Application License For Capitol BC
Restaurants LLC D/B/A Bugaboo
Creek Steak House Located At 1955
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 Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, on behalf of Capitol BC Restaurants LLC, d/b/a Bugaboo Creek Steak House, 1955 South Road, Poughkeepsie, NY 12601, for a waiver of the 30 day review period for a liquor license application; 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: Supervisor Myers/J. Conte

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

Nays: None CARRIED: 5-0

05:18-20 AUTHORIZE
SUPERVISOR
TO SIGN

Inter-Municipal Agreement With City Of
Poughkeepsie & Town To Formalize Terms Of
Their Partnership In Operation Of Spratt Park
Pool & Related Facilities For The 2011
Summer Season

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie wishes to enter into a written agreement with the City of Poughkeepsie, Dutchess County, New York, to formalize the terms of their partnership in the operation of the Spratt Park Pool and related facilities for the 2011 summer season, the cost of which shall be generated by daily and seasonal fees collected, with any additional costs split equally between the City and Town; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve and authorize the Inter-Municipal Agreement with the City of Poughkeepsie, a copy of which is attached hereto; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to execute said Agreement on behalf of the Town of Poughkeepsie.

SO MOVED: J. Conte/M. Cifone

Councilman Conte: This was a hit last year, I heard Tom Meyering say, so we are going to get a chance to do it again this year right?

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

INTER-MUNICIPAL AGREEMENT ATTACHED TO FINAL BOOK COPY

05:18-21 AUTHORIZE Amend Resolution 1:16-#8 Of 2010
Designating The Official Banks For Town
By Adding Citizens Bank

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby amend Resolution 1:6-#8 of 2010 designating the official banks for the Town of Poughkeepsie by adding Citizens Bank effective immediately through December 31, 2011.

SO MOVED: M. Cifone/S. Krakower

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

05:18-22 AUTHORIZE 130 Salt Point, LLC
SUPERVISOR A. Stormwater Easement
TO SIGN B. Pump Station & Access Easement
C. Stormwater Agreement

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Stormwater Management Facility Inspection and Maintenance Easement and Pump Station and Access Easement with 130 Salt Point, LLC, a copy of which is attached; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign the Stormwater Management Facility Inspection and Maintenance Agreement with 130 Salt Point, LLC, a copy of which is attached.

SO MOVED: S. Krakower/M. Cifone

Councilman Cifone: Hopefully, this is the final step in getting the Hudson Valley Flea Market open on Salt Point. It adapts the use of an old building. A lot of people in the Town put a lot of work into it and we had to wait for DOT to sign off on it. Hopefully this will now move forward.

Supervisor Myers: Yes, it's a good reuse of a property and I think it will be a success in the Town. It will be a venue for new businesses coming in to have a booth there.

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

Nays: None

CARRIED: 5-0

INSPECTION AND EASEMENT ATTACHED TO FINAL BOOK COPY

05:18-23 AUTHORIZE
SUPERVISOR
TO SIGN

2211 South Road, LLC
A. Stormwater Easement
B. Stormwater Agreement
C. Grant of Sewer & Access
Easement/TP-584

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Stormwater Management Facility Inspection and Maintenance Easement with 2211 South Road, LLC, a copy of which is attached; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign the Stormwater Management Facility Inspection and Maintenance Agreement, Grant of Sewer and Access Easement – Lot 4 and TP-584 with 2211 South Road, LLC, a copy of which is attached.

SO MOVED: Supervisor Myers/M. Cifone

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

INSPECTION AND EASEMENT ATTACHED TO FINAL BOOK COPY

05:18-24 AUTHORIZE Neptune Capital Investors LLC
SUPERVISOR A. Stormwater Easement
TO SIGN B. Stormwater Agreement
C. Deferred Parking Agreement

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Stormwater Management Facility Inspection and Maintenance Easement and Water Line Easement with Neptune Capital Investors LLC, a copy of which is attached; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign the Stormwater Management Facility Inspection and Maintenance Agreement and Deferred Parking Agreement with Neptune Capital Investors LLC, a copy of which is attached.

SO MOVED: S. Eagleton/J. Conte

Supervisor Meyers: There is no differed parking agreement here, Neil?

Neil Wilson, Development Director: Essentially, there are two pad sites that were approved for the Route 9 frontage and you have the two existing buildings in the back that will be rehabbed, which is being described as “Flex Space”. The overall site plan shows a plan at full build-out and use of the property with all of the parking, particularly around the two existing buildings towards the back. Since we don’t know who the tenants will be, and if they are offices, they will have a certain parking generation rate. We don’t really want them to build it, we want more landscape area, grass area and that sort of thing. So, basically, what the preferred parking agreement does, is it allows the Town to direct the applicant. If we suspect there to be a parking problem, and they need more parking and need to expand the parking. This is something we worked out with the applicant, otherwise, they would have to build all of the parking along with all the other pad sites along with the building. I’m not convinced, however, they need all of it. This is the way around it. We would have to document the parking problem and so there would have to be some level of investigation to know. We could tell them to put the full build-up if necessary. Or, we can have them build just enough to accommodate the number needed. It is sometimes referred to as “Banking” the parking. It would be showed on the plan, but not building it. Then the question comes up, “At what point can the Town come

back and make you put it in?" This is the agreement between the Town and developer which was seen to be the best method to make sure that that happens.

Supervisor Myers: Is it critical that he get this deferred parking agreement tonight?

Neil Wilson: No.

Supervisor Myers: I then suggest that we amend it to remove that and then we can look at it and actually read and work on it in June. Motion made by Supervisor Myers and seconded by M. Cifone

CARRIED: 5-0

ROLL CALL AS AMENDED: Ayes: Councilmen Eagleton, Conte, Cifone,
Krakower and Supervisor Myers

Nays: None

CARRIED: 5-0

Supervisor Myers: We will put that on, Neil, for June 1st for the deferred parking, ok?

05:18-25 AUTHORIZE

Joseph McDonald/Bill Crusie Memorial
Run To Be Held Saturday, June 4, 2011,
For The 34th Year in Wappinger Falls

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby approve the application of the Village of Wappingers for the 34th Annual Joseph McDonald/Bill Crusie Memorial Run to be held on Saturday, June 4, 2011; and

BE IT FURTHER RESOLVED, that a Certificate of Liability Insurance naming the Town of Poughkeepsie as an additional insured has been filed with the Town Clerk of the Town of Poughkeepsie.

SO MOVED: J. Conte/M. Cifone

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

Nays: None

CARRIED: 5-0

05:18-26 ACCEPT

Certificate Of Attendance For Andrea
Balga From NYS Department Of Taxation
& Finance For Board of Assessment Review
Training

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Certificate of Attendance for Andrea Balga from New York State Department of Taxation and Finance for Board of Assessment Review Training, a copy of which is attached.

SO MOVED: M. Cifone/J. Conte

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

05:18-27 AUTHORIZE

2011 Minutes

April 6, Regular Meeting
April 13, Committee of the Whole Meeting
April 13, Special Meeting
April 20, Regular Meeting
May 4, 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:

April 6, 2011 – Regular Town Board Meeting
April 13, 2011 – Committee of the Whole Meeting
April 13, 2011 – Special Town Board Meeting
April 20, 2011 – Regular Town Board Meeting
May 4, 2011 – Regular Town Board Meeting

SO MOVED: S. Krakower/M. Cifone

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

05:18-28 NOTICE OF CLAIM

Eric F. Fuegel V Town For Sewer Backup In Home February 14, 2011

REFERRED TO LEGAL DEPARTMENT

05:18-29 NOTIFICATION

Notice Form For Providing A 30 Day Advance Notice To Town For Submission To The State Liquor Authority For A Renewal Application For An On-Premises

Alcoholic Beverage License For Beechtree
Grill Located At 1-3 Collegeview Avenue

REVIEWED BY POLICE

REFERRED TO LEGAL DEPARTMENT

05:18-30 PRESENTATION

Software & Hardware Updates By Neil
Wilson & Mark Fink

Mark Fink: MUNIS suggested a work orders module that would take care of tracking escrows and so we evaluated that and it did a perfect job for what we needed to have done. So, our recommendation is to get the work orders module. We are going to upgrade to the most recent version of MUNIS as well and we are also going to get a component called a “dash board”, which will make the unit a much more friendly and presents at a glance what actions are coming up and what actions need attention and each user can customize it to what their specific needs are and so it really makes it much more efficient for the user.

Councilman Krakower: I want to add, I’m more comfortable with MUNIS because it is a larger company, which, I think, in the long run we are better off. It’s also what we have everywhere else. This will keep it more consistent, it’s integrated and it costs significantly less. At the bottom of page 2 you will see that we had

Neil Wilson, Development Director: Ok, with the Board’s permission, I will work with Jim and compare the appropriate resolutions so we can move this forward.

FULL PRESENTATION ATTACHED TO FINAL BOOK COPY

05:18-31 AUTHORIZE

Special Consent Items SC 1, SC 2, SC 3,
SC 4, 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. Appeal | Vehicle for Hire License Denial
Luis Delgado |
| SC 2. Appeal | Vehicle for Hire License Denial
Thalia E. Edmonson |
| SC 3. Authorize Settlement | Hildacar Associates, LLC Tax
Certiorari |
| SC 4. Authorize Settlement | A.O.B. IV, Inc. Tax Certiorari |

SC 5. Resignation

Daniel Percesepe

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

SO MOVED: Supervisor Myers/J. Conte

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

Nays: None

CARRIED: 5-0

05:18-SC 1 APPEAL

Vehicle For Hire License Denial For Luis Delgado

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, upon hearing the appeal of Luis A. Delgado, does hereby grant the application for a Vehicle for Hire License.

SO MOVED: S. Eagleton/J. Conte

Mr. Delgado did not show up to plea his case.

ROLL CALL: Ayes: None

Nays: Councilmen Eagleton, Conte, Cifone, Krakower and Supervisor Myers

FAILED: 0-5

05:18-SC 2 APPEAL

Vehicle For Hire License Denial For Thalia E. Edmonson

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, upon hearing the appeal of Thalia E. Edmonson, does hereby grant the application for a Vehicle for Hire License.

SO MOVED: J. Conte/S. Eagleon

Board approved her getting her license and told her to go into the Clerk's office tomorrow and get her license.

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

Nays: None

CARRIED: 5-0

05:18-SC 3 AUTHORIZE
SETTLEMENT

Hildacar Associates, LLC 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 Hildacar Associates, LLC for the tax assessment rolls of 2009, 2009 and 2010 as shown on the attached Stipulation of Settlement and Order, 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: M. Cifone/J. Conte

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

CARRIED: 5-0

STIPULATION OF SETTLEMENT & ORDER ATTACHED TO FINAL BOOK COPY

05:18-SC 4 AUTHORIZE
SETTLEMENT

A.O.B. IV, Inc. 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 A.O.B. IV, Inc. f/k/a Ford Leasing Development Company for the tax assessment rolls of 2007 through 2010 as shown on the attached Consent Judgment , 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

Councilman Krakower: Do we have funds to pay the refund that we are getting hit with these?

Supervisor Myers: So far ok.

Councilman Krakower: Are we getting close to the time when we are going to need some funds?

Supervisor Myers: Yes, to both of your questions. Kathy was working last week on exactly what was outstanding, what has been settled and hasn't come to us yet and where we are, so we should have that by the next meeting or so as to where we are.

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

CONSENT JUDGMENT ATTACHED TO FINAL BOOK COPY

05:18-SC 5 RESIGNATION Water Department Of Daniel Percesepe

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the resignation of Daniel Percesepe from the Town of Poughkeepsie Water Department, effective the close of business May 20, 2011.

SO MOVED: Supervisor Myers/M. Cifone

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

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

CARRIED: 5-0

Robert Casement: This is something I brought up a year ago and nothing's been done about it and so I want to bring it up again. That's the horseshoe curve on Ridge Road. The inside of the curve, the grass is growing up and hasn't been mowed in over a year. It's about three feet high again. It's an obstruction to traffic. I believe that lot was turned over to that house that is closest to it. It used to be Town property, but it was turned over to that house with the stipulation they could have the property as long as they kept it mowed.

Supervisor Myers: Ok, I will check with Sarah tomorrow and see who is responsible for it. She can get you an order to remedy if that house has to do it.

Marvin Bergman: I came tonight to address the issue of ambulance service in the Town. I'm not bashing any one service, but I'm saying that the Town has grown more out of the little Town center such as Red Oaks Mill and Rochdale, where we travel back and forth into the different districts and we are not being properly served by the ambulance service

since we pay for one district and if we need an ambulance in the other, we are billed for it. I think it is time for the Town to go and look into a Town-wide ambulance service like the City of Poughkeepsie and negotiate a contract with the four ambulance services, so the towns can get it without cost to the taxpayers. It's a covered benefit by any health insurance policy written in this country and they should get it on their health insurance. The private insurance companies have a provision in there mandated by the State for covered health insurance coverage provided that the service is not provided by a volunteer organization or municipality. I can't go into the Arlington Stores District to shop or go to a movie, etc. because it's in the New Hamburg District and if I get sick and need an ambulance while in the Arlington District, I have to foot the bill. The District from Spring Road to the Wappingers Bridge are all in the New Hamburg District and all the major stores and shopping there. I think the Town should come along and take it out of the fire company and make it a Town wide ambulance service and put it up for bid.

Councilman Cifone: That's a very good point and I think our fire station committee should take a look at that.

Supervisor Myers: The ideal situation, actually, is County wide.

Marvin Bergman: Maybe in 100 years we will get a County wide and maybe a County wide school district, too. You're the ones who can affect the change and save the taxpayers money.

Supervisor Myers: We are definitely way behind other states on this issue.

Councilman Cifone: I know the Fairview Fire District is having a special budget meeting on the 26th of May and I'm sure that is going to be discussed.

Robert Rubin: First, I want to thank Sean for meeting with me and the Taconic Resources this past Sunday. We are going to be doing more research on making this more assessable to the handicapped and hard of hearing folks. As a matter of fact, the Arlington Fire District is becoming a little more responsive to the community. The ambulance is also a great thing that could be done.

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

CARRIED: 5-0

Motion made to close the meeting: Supervisor Myers/M. Cifone

CARRIED: 5-0

MEETING CLOSED AT 9:58 PM

SJM:lkm

