

**MINUTES OF TOWN BOARD MEETING HELD ON
JUNE 1, 2011 AT 7:00 PM AT TOWN HALL, ONE OVEROCKER
ROAD, POUGHKEEPSIE, NEW YORK**

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

ABSENT: Councilman Lecker
Councilman Cifone

- **NOTE: Attachments pertaining to a particular Town Board Meeting will be found after the final minutes of that meeting, which are kept in the official minute books, held in Town Clerk's Office.**

Public comments made during a Board Meeting may be heard on the audiotape of that particular meeting, which is kept in the Town Clerk's Office.

{ } designates corrections

7:00 PM

CALL TO ORDER

SALUTE THE FLAG

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

CARRIED: 5-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 5-0

Town Clerk Miller: I did hereby file the affidavit of posting on May 19, 2011 and published in the Poughkeepsie Journal on May 21, 2011.

06:01-01 PUBLIC HEARING

Amend Town Code, Chapter 159, Entitled "Property Maintenance", Specifically Section 159-13, Entitled "Removal By Town; Charges"

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 1st day of June, 2011 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town of Poughkeepsie Town Code, Chapter 159, entitled "Property Maintenance", specifically Section 159-13, entitled "Removal by Town; charges", which amendment is 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 Posting, forwarding and publication shall be made not less than 10 days prior to the date of the public hearing.

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 take effect immediately upon filing with the Secretary of State.

SO MOVED: S. Eagleton/J. Conte

Councilman Conte: I have one of these going on in my Ward at this time where grass needs to be cut. Once it gets cut, what do we have in place where we don't have to wait another three months?

Supervisor Myers: We put it in place, if it returns to its original state, we can go back in and do it again without going through the whole thing. We put that in place already. So, we don't have to do this every two months or so for the same piece of property.

Councilman Conte: Is there a fee we should charge for the process of this. Sarah and Neil have to go through these steps of procedures. Maybe we should tag that on there, too.

Councilman Tancredi: I think we should.

Supervisor Myers: Ok, maybe we can look into that.

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

Nays: None

CARRIED: 5-0

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

CARRIED: 5-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 5-0

06:01-02 REINSTATE

Police Department Of Police Officer
Ahmid Bitawi

AMENDED
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reinstate Ahmid Bitawi to the position of full time Police Officer, at the yearly salary of \$52,032.00 effective June 20, 2011, which appointment is subject to a probationary period of not less than 8 nor more than 52 weeks under Rule XIII(1(c) of the Rules for the Classified Civil Service of Dutchess County.

SO MOVED: J. Conte/T. Tancredi

Town Board members congratulated Police Officer Bitawi.

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

Nays: None

CARRIED: 5-0

06:01-03 APPROVE

Bike New York Bike-A-Thon For Discover
Hudson Valley Ride On Sunday, June 26,
2011 From 7:30 AM To 5:45 PM

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Ashley Delegal on behalf of Discover Hudson Valley Ride to hold a cycling event on Sunday, June 26, 2011, which cycling route is outlined in the attached documentation, starting and finishing at Dutchess Community College; 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: S. Krakower/J. Conte

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

Nays: None

CARRIED: 5-0

DOCUMENTATION ON FILE IN CLERK'S OFFICE

06:01-04 APPROVE

Town Hall Meeting Room & Community
Room At The Police Station To Be Used As
Voting Sites For Primary Election On
September 13, 2011 And General Election
On November 8, 2011

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the use of the Town Hall Meeting Room, One Overocker Road, Poughkeepsie, NY and the Town of Poughkeepsie Community Room, 17 Tucker Drive, Poughkeepsie, NY as voting sites for the Primary on September 13, 2011 and the General Election on November 8, 2011.

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 5-0

06:01-05 AUTHORIZE

Retention of John Lazarony, P.E. From
Morris Associates, To Assist The Water
Maintenance Supervisor With Preparation
Of Final Initial Distribution System
Evaluation Report For Stage 2 Disinfection
By-Products

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the retention of John Lazarony, P.E. from Morris Associates, at a cost not to exceed \$2,800.00, to assist the Water Maintenance Supervisor with the preparation of the Final Initial Distribution System Evaluation Report for Sage 2 Disinfection By-Products, mandated by the U.S. Environmental Protection Agency and the New York State Department of Health, pursuant to the attached memorandum from the Water Maintenance Supervisor.

SO MOVED: Supervisor Myers/T. Tancredi

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

Nays: None

CARRIED: 5-0

06:01-06 AUTHORIZE

Tyler Technologies Sales Quotations For Dashboard Software

WITHDRAWN FROM AGENDA

06:01-07 AUTHORIZE

Server Virtualization Project – CSI Computer Systems Integrators, Inc.

WITHDRAWN FROM AGENDA

06:01-08 BUDGET
MODIFICATION

Highway Department

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the 2011 Budget, pursuant to the attached Budgetary Transfer Request Form submitted by the Comptroller, to allow excess monies from a 2010 Purchase Order carried forward to be placed back into Highway Equipment, as follows:

INCREASE:

DB 909	Fund Balance – Reserved	\$17,869.00
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TO:

DB 5110-0201	Equipment	\$17,869.00
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SO MOVED: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 5-0

06:01-09 BUDGET
MODIFICATION

Highway Department

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the 2011 Budget, pursuant to the attached Budgetary Transfer Request Form submitted by the Comptroller, to allow Highway Department to expand monies (insurance proceeds) that were recognized in 2010, in the current year (2011), as follows:

INCREASE:

DB 909	Fund Balance – Reserved	\$21,000.00
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TO:

DB 5110-0201	Equipment	\$21,000.00
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SO MOVED: J. Conte/S. Krakower

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

Nays: None

CARRIED: 5-0

06:01-10 APPOINT

Donald M. McGrath, MAI, Of McGrath & Company, Inc. As Appraiser for Town in Regard To Tax Review Proceedings Instituted By Fairview Block V. Town In Accordance With Fee Schedule Date 05/11/11

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Donald M. McGrath, MAI, of McGrath & Company, Inc., as the Appraiser for the Town of Poughkeepsie in regard to the tax review proceedings instituted by Fairview Block v. Town of Poughkeepsie in accordance with the fee schedule dated May 11, 2011, a copy of which is attached.

SO MOVED: S. Krakower/J. Conte

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

Nays: None

CARRIED: 5-0

FEE SCHEDULE ATTACHED TO FINAL BOOK COPY

06:01-11 AUTHORIZE
SETTLEMENT

Of Tax Review Proceedings Instituted By
HSBC Bank USA For Tax Assessment
Rolls Of 2005-2010 As Shown On The
Attached Stipulation Of Settlement & Order

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the settlement of the tax review proceedings instituted by HSBC Bank USA for the tax assessment rolls of 2005, 2006, 2007, 2008, 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 is hereby authorized to sign such papers as are necessary to effectuate the settlement.

SO MOVED: T. Tancredi/S. Eagleton

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

SETTLEMENT AND ORDER ATTACHED TO FINAL BOOK COPY

06:01-12 SET DATE FOR
PUBLIC HEARING

To Amend Town Code Chapter 105
“Fees”, Specifically Section 105-4, Entitled
“Chapter 76, Circuses And Carnivals” For
Flea Market Fees

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 22nd 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 Town of Poughkeepsie Code, Chapter 105, entitled “Fees”, specifically the second line of Section 105-4 D., entitled “Chapter 76. Circuses and Carnivals”, which amendment would be as follows:

AMEND: Section 105-4D (1) as follows:

- (1) License fee: \$300.00 per occasion (2 consecutive days), except that flea markets shall be \$150.00 per day

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 become effective immediately upon filing with the Secretary of State.

SO MOVED: Supervisor Myers/S. Eagleton

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

06:01-13 ACCEPT Certificate of Attendance For John Weisman
From Cornell University Cooperative
Extension For Course Entitled "Water
Regulations And Enforcement Of New York
State"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Certificate of Attendance for John Weisman from Cornell University Cooperative Extension for the course entitled "Water Regulations and Enforcement of New York State", a copy of which is attached.

SO MOVED: S. Eagleton/J. Conte

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

CERTIFICATE ATTACHED TO FINAL BOOK COPY

06:01-14 SET DATE FOR PUBLIC HEARING Property Maintenance Violation For 13
Peter Cooper Drive

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 22nd 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 a recommendation from the Zoning Administrator, to remove all solid waste, debris, litter, all garden waste, fallen tree limbs and cut grass to a height not to exceed 4 inches, which Orders to Remedy are attached hereto, for property located at 13 Peter Cooper Drive, Poughkeepsie, New York 12601, pursuant to Chapter 159, Section 159-13 of the Town of Poughkeepsie Town Code.

SO MOVED: J. Conte/S. Eagleton

Zoning Administrator Davis requested a withdrawal because the owner cleared the property.

Supervisor Myers: I make a motion to withdraw the proposed Public Hearing for 13 Peter Cooper Drive. Seconded by S. Krakower

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

PUBLIC HEARING WITHDRAWN

06:01-15 SET DATE FOR PUBLIC HEARING Property Maintenance Violation For 17 Jean Drive

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 22nd 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 a recommendation from the Zoning Administrator, to remove all debris, solid waste, litter, garden waste, fallen tree limbs and cut grass to a height not to exceed 4 inches, which Orders to Remedy are attached hereto, for property located at 17 Jean Drive, Poughkeepsie, New York 12601, pursuant to Chapter 159, Section 159-13 of the Town of Poughkeepsie Town Code.

SO MOVED: S. Krakower/T. Tancredi

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

Sarah Davis, Zoning Administrator: (Inaudible)

Supervisor Myers: Ok, then we can continue the maintenance.

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

ORDER TO REMEDY ATTACHED TO FINAL BOOK COPY

06:01-16 SET DATE FOR PUBLIC HEARING Property Maintenance Violation for 1 Fairway

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 22nd 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 a recommendation from the Zoning Administrator, to remove all garden waste, fallen tree limbs and cut grass to a height not to exceed 4 inches, which Order to Remedy is attached hereto, for property located at 1 Fairway, Poughkeepsie, New York 12603, pursuant to Chapter 159, Section 159-13 of the Town of Poughkeepsie Town Code.

SO MOVED: T. Tancredi/S. Krakower

Sarah Davis, Zoning Administrator: (Inaudible)

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

Nays: None

CARRIED: 5-0

ORDER TO REMEDY ATTACHED TO FINAL BOOK COPY

06:01-17 SET DATE FOR
PUBLIC HEARING

Property Maintenance Violation For 37
Friendly Lane

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 22nd 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 a recommendation from the Zoning Administrator, to remove all garden waste, fallen tree limbs and cut grass to a height not to exceed 4 inches, which Order to Remedy is attached hereto, for property located at 37 Friendly Lane, Poughkeepsie, New York 12603, pursuant to Chapter 159, Section 159-13 of the Town of Poughkeepsie Town Code.

SO MOVED: Supervisor Myers/J. Conte

Sarah Davis, Zoning Administrator: I have actually been assured by the executor of the estate that it will be sold by next week, however, I've heard that before, and I would rather leave it on.

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

Nays: None

CARRIED: 5-0

ORDER TO REMEDY ATTACHED TO FINAL BOOK COPY

05:10-18 SET DATE FOR
PUBLIC HEARING

Property Maintenance Violation For 83
Marple Road, Extension

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 22nd 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 a recommendation from the Zoning Administrator, to remove all debris, solid waste, litter, all garden waste, fallen tree limbs and cut grass to a height not to exceed 4 inches, which Orders to Remedy are attached hereto, for property located at 83 Marple Road Extension, Poughkeepsie, New York 12603, pursuant to Chapter 159, Section 159-13 of the Town of Poughkeepsie Town Code.

SO MOVED: S. Eagleton/J. Conte

Sarah Davis, Zoning Administrator: The fence has been falling down and has been that way for years. It has actually changed hands recently and I've still gotten no results from anybody. There is debris, as well, that needs to be cleaned up in the front.

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

Nays: None

CARRIED: 5-0

ORDERS TO REMEDY ATTACHED TO FINAL BOOK COPY

05:01-19 SET DATE FOR
PUBLIC HEARING

Property Maintenance Violation For 29
Stephanie Lane

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 22nd 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 a recommendation from the Zoning Administrator, to remove all debris, solid waste, litter, garden waste, fallen tree limbs and cut grass to a height not to exceed 4 inches, which Orders to Remedy are attached hereto, for property located at 29 Stephanie Lane, Poughkeepsie, New York 12603, pursuant to Chapter 159, Section 159-13 of the Town of Poughkeepsie, Town Code.

SO MOVED: J. Conte/S. Krakower

Sarah Davis, Zoning Administrator: Unfortunately, Ms. Scalzo passed away several years ago and there is a son, but he has not been seen in about a year and nobody has responded to any thing sent in the mail or he has done nothing to remedy the situation.

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

Nays: None

CARRIED: 5-0

ORDERS TO REMEDY ATTACHED TO FINAL BOOK COPY

05:01-20 SET DATE FOR
PUBLIC HEARING

Property Maintenance Violation For 2
Oak Grove Lane

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 22nd 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 a recommendation from the Zoning Administrator, to remove all debris, solid waste, litter, garden waste, fallen tree limbs and cut grass to a height not to exceed 4 inches, which Orders to Remedy are attached hereto, for property located at 2 Oak Grove Lane, Poughkeepsie, New York 12603, pursuant to Chapter 159, Section 159-13 of the Town of Poughkeepsie Town Code.

SO MOVED: S. Krakower/T. Tancredi

Sarah Davis, Zoning Administrator: This house is awful. This is probably for Mr. Nelson. I don't think the pool is in a safe place, either and it's full of water and I don't know if we have the authority to do something about it. Maybe just take away the ladders or something?

Town Attorney Nelson: Maybe I can speak to Lenny Splain about it. (Inaudible)

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

Nays: None

CARRIED: 5-0

ORDERS TO REMEDY ATTACHED TO FINAL BOOK COPY

06:01-21 SET DATE FOR
PUBLIC HEARING

Property Maintenance Violation For 487
Haight Avenue

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 22nd 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 a recommendation from the Zoning Administrator, to remove all garden waste, fallen tree limbs and cut grass to a height not to exceed 4

inches, which Order to Remedy is attached hereto, for property located at 487 Haight Avenue, Poughkeepsie, New York 12603, pursuant to Chapter 159, section 159-13 of the Town of Poughkeepsie Town Code.

SO MOVED: T. Tancredi/S. Krakower

Sarah Davis, Zoning Administrator: I contacted by a maintenance company who said they would cut the grass last week, but, it'd not done.

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

Nays: None

CARRIED: 5-0

ORDERS TO REMEDY ATTACHED TO FINAL BOOK COPY

06:01-22 SET DATE FOR
PUBLIC HEARING

Property Maintenance Violation For 128
Fulton Avenue

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 22nd 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 a recommendation from the Zoning Administrator, to remove all garden waste, fallen tree limbs and cut grass to a height not to exceed 4 inches, which Order to Remedy is attached hereto, for property located at 128 Fulton Avenue, Poughkeepsie, New York 12603, pursuant to Chapter 159, Section 159-13 of the Town of Poughkeepsie Town Code.

SO MOVED: Supervisor Myers/S. Krakower

Sarah Davis, Zoning Administrator: The grass has been cut.

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

Nays: None

CARRIED: 5-0

Supervisor Myers: I make a motion to rescind the Public Hearing for 128 Fulton Avenue. Seconded by Councilman Krakower

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

Nays: None

CARRIED: 5-0

PUBLIC HEARING RESCINDED

06:01-23 SET DATE FOR
PUBLIC HEARING

Property Maintenance Violation For 32
Shamrock Circle

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, does hereby set the 22nd 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 a recommendation from the Zoning Administrator, to remove all garden waste, fallen tree limbs and cut grass to a height not to exceed 4 inches, which Order to Remedy is attached hereto, for property located at 32 Shamrock Circle, Poughkeepsie, New York, 12603, pursuant to Chapter 159, Section 159-13 of the Town of Poughkeepsie Town Code.

SO MOVED: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 5-0

ORDERS TO REMEDY ATTACHED TO FINAL BOOK COPY

06:01-24 ACCEPT

2011 Minutes

May 18, 2011 Special Town Board Meeting

May 18, 2011 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:

May 18, 2011 – Special Town Board Meeting

May 18, 2011 – Regular Town Board Meeting

SO MOVED: J. Conte/S. Krakower

Supervisor Myers noted that on the next to last page, It says, “Supervisor Myers will check with ‘Vera’ tomorrow.” It should read “Sarah” we don’t have a “Vera”.

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

Nays: None

CARRIED: 5-0

06:01-25 AUTHORIZE
SETTLEMENT

Eckert Tax Certiorari Proceeding

RESOLUTION

WHEREAS, there are now pending in the Dutchess County Supreme Court tax certiorari proceedings commenced in 2002/2003, 2003/2004, 2004/2005, 2005/2006, 2006/2007, 2007/2008, 2008/2009, 2009/2010, and 2010/2011 by the Eckerd Corporation/Rite Aid Corp., regarding premises located at 3350 North Road/Route 9, Grid # 6062-02-973599-0000 seeking a reduction in the 2002 through 2010 tax assessment for those respective tax rolls; and

WHEREAS, the Town Assessor and Special Counsel have recommended a settlement on each of these tax review proceedings; now, therefore be it.

RESOLVED, that the Town Board of the Town of Poughkeepsie hereby approves a settlement on behalf of the Town of Poughkeepsie of the tax review proceedings for the years 2002 through 2011, as it pertains to Grid No.: 6062-02-973599-0000.

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Final Assessment</u>	<u>Reduction</u>
2002/2003	\$1,005,400	-0-	-0-
2003/2004	\$1,005,400	-0-	-0-
2004/2005	\$1,005,400	-0-	-0-
2005/2006	\$1,005,400	-0-	-0-
2006/2007	\$1,005,400	-0-	-0-
2007/2008	\$2,200,000	-0-	-0-
2008/2009	\$1,550,000	-0-	-0-
2009/2010	\$1,900,000	-0-	-0-
2010/2011	\$1,805,000	\$1,500,000	\$305,000

And be it further

RESOLVED, that the Town Supervisor, Town Assessor and Gellert & Klein, P.C. Special Counsel to the Town of Poughkeepsie hereby authorizes to take all action necessary and appropriate to effectuate the terms of this resolution.

SO MOVED: S. Krakower/S. Eagleton

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

Nays: None

CARRIED: 5-0

06:01-26 AUTHORIZE
SETTLEMENT

Southeast Atlantic Holdings, LLC
Tax Certiorari Proceeding

RESOLUTION

WHEREAS, there are now pending in the Dutchess County Supreme Court tax certiorari proceedings commencing in 2007/2008, 2008/2009, 2009/2010 and 2010/2011 by the Southeast Atlantic Holdings, LLC., regarding premises located at 386 Salt Point Turnpike, Grid #6263-03-270276, seeking a reduction in the 2007 through 2010 tax assessment for those respective tax rolls; and

WHEREAS, the Town Assessor and Special Counsel have recommended a settlement on each of these tax review proceedings, now, therefore be it

RESOLVED, that the Town Board of the Town of Poughkeepsie hereby approves a settlement on behalf of the Town of Poughkeepsie of the tax review proceedings for the years 2007/2008 through 2010/2011, as it pertains to Grid No.: 6263-03-270276.

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Final Assessment</u>	<u>Reduction</u>
2007-2008	\$120,000	\$120,000`	-0-
2008-2009	\$115,000	\$ 70,000	\$45,000
2009-2010	\$ 95,000	\$ 65,000	\$30,000
2010-2011	\$ 86,500	\$ 60,000	\$26,500

and be it further

RESOLVED, that the Supervisor, Town Assessor and Gellert & Klein, P.C. Special Counsel to the Town of Poughkeepsie hereby authorize to take all action necessary and appropriate to effectuate the terms of this resolution.

SO MOVED: T. Tancredi/J. Conte

Supervisor Myers: This is vacant property and the entire refund is \$635.

Councilman Krakower: A lot of it is in a wetland.

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

Nays: None

CARRIED: 5-0

06:01-27 NOTICE OF CLAIM

Lawrence Rose V. Town For Basement Floods Due To Failed Sewer Check Valve

REFERRED TO LEGAL DEPARTMENT

06:01-28 AUTHORIZE

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

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 | Tax Certiorari Settlement
Oak Crest Apartments |
| SC 2 | Authorize Supervisor
To Sign | Atlas Maintenance Agreement
for copiers at Police Department |
| SC 3 | Authorize Supervisor
To Sign | Deferred Parking Agreement –
Neptune Capital Investors, LLC |
| SC 4 | Appointment | Emily Frankl – Temporary Part
Time Clerk – Justice Court |

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, Krakower, Tancredi, and Supervisor Myers

Nays: None

CARRIED: 5-0

06:01-SC 1 AUTHORIZE
SETTLEMENT

Of Tax Review Proceedings Instituted By
Oak Crest Apartments For Tax Assessments
Of 2004-2010 As Shown On The Attached
Consent Judgment

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the settlement of the tax review proceedings instituted by Oak Crest Apartments for the tax assessment rolls of 2004, 2005, 2006, 2007, 2008, 2009, and 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 is hereby authorized to sign such papers as are necessary to effectuate the settlement.

SO MOVED: S. Eagleton/J. Conte

Supervisor Myers: The refund on this one for six years is \$9,889. I think, all things considered, they've done an excellent job to keep these refunds as low as possible.

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

CONSENT JUDGMENT ATTACHED TO FINAL BOOK COPY

06:01-SC 2 AUTHORIZE Maintenance Agreement With Atlas Star
SUPERVISOR Digital Document Specialist For Copier
TO SIGN Maintenance At Town Police Department

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a Maintenance Agreement with Atlas Star Digital Document Specialist for copier maintenance at the Town of Poughkeepsie Police Department for the agreement period from May 15, 2011 to May 14, 2012 at the annual cost of \$2,945.00 (same price as 2010).

SO MOVED: J. Conte/S. Eagleton

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

06:01-SC 3 AUTHORIZE Deferred Parking Agreement With Neptune
SUPERVISOR Capital Investors LLC
TO SIGN

RESOLUTION

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

SO MOVED: S. Krakower/J. Conte

Councilman Krakower felt this made a lot of sense to have a developer rather than build out a whole lot of parking spaces for the entire project before it actually knows how many spaces they need. It doesn't ruin the lawn and the green space. Not knowing who the actual tenants may be, it avoids having way too much parking in an area. This is the first time I've seen this.

Supervisor Myers: Yes, we've never done this before and it makes perfect sense. If it develops, we can say, now you have to put this in, and they can't argue with us, so, it's the ideal way to operate this.

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

Nays: None

CARRIED: 5-0

AGREEMENT ATTACHED TO FINAL BOOK COPY

06:01-SC 4 APPOINTMENT

Justice Court Appointment Of Emily Frankl as A Temporary Part Time Clerk

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Emily Frankl to the position of Temporary Part Time Clerk for 90 days at the salary of \$14.00 per hour, effective June 6, 2011; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute and file all documentation required by the Dutchess County Department of Human Resources in connection with this appointment.

SO MOVED: T. Tancredi/J. Conte

Supervisor Myers: This is actually, according to what Judge Sullivan tells me, this is going to bring us money because there is a great amount of paper work for parking tickets that they can't handle it because there are not enough people there to process them to get us more money. So, this will actually increase our profits.

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

Nays: None

CARRIED: 5-0

Supervisor Myers: Before we suspend the rules, CSEA has requested that we commence negotiating their contract, which expired last December. So, I am appointing Councilman Cifone and Councilman Krakower as the negotiating committee and they have both agreed to be on this committee. I now make a motion to suspend the rules for public speaking: Seconded by S. Eagleton

CARRIED: 5-0

Robert Rubin: I would just like to take a moment to thank Supervisor Patricia Myers for representing the Town at the Dutchess County Memorial Service and also Councilman Tancredi was there. I would like to also thank Sean Eagleton where we had a meeting with the Taconic Resources and myself. This is work in process to see about how we may pursue having interpretive service for the hearing impaired. It also came to my attention recently that the fire department can not charge for ambulance services that they provide to the public and there is a bill in Albany that would change that. So, if the members of the Poughkeepsie community would like to contact their Assemblyman, this would allow the fire departments to charge the insurance companies to provide

emergency services and it may then help reduce our town's tax bills. Assembly Bill #7291 (Joel Miller's Office) and Senate Bill #4856. Maybe we can get this moved and maybe it will help the Taxpayers in the Town. I was down at the Sewer Plant on Sand Dock Road and we talked about upgrading or fixing the plant there. Has there been any action on that? That plant seems to be in dire need of major repairs. The roof is leaking and water was going in the side walls and bricks were about to fall out.

Supervisor Myers: There is a lot being done on that. That's the best way to leave that at the moment.

Robert Rubin: Will that be a cost to the Town or United Water?

Supervisor Myers: I'm sure it will be the Town.

Councilman Krakower: I just wanted to mention, there was another drowning in the Wappingers Creek just yesterday and you read that and it is horrifying and scary and I think a lot of people think the creek is shallow and not dangerous and bad things happen. I don't think we can solve all the problems, but, I think if we could at least put some postings about the dangers of going in the creek. You see at the beaches, if there isn't a life guard on duty, there are postings of the hazard of things. At least it will put people on notice. Another thing, when we send out our flyer for recreational programs, if we could put in a red or orange sheet of paper with Warnings and grab attention of the parents that the creeks need some kind of parental supervision while swimming in the creeks. It will be well worth the time and effort. Also postings in the parks where the Creek runs through. It can't solve all, but it could make a difference.

Supervisor Myers: I make a motion to resume the rules. Seconded by Councilman Eagleton

CARRIED: 5-0

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. Confidential communications between attorney and his client/Town Board based on attorney/client privilege.
2. Discussions pending litigation, matters leading to the appointment, employment, dismissal or removal of a corporation and

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

SO MOVED: Supervisor Myers/S. Krakower

CARRIED: 5-0

Councilman Krakower: Can we have Mr. Meyering speak?

Supervisor Myers: Ok, all in favor:

CARRIED: 5-0

Tom Meyering, Recreation Director: On the issue of the swimming, I'm not sure if you would like to add to the Town Code to prohibit swimming in the Creek in the Town parks?

Councilman Krakower: It's up to the Board.

Tom Meyering: I'm not sure we can really post it, prohibiting swimming, unless it's in the Code.

Councilman Krakower: I'm just really asking about a sign be put there, similar to the signs on the beaches when there is no life guard on duty, i.e. undercurrent can be strong and it lists all the warnings. One of the things that happen is the kids swim in the creek and they don't realize that there is a pull there and the current flows through there and they get caught in it and drown. It may not solve everything, but it at least puts people on notice. If we can just put a sign there and just a notice from the Recreation Department about the hazards and dangers there that the parents should be aware of. Those things shouldn't be happening to our kids.

TOWN BOARD ADJOURNED AT 7:49 PM

INTO EXECUTIVE SESSION AT 7:50 PM

TOWN BOARD BACK FROM EXECUTIVE SESSION AT 8:45 PM
NO ACTION WAS TAKEN

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

CARRIED: 5-0

MEETING CLOSED AT 8:46 PM

SJM:lkM