

**MINUTES OF SPECIAL AND REGULAR TOWN BOARD
MEETING HELD ON OCTOBER 5, 2011 AT 6:30 AND
7:00 PM AT TOWN HALL, ONE OVEROCKER ROAD
POUGHKEEPSIE, NEW YORK**

PRESENT: Supervisor Myers
 Councilman Lecker
 Councilman Eagleton
 Councilman Conte – ARRIVED AT 6:40 PM
 Councilman Cifone
 Councilman Krakower
 Councilman Tancredi
 Town Attorney Nelson
 Town Clerk Miller

*** 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 or amendments to

6:30 PM CALL TO ORDER SALUTE THE FLAG

**SPECIAL TOWN BOARD MEETING
6:32 PM**

10:05-SM 1 EXECUTIVE SESSION	A Confidential Communication Between Attorney and His Client The Town Board, Based On Attorney/Client Privilege
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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 communication between the attorney and his client/the Town Board based on Attorney/Client privilege

SO MOVED: Supervisor Myers/M. Cifone

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi,
and Supervisor Myers
Nays: None CARRIED: 7-0

INTO EXECUTIVE SESSION AT 6:35 PM

SUPERVISOR MYERS INVITED ATTORNEY PAUL LAYEY
TO JOIN THEM IN EXECUTIVE SESSION

BACK FROM EXECUTIVE SESSION AT 7:05 PM

NO ACTION WAS TAKEN

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

CARRIED: 7-0

EXECUTIVE SESSION CLOSED AT 7:06 PM

**REGULAR TOWN BOARD MEETING
OCTOBER 5, 2011
7:08 PM**

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

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{ } designates corrections or amendments to

7:08 PM

CALL TO ORDER

SALUTE THE FLAG

2012 BUDGET PRESENTATION BY SUPERVISOR MYERS TO THE TOWN

Supervisor Myers: "As everyone knows, this year we have a 2% tax cap. I would like to explain how that 2% cap is calculated. I think calling it a 2% tax cap is somewhat of a misnomer and I think people are rather confused because they are under the impression that a 2% tax cap means that your taxes can only go up 2% and that is not the way the law is written at all. The law is written that you may increase your levy, the amount that you raise through taxes, by 2% from 2011 to 2012. This levy increase is based on the entire budget areas that the Town has control of. We've gotten numerous presentations and reports on how this works. So, in Town, I believe there are 11 budgets that are calculated into the levy. It also excludes pension costs in excess of 2%, in other words, pensions went up more than 2%, the Town has to include the first 2% in their levy calculations and can exclude the rest of it, but then they have to put it back in to actually pay it. It does not have anything to do with what the taxes are going to be. So, these are all of the budgets that we have in the Town. You can see what they were in 2011, what is proposed for 2012 and the dollar difference between them. Not everyone is affected by all of these taxes. Hudson River (HRSH) is the water line only for the Hudson River property. Not everyone has the sewer. The ambulance is only New Hamburg residents. The bridge is the Carriage Hill bridge and the bid is the Arlington Bid and so not everyone is affected by all of them, but they all count towards the levy. As you can see, the total levy in 2011 was 28 million 101 thousand 33. The proposed levy for 2012 is 28 million 339 thousand 81 or an increase of \$238,048. That's just those two numbers, again, the increase of \$238,048 is .847% and so the levy is going up less than 1%. We could, technically, subtract out another \$274,433. This is the pension increase in excess of 2%. If we were to do that, the levy actually decreases by \$3600 or it is down a tenth of a %. This, in affect, banks 1.5% levy increase, which could be used by the Board by 2013, if so desired. It's like in the bank for one year and then it goes away. But, it's there as a reserve if the Board needs it next year. The A Fund; Now, this is what your taxes are made up of on your tax bill as A Fund and B Fund. The A Fund is what we think of as mostly this building. It's the Town Board, the Supervisor, Legal, Assessing, the Clerk, Comptroller, the Courts, Personnel, Receiver of Taxes and Recreation. It accounts for 15.4 % of our budget. How did we keep it where we kept it this year? No department head raises, CSEA is out of contract and there were no raises for CSEA members. I have removed the \$50,000 donation to Grinnell Library, I know that is a contentious issue, but I maintain that Grinnell is in the Town of Wappingers. We are reorganizing the legal staff. Our Legal Secretary is retiring at the beginning of next year. We will have two part-time secretaries as opposed to a full-time and a part-time secretary and later in the year, we will add a part-time clerk or typist or whatever we choose that designation to be to help cover for vacations, etc. There is a 20% reduction in funding of the transfer station. This is probably for Marc, one of the 12 he will have to eliminate. We are eliminating Concerts in the Park, there are very few people that regularly attend those. We are increasing one part-time position in Assessing to a full-time position. The lady who occupied that full time position has retired and we have someone in a part-time position who will assume that full-time position and we will eliminate that the part-time position. That is also a cost-saving measure. The B Fund is 57.8% of the budget that accounts for the Police, Planning, Zoning, Safety Inspection (Building Department), and Engineering. In the B Fund, we have eliminated three vacant Police Officer positions. Again, no raises for CSEA or Department Heads. We have eliminated two part-time

positions in the Building Department and Planning Department. We do have to pay the 3% raise for the contract for PBA which comes to a little over \$300,000 for the year and there are no new cars for the Police Department. The Chief will be slowly merging the ones he has into service. The D Fund, which is all the Highway Services is 26.7% of the Budget. There is a reduction of \$350,000 in Highway Repair Funds. Mr. Pfeifer said that if we had to cut something that was the only place he could really stand to have anything cut. There is an increase of \$177,000 in Bond payment. We have a bond that is rolling into a bond this year, which increases our payments. Additional expenses again, we will be faced with at least a \$93,000 charge back to Dutchess County. That's all we know of at the moment that they are going to do. We don't really have any idea what is going to happen there. On the average, health insurance premiums are going up 10 to 12%. I know that the NYSHIP figures that we got are firm figures in the 12% range. There is a small increase in there for Recreation and our new Senior Center for some more personnel and such, later in the year, not for a full year. We have changed the line for tax certioraris from \$40,000 to \$200,000. We have spent over \$300,000 this year in tax certs. Mortgage tax remains down. The Maintenance Aid that we used to get when we first did the reval and we were getting \$5.00 a parcel is now non-existing. We get nothing per parcel. The \$290,000 is how much the pensions went up this year. I don't know if there is a bright note to any of this. Valuations for the Town have decreased overall. Homestead values are down \$192 million or an average of 6.8% and commercial values are down \$69 million or an average of 4.6%. According to our Assessor, all properties in the Town went down unless you were a new build or you had something on or in your house that had not been recorded by the assessor like you put on a deck and forgot to get the permit for it and they found out, that sort of thing. In July, we adopted the Homestead/Non-Homestead ratios as you see here. There was a slight shift in favor of a Homestead on this adoption. So, the 2012 Budget, you can see the A Fund, B & D. 2011 figures, 2012 figures and the difference between the two years, for an overall increase of 3.745%. As we have done in the past, the only way to figure out what it is, is to take examples. Last year, a raised ranch that was assessed for \$315,000, tax rate was 370 a thousand, taxes were \$1,166. This year, that same exact house is assessed for \$295,000, the tax rate would be \$4.10 and the taxes would be \$1,209.00 or an increase of \$43.50, which is a 3.73% increase. Colonial, same scenario, except I forgot to correct that, it should be 370, not 379, taxes were \$13.50 last year, it's reduced to \$3.45 this year. Taxes would be \$14.14 or an increase of \$64.50 or 4.77%. That's the end. Thank you very much and I'm going to give this to the Budget Committee. It's a tough year. I wish you well. If by some reason you feel it is in the Town's best interest to go over the 2%, I'm not suggesting that you are, but if you do, then at the same time that you are setting a Public Hearing for the Budget, you have to set a date for a local law to exceed that 2% and you must pass the local law before you pass the budget. That's the steps.

Motion made to open public speaking on Public Hearing #1 regarding Special District Assessments: Supervisor Myers/S. Eagleton

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

Town Clerk Miller: I did hereby file the affidavit of posting on September 22 and published in the Poughkeepsie Journal on September 24th.

10:05-01 PUBLIC HEARING

In Regard To The Special Districts
Assessment Roll, Which Concerns The
Water, Sewer & Drainage Districts

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 5th day of October 2011 at 7:00 M at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, New York, does hereby adopt the Special District Budgets as presented for the year 2012, pursuant to the attached documentation.

SO MOVED: R. Lecker/S. Eagleton

Councilman Tancredi: For Comptroller Wojtowicz, I would like to know, are these rates going down?

James Wojtowicz, Town Comptroller: All of the Special District rates dropped. The big thing this year, in the Sewer Districts, was that when we converted over in 2012 our budget assessed the plan at \$300,000. Less budget this year is as simple as that.

Councilman Tancredi: So, all the sewer rates dropped?

James Wojtowicz: Yes, every sewer rate dropped, even Tri-Muni because some of the debt dropped off. The City as well. It's a good year for sewer districts this year as well. Everyone will see a reduction.

Supervisor Myers: I think that's also a positive thing towards the Budget because, if your raised ranch were in the Arlington Sewer District and we are going up \$43.00, and the Arlington District is going down \$20.00, you are seeing even a less impact in your bill.

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

Nays: None

CARRIED: 7-0

DOCUMENTS ATTACHED TO FINAL BOOK COPY

Motion made to open public speaking on Public Hearing #2 on Building Construction:
Supervisor Myers/S. Eagleton

CARRIED: 7-0

Supervisor Myers: This is the resolution saying that you can't get a building permit if you have a violation outstanding on your building unless the building permit is so you can fix whatever the violation is.

NO SPEAKERS CAME FORWARD

Motion made to close the Public Hearing: Supervisor Myers/S. Krakower

CARRIED: 7-0

Town Clerk Miller: I did hereby file the affidavit of posting on September 22, 2011 and published in the Poughkeepsie Journal on September 24th, 2011.

10:05:02 PUBLIC HEARING

Amendments To Town Code,
Chapter 68 Entitled "Building
Construction"

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 5th day of October, 2011 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend Chapter 68, entitled "Building Construction", which amendments are as follows:

Amend Section 68-2. Definitions as follows:

ADD:

ZONING ADMINISTRATOR – The duly designated Zoning Administrator of the Town of Poughkeepsie.

Amend Section 68-15. Issuance or denial of permit as follows:

ADD: Section 68-15 A (2):

- (2) Violations. No building permit shall be issued for any intended work where there is on the subject property an existing violation of any chapter of the Town Code of the Town of Poughkeepsie or the New York State Building Code. Further, upon written report or receipt of a notice of violation or order to cease and desist from the Zoning Administrator or his or her designee, or the issuance of same by the Building Inspector, the Building Inspector shall not review or take action regarding an application for a building permit until such violation has been cured or ceased and/or the Building Inspector is notified by the Zoning Administrator or his or her designee of same.

However, the Building Inspector may, upon his or her own determination or upon written recommendation of the Zoning Administrator, review and act on an application for a building permit involving property upon which there is a violation where such application is a plan to cure the violation and bring the property or use of the property into compliance.

Amend Section 68-22. Issuance of certificates of occupancy as follows:

ADD: Section 68-22 D:

- D. Violations: No certificate of occupancy shall be issued for any work where there is on the subject property an existing violation of any chapter of the Town Code of the Town of Poughkeepsie or the New York State Building Code. Further, upon written report or receipt of a notice of violation or order to cease and desist from the Zoning Administrator or his or her designee, or the issuance of same by the Building Inspector, the Building Inspector shall not review or take action regarding an application for a Certificate of occupancy until such violation has been cured or ceased and/or the Building Inspector is notified by the Zoning Administrator or his or her designee of same.

AND BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie declared itself as Lead Agency under the New York State Environmental Quality Review Act, and determined 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

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

Nays: None

CARRIED: 7-0

Motion made to open public speaking on Public Hearing #3: Supervisor Myers/J. Conte

NO SPEAKERS CAME FORWARD

Motion made to close the Public Hearing: Supervisor Myers/S. Eagleton

CARRIED: 7-0

Town Clerk Miller: I did hereby file the affidavit of posting on September 22, 2011 and published in the Poughkeepsie Journal on September 24, 2011.

10:05-03 PUBLIC HEARING

Amendment To Town Code To Adopt
Chapter 157, Entitled "Public Urination Or
Defecation"

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 5th day of October, 2011 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, New York, does hereby adopt Chapter 157 entitled "Public Urination or Defecation" as follows:

ADD: Chapter 157. Public Urination or Defecation.

SEE ATTACHMENT – EXHIBIT "A"

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

BE IT FURTHER ENACTED, the Town Board of the Town of Poughkeepsie determined that said action is a Type II action for the purposes of the New York State Environmental Quality Review Act, and therefore no further review is required; and

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

SO MOVED: J. Conte/S. Eagleton

Councilman Cifone: I would just like to say for the record that it is unfortunate that we need this law to be passed, but it is a tool that was asked for by the Police Department because we have a large number of college kids in certain areas of this town that think it is an open bathroom and so I apologize for the rest of the law abiding citizens, but hopefully this will be the tool that will crack down on some of the college kids in my area.

I thank the police that are here for asking for this, first off, and thank you for coming and helping us out every evening when we call you.

Supervisor Myers: It is a sad state of this, but it should be noted that we have many, many police officers in the audience tonight, so they all know that this law is now in affect.

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

Nays: None

CARRIED: 7-0

CODE CHAPTER 157 ATTACHED TO FINAL BOOK COPY

Motion made to open public speaking on Public Hearing #4: Supervisor Myers/J. Conte

CARRIED: 7-0

Sarah Davis, Zoning Administrator: This is concerning 14 Henmond Blvd., it's been empty for a couple of years. I checked with Kathleen Taber, Town Assessor, this morning, it is still owned by Elizabeth Burns. All of her mail came back when trying to contact her and there was no forwarding. As you can see by the photos, there is a lot of brush, just in the front mostly.

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

CARRIED: 7-0

Town Clerk Miller: I did hereby file the affidavit of posting on September 22, 2011 and published in the Poughkeepsie Journal on September 24, 2011.

10:05-04 PUBLIC HEARING

For Property Maintenance Violations For
14 Henmond Boulevard To Remove All
Garden Waste, Fallen Tree Limbs & To Cut
Grass

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on October 5, 2011 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, New York, under Chapter 159 of the Town of Poughkeepsie Code, entitled "Property Maintenance", does hereby determine that said property located at 14 Henmond Blvd., Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6261-04-557395, owned by Elizabeth G. Burns, is in violation of Chapter 195; and

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

BE IT FURTHER RESOLVED, that said owner of 14 Henmond Blvd. has not complied with the Order to Remedy; and

BE IT FURTHER RESOLVED, that the Town shall cause the repair or removal of all garden waste, fallen tree limbs and shall cut the grass to a height not to exceed 6 inches, and any continued maintenance thereafter if the premises continues not to be properly maintained and

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

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

BE IT FURTHER RESOLVED, that the Highway department or an appointed contractor is authorized to remove all garden waste, fallen tree limbs and cut the grass.

SO MOVED: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 7-0

Motion made to open for public speaking on Public Hearing #5: Supervisor Myers/S. Krakower

CARRIED: 7-0

Sarah Davis, Zoning Administrator: I'm not sure how long 68 Boardman Road has been empty. I received a complaint about six months from the adjacent property owner. From the photos you really can't tell if the grass is long, it's kind of shaded and long and it fell over, and it definitely needs help and I've not been able to contact anyone on it at all. Actually, of the property owner called me and said he wasn't going to be doing it that the property was going into foreclosure and he was getting divorced and he didn't care.

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

CARRIED: 7-0

Town Clerk Miller: I did hereby file the affidavit of posting on September 22, 2011, and published in the Poughkeepsie Journal on September 24, 2011.

10:05-05 PUBLIC HEARING

For Property Maintenance Violations For
68 Boardman Road To Remove All Garden
Waste, Fallen Tree Limbs & to Cut Grass

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on October 5, 2011 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, under Chapter 159 of the Town of Poughkeepsie Code, entitled "Property Maintenance", does hereby determine that said property located at 68 Boardman Road, Town of Poughkeepsie, County of Dutchess,

State of New York, bearing Grid No. 6260-01-112970, owned by Daniel Sherwood, is in violation of Chapter 195; and

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

BE IT FURTHER RESOLVED, that said owner of 68 Boardman Road has not complied with the Order to Remedy; and

BE IT FURTHER RESOLVED, that the Town shall cause the repair or removal of all garden waste, fallen tree limbs and shall cut the grass to a height not to exceed 6 inches, and any continued maintenance thereafter if the premises continues not to be properly maintained and

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

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

BE IT FURTHER RESOLVED, that the Highway Department or an appointed contractor is authorized to remove all garden waste, fallen tree limbs and cut the grass.

SO MOVED: S. Krakower/M. Cifone

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

Nays: None

CARRIED: 7-0

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

CARRIED: 7-0

Doreen Tignanelli: I have a question about agenda item #11 about Zoning entitled "General Regulations". I took a look at 2:10-13K and I see it has to do with height restrictions and regulations. What exactly is the change being made?

Neil Wilson, Development Director: The change actually is the cleanup of the existing height exemption language that we have in the Code. Actually, we did amend this a couple of months ago. There was an odd ball provision that required a special use permit, even though it was labeled as an exemption section. When we took another look at it, it was not clear that the exemptions concerned, "Roof top installations, non-habitable

installations.” So, that really is what the clarifications are about. We have any number of facilities that you might find on top of a roof: HVAC, Elevator pent houses, those types of things that are non-habitable. The proposal is to clean that up to make that very clear that the height exemptions are about roof top installations, not things that would be put on the ground.

Doreen Tignanelli: My other question is about Item # 19. “Residents Of Pasture Lane”.

Supervisor Myers: It has to do with stormwater run off in their neighborhood that they would like it addressed.

Rob Rubin: I have questions on two items. #14, the Sale of Surplus Equipment. Is that equipment going to be posted anywhere? How will the public be able to know and look and possibly bid on it if anyone is interested?

Supervisor Myers: It’s a John Deer Loader.

Speaker from the audience: It’s sold already.

Rob Rubin: My second question is on number 16 about the bid going out on the upgrade of the Town Hall Audio/Visual equipment. Is that bid going to include any reference to the ability for the hearing impaired, closed captioning, or some type of adaptation for the hearing impaired?

Neil Wilson: Yes, that is part of the package.

Motion made to resume the rules: Supervisor Myers/M. Cifone

CARRIED: 7-0

AGENDA ITEMS 10:05-07, 10:05-08 & 10:05-09 WERE MOVED TO BE
ADDRESSED BEFORE AGENDA ITEM 10:05-06

10:05-07 APPROVE

Assignment Of Police Officer Ralph Cropley
To Position of Detective

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the assignment of Police Officer Ralph Cropley to the position of Detective, effective October 10, 2011.

SO MOVED: T. Tancredi/S. Krakower

Supervisor Myers: Congratulations.

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

Nays: None

CARRIED: 7-0

10:05-08 APPOINTMENT

Steven D. Doughty To Position Of
Full Time Police Officer

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Steven D. Doughty to the position of full time Police Officer under the provisions of Civil Service Law dealing with a resignation/reinstatement, at the yearly salary of \$52,032.00, effective October 24, 2011, which appointment is subject to a probationary period of not less than 26 nor than more than 52 weeks per Civil Service Law.

SO MOVED: Supervisor Myers/T. Tancredi

Supervisor Myers: Congratulations.

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

Nays: None

CARRIED: 7-0

10:05-09 APPOINTMENT

Catherine D. Edwards To Position Of
Animal Control Officer

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby appoint Catherine D. Edwards to the position Animal Control Officer at the CSEA Grade 5, Step 1 Salary of \$37,337.60 effective October 17, 2011, which appointment is subject to a probationary period of not less than 8 nor more than 26 weeks, per Civil Service Law.

SO MOVED: R. Lecker/M. Cifone

Supervisor Myers: Welcome aboard and congratulations and good luck.

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

Nays: None

CARRIED: 7-0

10:05-06 PRESENTATION

Senior Housing Overlay Designation
River Point/West Park, W.A. Route 9,
LLC

Jacob Frydman: The proposed development is of 112 residences, 30,000 ft. professional office building with lots of landscaping, common floor and 6 floors above of 36 one, 63 two and 13 three bedrooms for adults age 55 at 2055 South Road (near the Galleria). There will be a 24-hour security with on-premises dining, indoor swimming pool and a health & fitness club, each unit has their own washer and dryer, shuttle service, dry cleaning service, pharmaceutical delivery to the door. Underground parking with 124 parking spaces for 112 units will be provided for the residents. Jacob Frydman, Investor and Developer, Hudson Capital, LLC, and Alan Daniels, Investor and Developer, Addison & Fitz, LLC, made the video presentation as project team sponsors. Hardcopies of the presentation were given to the Town Board.

Supervisor Myers: Have you any idea what your rentals will be?

Alan Daniels: We don't know for sure, but we have done some very extensive studies in terms of construction costs and the market and we would like to be below the top of the market. The top of the market in Dutchess County is about \$19.50 a square foot rental rate for luxury housing. We think we can stay at or below that number. In order to do that, the average apartment is probably going to be somewhere between 1015 to 1100 sq. ft. It would be about \$2,000.00 a month for a two bedroom.

Councilman Krakower: It looks like a very nice project. I think it's another good use for the Senior Housing Overlay District. I think it's an improvement in the Town. The tax base is good and the housing alternative for seniors that want something in this price range is excellent. The office space is a tremendous benefit to the Town. I think the Town is committed to work with you on this.

Councilman Tancredi: I agree, I like the project. One thing I like about it is the location. I think seniors want to be near things. They want to be near the doctors, hospitals, and near their families and shopping areas. My personal feeling is I like the restaurant. I like to see that happen and I think it's an added benefit. I agree with Councilman Krakower, anything we can do to push it forward.

Councilman Conte: When you say security, is that indoor or just outdoor and front door security.

Alan Daniels: The way we are envisioning this is, this property will have cameras and video outside so they are monitored, but there will be a 24-hour door man/security person at the front door. Within the building itself, the common areas and the elevators are all cambered and that will be monitored from the security desk. So, there will be videos and someone watching at all times.

10:05-10 SET DATE FOR
PUBLIC HEARING

Amend Town Code, Chapter 210, Entitled
"Zoning", Specifically Article V, Section
210-22, G. Entitled "Main Street Drive-In
Overlay District"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 16th day of November, 2011 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and place of a public hearing to consider an amendment to Chapter 210, entitled “Zoning”, specifically Article V, Section 210-22, “Arlington Town Center (ATC) District”, which amendment would be follows:

REPEAL: Section 210-22(G) Main Street Drive-In Overlay District (MSDOD)

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does declare itself as Lead Agency under the New York State Environmental Quality Review Act, and does determine that this action is a Type II Action requiring no environmental review; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize and direct the Town Clerk to send a copy of the proposed local law to Dutchess County Planning and the Town of Poughkeepsie Planning Board as required by General Municipal Law and the Town’s local law; and

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

SO MOVED: S. Eagleton/T. Tancredi

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

Nays: None

CARRIED: 7-0

10:05-11 SET DATE FOR PUBLIC HEARING

Amend Town Code, Chapter 210, Entitled, “Zoning”, Specifically 210-13(K) entitled “General Regulations”

RESOLUTION

WHEREAS, the Town Board has received a communication from the Director of Municipal Development recommending amendment to Chapter 210, “Zoning” concerning height regulations; and

WHEREAS, the proposed amendment is attached hereto and incorporated herein and the Town Board does hereby waive a verbatim reading of said amendment and does direct that said amendment be spread across the record as if it, in fact, had been read verbatim; and

WHEREAS, the action to amend the Zoning Law is an Unlisted Action under the New York State Environmental Quality Review Act; and

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

WHEREAS, the amendment requires a public hearing:

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby states that because only the Town Board can consider and adopt changes to the Town Code that it is the only involved agency, and the Board hereby declares that it is the Lead Agency for purposes of coordinating the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law; and
2. The Town Board hereby sets a public hearing on the proposed amendment for November 2, 2011, at 7:00 PM, or as soon thereafter as the matter may come to be heard, in the Town Hall, One Overocker Road, Poughkeepsie, New York; and
3. The Town Board refers this matter to the Dutchess County Department of Planning and Economic Development for a recommendation pursuant to GML 239-m; and
4. The Town Board refers this matter to the Planning Board for an advisory report pursuant to Town Code Sections 210-154.
5. The Town Board directs the Town Clerk to notify the Town Clerks of the surrounding Towns, the Chamberlain of the City of Poughkeepsie, and the Clerk of the Village of Wappinger Falls of the public hearing pursuant to GML 239-nn.
6. Said local law, if adopted, shall take effect immediately upon filing with the Secretary of State.

SO MOVED: J. Conte/M. Cifone

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

Nays: None

CARRIED: 7-0

10:05-12 AUTHORIZE
SETTLEMENT

Tax Review Proceeding Instituted By
Lowe's Home Centers, Inc.

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 Lowe’s Home Centers, Inc., for the tax assessment rolls of 2007 through 2010 as shown on the attached Stipulation of Settlement and Order, and

BE IT FURTHER RESOLVED, that 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

Supervisor Myers: For anybody who is keeping track, the refund from the Town’s perspective on this is \$43,900.00. You can see the Tax Certs definitely have their Budget impacts.

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Tancredi and Supervisor Myers
Nays: None CARRIED: 6-0
Absent: Councilman Krakower

STIPULATION OF SETTLEMENT ATTACHED TO FINAL BOOK COPY

10:05-13 AUTHORIZE Temporary Part Time Appointment Of Diane Benigno To Work In Assessing Department

RESOLUTION

BE IT RESOLVED, that the Town board of the Town of Poughkeepsie does hereby authorize the temporary part time appointment of Diane Benigno to work no more than 10 hours in the Assessing Department at the salary of \$13.50 per hour, effective September 12, 2011 through December 31, 2011.

SO MOVED: T. Tancredi/J. Conte

Supervisor Myers: For anyone interested in this, the Assessing Department has to take pictures of every property in the Town. That is State Law. We have to do this and so Diane is assisting in going out to help take the pictures of all the properties in the Town.

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi and Supervisor Myers
Nays: None CARRIED: 7-0

10:05-14 AUTHORIZE

Sale Of Surplus Equipment

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Superintendent of Highways to sell surplus equipment identified as (1) 1986 John Deere 644D Loader VIN: DW644DB509839, for the sum of \$14,000.00. which equipment has a fair market value of between \$12,000 and \$16,500.

SO MOVED: Supervisor Myers/M. Cifone

Marc Pfeifer, Highway Superintendent: Just to speak on what Rob Rubin mentioned about putting it out to bid. I do put it out to as many municipalities or equipment owners as I can. It's a 25 year old machine and to waste money on advertising is only going to make us lose more on this. We are getting a new loader through our CHIPS money and I got a price to trade it in and it was only \$9,000. So, getting \$14,000, I thought we did pretty well.

Councilman Krakower stated to Marc how he appreciated how he handles the influx of of flooded basements and water problems and he thanked him for such a good job.

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

Nays: None

CARRIED: 7-0

10:05-15 BUDGET
MODIFICATION

Highway Department To Repair Equipment/
Vehicle

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 to repair equipment/vehicle in the 4th quarter of 2011, as follows:

FROM:

DB 5110.0201 Equipment \$10,000.00

TO:

DB 5130.0443 Repair & Maintenance
Equipment \$10,000.00

SO MOVED: R. Lecker/J. Conte

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

Nays: None

Absent: S. Krakower

CARRIED: 6-0

10:05-16 AUTHORIZE

Town Clerk To Issue A Request For Proposals
For Upgrade Of The Town Hall Audio/Visual
Broadcast & Control System

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Town Clerk to issue a Request for Proposals for the upgrade of the Town Hall Audio/Visual Broadcast and Control System; and

BE IT FURTHER RESOLVED, that the Town Clerk shall cause the Notice to Proposers, to be published in the Poughkeepsie Journal.

SO MOVED: S. Eagleton/J. Conte

Supervisor Myers: On a somewhat related, but off note, I would like you to know that we signed the Time Warner Contract in July, I believe. We have since then, written, called and everything else. Time Warner has yet, today we got a notification after we contacted the PFC to get on their case again, but they are finally going to sign the contract and forward it to the PFC, so they have been stalling all this time as far as giving us the Franchise money or making the connections so that the Time Warner residents can watch their shows. It's not that we haven't been trying. They have just been dragging their little feet.

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

Nays: None

Absent: S. Krakower

CARRIED: 6-0

10:05-17 APPROVE

The Croft Corners Fire Company Annual
Halloween Parade On Monday, October 31,
2011 At 7:00 PM

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Gerard Philipp and does hereby grant approval to the Croft Corners Volunteer Fire Company to hold its annual Halloween Parade on Monday, October 31, 2011 at 7:00 PM, which parade will start at the corner of Hasbrouck Drive and Spackenkill Road and travel the north side of Spackenkill Road proceeding west to the Croft Corners Firehouse at 7 Spackenkill Road; and

BE IT FURTHER RESOLVED, that the Town Clerk is in receipt of a Certificate of Liability Insurance naming the Town of Poughkeepsie as an additional insured.

SO MOVED: J. Conte/T. Tancredi

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

Nays: None

Absent: M. Cifone

CARRIED: 6-0

10:05-18 SET DATE FOR
PUBLIC HEARING

For 28 Millbank Road For Property
Maintenance Of Mowing Of Occupied
Properties

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 19th day of October, 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:

1. Finding that notwithstanding the service of an Order to Remedy Violation, the premises owned by Grace A. Colliton located at 28 Millbank Road, Poughkeepsie, NY 12603, Tax Grid No. 6160-04-685315, remains in violation of Town Code Section 159A-4 (“Lawns shall be kept trimmed to a height of no greater than 12 inches”);
2. Determining whether the condition of the premises constitutes a threat to the public health, safety or welfare;
3. If such a threat is found to exist, determining the area of the premises which must be mowed to abate the threat;
4. Directing that the area required to be mowed be mowed and continue to be mowed by the Town or its designees, and assessing the cost of the same as a lien on the premises which may be collected in the same manner and at the same time as other Town charges,

All pursuant to Chapter 159A, Section 159A-7 of the Town of Poughkeepsie Code.

SO MOVED: S. Krakower/T. Tancredi

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

Nays: None

Absent: M. Cifone

CARRIED: 6-0

10:05-19 NOTIFICATION
REQUEST

Residents Of Pasture Lane

Steven A Koch
31 Pasture Lane
Poughkeepsie, NY 12603

September 23, 2011

Town of Poughkeepsie Board
1 Overocker Road
Poughkeepsie, New York 12603

Dear Board Members:

The homes in our neighborhood have sustained significant damage during recent storms because of the inability of the municipal storm sewers and water abatement system to contain surface water. These concerns are described in the attached letter which has been signed by homeowners in our neighborhood.

I request that you review the enclosed letter and contact me so that I can provide a reply to the concerned homeowners.

Thank you for your cooperation.

Sincerely,
Steven A. Koch

ADDITIONAL LETTER AND PETITION ATTACHED TO FINAL BOOK COPY

10:05-20 NOTIFICATION

Notice Form For a Renewal Application For
An On-Premises Alcoholic Beverage
License For

A. Juliet Café & Pizzeria Located At 60
Raymond Avenue

B. Sushi Village Inc. D/B/A Sushi Village
Located At 26 Raymond Avenue

BOTH REVIEWED BY POLICE

NOTED BY TOWN BOARD

10:05-21 NOTIFICATION

Town of LaGrange Town Board Public Hearing In Town Hall On October 12, 2011 At 7:00 PM To Amend Town Code, Chapter 240, Entitled "Zoning" To Add A New Section 2340-70A Regarding Drive-Through Service Facilities

NOTED BY TOWN BOARD

10:05-22 NOTIFICATION

Town of Wappinger Town Board Public Hearing On October 24, 2011 At 7:30 PM At Wappinger Town Hall Concerning A Local Law Amending Chapter 230, Entitled "Vehicle & Traffic" Prohibiting Overnight Parking Of Heavy Commercial Vehicles On Town Roads In Residential Zoning Districts

NOTED BY TOWN BOARD

10:05-23 NOTICE OF CLAIM

Judith Lovelace V Town For Damage To Basement Of Water & Sewage From Irene And Lee Hurricanes

REFERRED TO LEGAL DEPARTMENT

10:05-24 AUTHORIZE

Special Consent Items SC 1, SC 2, and SC 3

RESOLUTION

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

- | | |
|------------------------------------|--|
| SC 1. Authorize Supervisor to Sign | Friends of Poughkeepsie Library District Proclamations |
| SC 2. Approve | Reimbursement for Class B Driving Course – Thomas Colgan |
| SC 3. Authorize | Women's Softball Field at Stanley Still Park to be named "Mike McPeck Field" |

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: T. Tancredi/J. Conti

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

Nays: None

Absent: M. Cifone

CARRIED: 6-0

10:05-SC 1 AUTHORIZE
SUPERVISOR
TO SIGN

Friends Of The Poughkeepsie Library
District Proclamations

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign the Friends of the Poughkeepsie Library District Proclamations, copies of which are attached.

SO MOVED: Supervisor Myers/S. Eagleton

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

Nays: None

Absent: M. Cifone

CARRIED: 6-0

PROCLAMATIONS ATTACHED TO FINAL BOOK COPY

10:05-SC 2 APPROVE

Reimbursement of Driver Training Course
Monies On Behalf Of Employee Thomas
Colgan Who Received His Class B
Commercial Driver's License To Operate
Town Dump Truck

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby approve the request of Water Maintenance Supervisor Keith Ballard, a copy of which is attached, on behalf of employee Thomas Colgan for reimbursement of driving training course in the amount of \$1,050.00, under the existing Town of Poughkeepsie Employee Handbook, specifically Section 506, and

BE IT FURTHER RESOLVED, that said funds are available in the 2011 operating budget in line item # 8310.0429.

SO MOVED: R. Lecker/J. Conte

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

Nays: None

Absent: M. Cifone

CARRIED: 6-0

COPY OF DRIVER TRAINING COURSE ATTACHED TO FINAL BOOK COPY

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

Nays: None

Absent: M. Cifone

CARRIED: 6-0

10:05-SC 3 AUTHORIZE

Women's Softball Field At Stanley Still
Park To Be Named "Mike McPeck Field"

TABLED UNTIL OCTOBER 19, 2011 BOARD MEETING

Motion made to suspend the rules for public speaking: Supervisor Myers/S. Krakower

CARRIED: 6-0

Rob Rubin: Joe, I wanted to say that I was dealing with the Rochdale Fire Department the other day and looking at their history and when they were going over some of the lists of the various members, I saw the name of Joe Conte and I said, "Oh, I know that name" and the gentleman, John Montross, looks at me and said, "No, that's his father". Your family has a long history of doing good for the Town of Poughkeepsie.

Councilman Conte: I was actually a volunteer as well.

Rob Rubin: The same department? (Yes) Ok, is the 2012 Budget posted yet on line?

Supervisor Myers: No and it couldn't be until tonight after it was presented, but I will have Mark get it up there this week or soon as possible.

Rob Rubin: I would also like to compliment Sarah Davis, the Zoning Administrator. I've been in contact with her on a couple of issues. She is prompt, efficient and a pleasure to deal with. I also promised last night at the Arlington Fire District Meeting, that I would bring this up. They are seeking volunteers, so if anyone is interested in that because I understand it takes a couple of years to train someone to be a fire fighter. I guess this is towards Sue. Sue, there is a couple of issues I am still waiting for. I put in a FOIL request about the sewer maintenance and preventative maintenance on various sewers and I haven't heard anything on that and I'm hoping you can follow up on that for me. I also put in a FOIL request to find out who is responsible for maintenance of streams and creeks within the Town. Is the Town responsible or homeowners? I haven't heard anything on that.

Supervisor Myers: Actually, to do anything in the stream, even to go in there and pull out an old shopping cart, you have to have the DEC's approval.

Rob Rubin: Well, there are people in my neighborhood with streams running through their back yard and I was asking about that for that reason.

Supervisor Myers: When asking for something on a FOIL Request, you have to ask of something that is there, you can't just create something, and it needs to be in existence.

Rob Rubin: One other thing. In regards to an e-mail into Tom Meyering. I'm still waiting for a response. I noticed the food concession in the park is gone.

Supervisor Myers: I responded late this afternoon, I got a copy of it.

Doreen Tignanelli: "First I would like to say something about the Senior Overlay there. Talking about tax ratables, but, then we always end up seeing tax certs, so, you just have to keep in mind that some of these projects that come in, they promise a certain amount of money, but then we end up having to give back refunds. So, I think that's an issue. Just wanted to make a quick statement. You talked about the budget tonight and I hope that when you go through the budget, keep in mind, this is a Poughkeepsie Journal article from Tuesday, October 4th, Marist Pole, and it says, 6 in 10 are worried about bills. So, there are people seeing their finances worsen and people are concerned about paying their bills and so when you go through the Town Budget, please keep this in mind. I think we need to keep more involvement to keep all services at a low cost. Someone has to tackle this." She also read several statements from the newspaper from different agencies and dignitaries in the Town and State stating that the costs need to be put intact by Town, County and State agencies. "I think the public needs to come out and make their voices heard on these subjects.

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

CARRIED: 6-0

Town Clerk Miller: I'm here representing Nancy Fritz who lives in Eastwood Park and was unable to attend the meeting for medical reasons. She would like to see the Town do a dog enumeration. She said we probably only have about ¼ of the dogs registered and we would bring in a lot more money that would help with the expenses and she asked me to please bring this up for her.

10:05-ES 1 ADJOURN TO
EXECUTIVE SESSION

To Enter Executive Session To Consider
The Following Matters:
A. Confidential Communication
Between Attorney And His Client,
The Town Board, Based on Attorney/
Client Privilege

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, The Town Board, based on Attorney/Client privileges. (We have 7 Items falling into this category)

SO MOVED: Supervisor Myers/T. Tancredi

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

Nays: None

Absent: M. Cifone

CARRIED: 6-0

TOWN BOARD MEETING ADJOURNED AT 8:41 PM

TOWN BOARD ENTERED EXECUTIVE SESSION AT 8:55 PM

COUNCILMAN CIFONE ATTENDED EXECUTIVE SESSION AT 9:00 PM

TOWN BOARD RETURNED TO TOWN BOARD MEETING AT 10:00 PM

NO ACTION TAKEN AT EXECUTIVE SESSION

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

CARRIED: 6-0

TOWN BOARD MEETING CLOSED AT 10:01 PM

SJM:lkM