

**MINUTES OF REGULAR TOWN BOARD MEETING HELD ON
NOVEMBER 2, 2011 AT 7:00 PM AT TOWN HALL,
ONE OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

**PRESENT: Supervisor Myers
Councilman Lecker
Councilman Eagleton
Councilman Conte
Councilman Cifone
Councilman 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

7:00 PM

CALL TO ORDER

SALUTE THE FLAG

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

CARRIED: 7-0

Rob Rubin: I have a request on this one. When these types of Public Hearings are put on the agenda, is it possible that the changes could be put somewhere on the Town's website so that someone like myself could check this vs. what we currently have on the books? I've tried looking and I really can't make any comment on it because I didn't know what it was.

Supervisor Myers: Ok.

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

CARRIED: 7-0

Town Clerk Miller: I did hereby file the affidavit of posting on October 13, 2011 and published in the Poughkeepsie Journal on October 15, 2011.

11:02-01 PUBLIC HEARING

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

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 2nd day of November, 2011 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town Code, Chapter 210, entitled “Zoning” concerning height regulations, which amendment is attached hereto and incorporated herein; and

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

BE IT FURTHER ENACTED, that the Town Board has previously declared its intent to act as Lead Agency under the New York State Environmental Quality Review Act and does declare said action to be an Unlisted Action; and

BE IT FURTHER ENACTED, that the Town Board has reviewed the Short Form Environmental Assessment Form (EAF) dated October 5, 2011 prepared by the Director of Municipal Development and hereby determines that: 1) the adoption of the herein zoning amendment would not have a significant adverse effect on the environment and; 2) a draft environmental impact statement will not be required for the reasons set forth in Part II of the EAF and; 3) a Negative Declaration is hereby issued; and

BE IT FURTHER ENACTED, that a written recommendation dated October 14, 2011 was received from the Dutchess County Department of Planning and Development and that said recommendation stated that the adoption of the herein zoning amendment is a matter of local concern; and

BE IT FURTHER ENACTED, that a written recommendation dated October 21, 2011 was received from the Town of Poughkeepsie Planning Board in which said Board recommended adoption of the herein zoning amendment; and

BE IT FURTHER ENACTED, that the Town Clerk of the Town of Poughkeepsie did notify the surrounding municipalities pursuant to GML 239-nn; and

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

SO MOVED: R. Lecker/S. Eagleton

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 Public Hearing #2: Supervisor Myers/J. Conte

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

Town Clerk Miller: I did hereby file the affidavit of posting on October 20, 2011 and published in the Poughkeepsie Journal on October 22, 2011.

11:02-02 PUBLIC HEARING

Amend Town Code, Chapter 203, Entitled "Water", Specifically Section 203-7, Entitled "Rentals" & Section 203-8, Entitled "Rates, Charges And Billing"

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 2nd day of November, 2011 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town Code, Chapter 203, entitled "Water", specifically Section 203-7, entitled "Rentals" and Section 203-8, entitled "Rates, charges and billing", which amendments are as follows:

ADD to Section 203-7 the following:

- A. The rents for the use of water and all charges in connection therewith shall be due and payable quarterly, on schedules established by the Town Board, at the office of the Receiver of Taxes and Assessments. Fractional parts of a quarter will be computed from the day the meter is installed to the day of the quarterly reading. No abatement of minimum charge for water rent shall be made unless water is shut off at the curb box.
- B. The rents for the use of water and all charges in connection therewith shall be billed to the property owner.

DELETE from Section 203-8 F the following language:

...or if previously directed to send bills, notices, etc., to an agent or tenants, then to such agent or tenant...

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

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 Public Hearing #3: Supervisor Myers/M. Cifone

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

Town Clerk Miller: I did hereby file the affidavit of posting on October 20, 2011 and published in the Poughkeepsie Journal on October 22, 2011.

11:02-03 PUBLIC HEARING

For Property Maintenance Violations For
7 Jones Street To Remove All Solid Waste,
Debris, Litter, 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 November 2, 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 7 Jones Street, Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6161-07-734851, owned by KSP Properties, LLC, 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 7 Jones Street has not complied with the Order to Remedy; and

BE IT FURTHER RESOLVED, that the Town shall cause the repair or removal of all solid waste, debris, litter, 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: J. Conte/R. Lecker

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 Public Hearing #4: Supervisor Myers/J. Conte

CARRIED: 7-0

Sarah Davis, Zoning Administrator: This has been empty for a long time and I didn't actually realize that. (inaudible)

George Aposporos: That property has been a disaster for the longest time. The intention of Mr. Wolfart who used to live at that property was for his granddaughter to move into that house, she never moved in and it became a rental for the last seven to ten years and it has been a mess like this for the whole time. Now, over the last year, I guess the people that were renting it, were evicted. The power was shut off and as a result, water has been filling up in the basement. Ice caps push the water into the ground and so my home is getting excess water. You can see the mess the ground is in. There are rats, debris in the back yard and I've called Mr. Donaldson at the Board of Health. Is there anyway we can take care of this property. It is a mess.

Supervisor Myers: That is what this resolution will do. Do you know if the Town shut the water off?

George Aposporos: The Town has been there. There is a blue flag in there. But, about 4 or 5 months ago, it had to be pumped out by Fairview Firehouse because there has not been any electric to run a pump for a year.

Supervisor Myers: See, that's been a growing problem in the Town. People just decide to leave, but they don't turn the water off, or they turn it off internally, but not out in the street and we have to send the Water Department in.

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

CARRIED: 7-0

Town Clerk Miller: I did hereby file the affidavit of posting on October 20, 2011 and published in the Poughkeepsie Journal on October 22, 2011.

11:02-04 PUBLIC HEARING

For Property Maintenance Violations For
279 Violet Avenue To Remove All Solid
Waste, Debris, Litter, 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 November 2, 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 279 Violet Avenue, Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6163-19-523087, owned by John M. Struzzieri, 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 279 Violet Avenue has not complied with the Order to Remedy; and

BE IT FURTHER RESOLVED, that the Town shall cause the repair or removal of all solid waste, debris, litter, 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/T. Tancredi

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 Public Hearing #5: Supervisor Myers/J. Conte

CARRIED: 7-0

Jessica Gonzalas, Executive Director of Grinnell Library Association: The disappointment that the \$50,000, being the only funding that you provided, has been cut from the 2012 Budget. I have some written comments from patrons that I will pass out to you and I would also like to note that by cutting the \$50,000 is an injustice to all of the patrons, but specifically the students and young people who go to the library to use the homework help center. That is a program that runs Monday through Thursday, 4:30 to 8:00 and last year we had 80 students per week. This year, on average, we have 120 every week and we are making record breaking attendance. Last week we had 42 students on one day and this is one real example of what would be cut from our programs and the services that we offer to the Town of Poughkeepsie residents and the other Towns that we serve. We are really asking you to reinstate, at least the \$50,000. It makes a huge difference and it would make a huge impact and a big difference this year.

Carline Marisco: I live in Marywood. "I use the Library frequently. I rent books on tapes, DVD's. When I go to the library, I see so many children there. At this time when so many children are on those I-Pods or whatever they are, it's really important to the parents who are trying to introduce the children to books and the library presents that opportunity to for them which they may not be able to do. I do really think it's an important issue, not only for the people like me, but especially for the children. This is a very important issue and I strongly advise you to reconsider." She read some letters from some other constituents of the Library".

Tony Campelli, Member of Grinnell Library Board: Stated that there are 5 schools that use the Grinnell Library. (Inaudible) (Machine went out)

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

CARRIED: 7-0

Councilman Krakower enumerated on the many items in the 2012 Budget that were cut to the bone this year making road repairs, drainage, etc. that were cut. He felt the Grinnell Library is a worthwhile entity for the community and it is a shame that it had to be removed. He stated that the Budget Committee is not disregarding what the people said on the Grinnell subject, but that the Town is doing everything they can. It is a tough financial year and a lot of things we need to pay for and something had to be cut. We are not disregarding what you are saying on the subject of the Library, however, things like the highway repairs, drainage, etc. are things that have to be paid for. We will take the Library into consideration and possibly help you out all we can, but the economics of the time are truly difficult.

Town Clerk Miller: I did hereby file the affidavit of posting on October 20, 2011 and published in the Poughkeepsie Journal on October 22, 2011.

Supervisor Myers: Jim Nelson has a resolution regarding this and he wants me to read on the Library subject:

11:02-05 PUBLIC HEARING

2012 Town of Poughkeepsie Budget

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie adopted its Preliminary Budget for the year 2012 on October 19, 2011; and

WHEREAS, the public hearing was held on November 2, 2011, at 7 PM at Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby close the public hearing in regard to the adoption of the Preliminary Budget as amended, as the Town of Poughkeepsie Budget for the year 2012 and does hereby adjourn the matter to November 16, 2011 for final action.

SO MOVED: Supervisor Myers/S. Eagleton

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

Nays: None

CARRIED: 7-0

Supervisor Myers: I have to announce that we are having a mandatory emergency alert system test on November 9th. This is something in conjunction with FEMA and it is the first ever national test and supposedly all of the radio stations and TV's are going to do

this. This is a national test to see if, in fact, the system that they have had in place for quite some time, actually works. It's going to last for 3 minutes on November 9th at 2 PM.

Motion made to suspend the rules for public to speak on agenda items: Supervisor Myers/R. Lecker

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

11:02-06 SET DATE FOR SPECIAL MEETING	November 9, 2011 For Special Meeting At 7:00 PM At Town Hall To Address Public Hearing On 2012 Budget
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WITHDRAWN FROM AGENDA

11:02-07 AUTHORIZE SUPERVISOR TO SIGN	Contract With Patterson Specialty I.T. Solutions, LLC To Provide Professional Information Technology Consulting & Management Services To Maintain The Town Police Department's Computer System
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RESOLUTION

WHEREAS, since February 1, 2009, Patterson Specialty I. T. Solutions, LLC has maintained the Town of Poughkeepsie Police Department's extensive computer program filing and notification systems; and

WHEREAS, the current contract with Patterson will expire on December 31, 2011, and it has proposed to continue to provide services to the Town of Poughkeepsie for the period of January 1, 2012 through December 31, 2014; and

WHEREAS, the Town Board has reviewed Chief Mauro's analysis of the economic impact to the Town if it were to procure these services from an alternate vendor, as well as the Town Procurement Policy, and does hereby conclude that the solicitation of alternative proposals for these services would not be in the best interest of the Town, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to accept the proposal from Patterson Specialty I. T. Solutions, LLC, to provide the professional information technology consulting and

management services required to operate and maintain the Town of Poughkeepsie Police Department's computer system for three (3) years commencing January 1, 2012 through December 31, 2014 in substantially the form attached hereto.

SO MOVED: S. Krakower/M. Cifone

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

Nays: None

CARRIED: 7-0

11:02-08 AUTHORIZE
SUPERVISOR
TO SIGN

Metro-North Letter Agreement, Aerial Rights
Agreement & Contract Of Sale

RESOLUTION

WHEREAS, by Resolution 4:7-#9 of 2010 the Town Board authorized the acquisition by the Metropolitan Transportation Authority of approximately .0386 +/- Acres owned by the Town to allow for the replacement of the Bridge Street Bridge in New Hamburg, and a Town of Poughkeepsie water main which is on the bridge; and

WHEREAS, the Metro-North Commuter Railroad Company, a subsidiary of the MTA, has submitted a proposed License Agreement which is required so the replacement of the bridge and water main can proceed, which work is being done at Metro-North's expense; and it has also submitted a proposed Aerial Rights Agreement, which will license the Town to continue to keep its replace water main on the Bridge Street Bridge; and

WHEREAS, the United States Department of Transportation has been determined that no significant environmental effects will result from the project, and that it may proceed based on a National Environmental Protection Act Class II Categorical Exclusion; and

WHEREAS, this Board determines that the execution of the License Agreement and the Aerial Rights Agreement, and the transfer of the .0386 +/- acres of land are a Type II Action not requiring review under the New York State Environmental Conservation Law, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the Letter Agreement, the Aerial Rights Agreement, and the Contract of Sale in substantially the form presented, and to execute such other documents as may be required to complete this transaction.

SO MOVED: T. Tancredi/M. Cifone

Councilman Eagleton: Did they ever solve the problem with the water main, because originally I was told they were going to put the new water main under the bridge? That was the dispute last year. They wanted it under because it didn't look good, but we couldn't get to it.

Supervisor Myers: No. I believe they worked that out.

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

Nays: None

CARRIED: 7-0

11:02-09 AUTHORIZE
SUPERVISOR
TO SIGN

Application For The Cal Ripken Foundation
Badges For Baseball Program Grant
Application

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign any and all papers necessary and proper to effectuate the submission of the application for the Cal Ripken Foundation Badges for Baseball Program Grant for the amount of \$10,000.

SO MOVED: Supervisor Myers/R. Lecker

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

Nays: None

CARRIED: 7-0

11:02-10 SET DATE FOR
PUBLIC HEARING

Amend Town Code, Chapter 198, Entitled
"Vehicles For Hire", Specifically Section
198-1, Entitled "Definitions" & Section
198-30, Entitled "Articles Found In
Taxicabs"

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 as and for the time, date and place of a public hearing to amend the Town Code Chapter 198, entitled "Vehicles for Hire", specifically Section 198-1, entitled "Definitions", and Section 198-30, entitled "Articles found in TAXICABS", which amendments would be as follows:

AMEND Section 198-1 as follows:

DELETE: PRIVATE LIVERY CAB – A TAXICAB, except ... in this Chapter

ADD to Section 198-1:

PRIVATE LIVERY CAB – A motor vehicle registered with the New York State Department of Motor Vehicles as a “Livery”, bearing “Livery” license plates, having no dome light or external taxicab markings and used in the Town of Poughkeepsie only for hire on a unit of time basis measured in hours, days or weeks, pursuant to a written contract, a copy of which contract shall be maintained in the vehicle. Private Livery Cabs are not required to be registered under this Chapter.

DELETE Section 198-30. Articles found in TAXICABS.

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: R. Lecker/J. Conte

Councilman Krakower: I don't feel that we should become “Lost and Found” for the taxicabs. The idea that the drivers have to get out and check the cab and make sure someone didn't drop something. Isn't that, generally adults travel in cabs, something people should be doing for themselves? I feel like we are going way past the taxicab things. It was a good idea that we coordinated with the City, but now we are “Overshooting the runway”.

Councilman Tancredi: I agree.

Councilman Conte: I don't like it too much either.

Attorney Nelson: The rupture was that the cabbies had to look in their cars and then they had to get the material that was found and bring it all back to the Town Police Department. So, Sargeant Jicha was kind of thinking of the same thing you were, which are we don't need to be everybody's “Lost and Found”. So, this changes it so that if somebody ends in Wappingers or ends in Poughkeepsie, you take it to THAT Police station. The other thing that this changes is, in the definition of “Private Livery Cabs”, the clause says that you should have a contract, because what Sargeant Jicha was concerned with was, pulling people over who were acting as taxicabs and they would say, “I'm exempt, I'm a private livery cab” and this language will be added to require that there be some kind of—

Councilman Krakower: Well, the private livery part I don't have a problem with, but having the cab driver search his cab after each fare and then deliver the property to the nearest Police Station—

Supervisor Myers: Do we want to set this for a Public Hearing on it?

Councilman Krakower: I would just delete 198-30.

Supervisor Myers: So, what you want to do is to amend the resolution to delete Section 198-30 in its entirety.

Councilman Krakower: As long as there is nothing else in 198-30 that would have any value.

Town Attorney Nelson: If you look at the bottom where it says at 198-articles found and then the paragraph along that, just delete that.

Supervisor Myers: I make a motion that we amend the resolution to delete the portion beginning with "Add Section 198-30." Seconded by Councilman {Krakower}.

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

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

AMENDED

11:02-11 APPROVE Poughkeepsie Day School 5K Fun Run On
November 19-2011 From 8:00 AM To 9:30
AM From Day School Down Boardman
Road & Zack's Way To Route 376 & Back

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Poughkeepsie Day School to hold a 5K Run on Saturday, November 19, 2011 at 8:00 AM to 9:30 AM on Boardman Road and Zack's Way to Route 376; 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. Eagleton/T. Tancredi

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

Town Clerk Miller: Just an announcement. From now on, if you have a Run, you have to notified the neighbors that are going to be in the closed off roads and Arbor Court is one of the roads being closed off and I've been assured by the person who is handling this, that they will have the list of the 8 people that own those houses. (List has been attached to application)

11:02-12 AUTHORIZE Final Payment To Pannone, Lopes,
Devereaux & West, LLC Retained To
Represent Town In Negotiations For A
Contract To Operate Two Town Waste-
Water Treatment Facilities

RESOLUTION

WHEREAS, by Resolution 1:19-#4 of 2011 and a January 19, 2011 Letter-Agreement the Town retained Pannone, Lopes, Devereaux & West, LLC to represent the Town in negotiations for a contract to operate two Town wastewater treatment facilities; and

WHEREAS, the budgeted estimate for the fees was \$50,000; and

WHEREAS, the contract in question has been negotiated, approved and executed; and

WHEREAS, Pannone, Lopes, Devereaux & West, LLC has submitted an application for payment in the total amount of \$65,000, plus disbursements of \$6,000, together with time records indicating that its services, if billed at the rates in the letter Agreement, would have been substantially more; now therefore

BE IT RESOLVED, that the payment to Pannone, Lopes, Devereaux & West, LLC of \$31,484.50 being the balance due on total fees of \$65,000, together with reimbursement for disbursements of \$6,000, be and the same is hereby approved.

SO MOVED: J. Conte/S. Krakower

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

11:02-13 NOTIFICATION

Notice Form To Town For Liquor License
Renewal For Thai Spice Located At 28
Raymond Avenue

REVIEWED BY TOWN POLICE
NOTED BY TOWN BOARD

11:02-14 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. Budget Modification | Highway – Storm Cleanup |
| SC 2. Set Date for Public Hearing | 2 Oak Grove Lane – Unsafe Building |
| SC 3. Authorize | Filing an Application for Funding From NYS Office of Parks, Recreation & Preservation for the Recreational development of 2.4 Acres of the Town & City Water-Front and Greenway Trail |
| SC 4. Authorize Supervisor To Sign | Amendments to 2008 and 2009 Community Block Grant Agreements |

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

SO MOVED: M. Cifone/J. Conte

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

Nays: None

CARRIED: 7-0

11:02-SC 1 BUDGET
MODIFICATION

Highway Department For October 29, 2011
Storm Clean Up

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 clean up after the storm of October 29, 2011 with the intent of reimbursing our Highway Surplus with anticipated FEMA Funds, as follows

INCREASE:

DB 5110-0481	Contracted Services	\$100,000.00
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TO:

DB 909	Appropriated Fund Balance	\$100,000.00
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SO MOVED: S. Krakower/T. Tancredi

Marc Pfeifer: Everybody knows that Mother Nature hates us lately. My original intent, I was hoping after our snow storm, that with the brush everywhere. It would be great if we could help everybody and pick up all their stuff. But looking around the Town and with everything I see, it would be impossible to do such a task with leaf season and more snow coming, Lord knows when. We don't have the manpower to pick up brush and leaves at the same time, so we started picking up leaves in the Third Ward and we picked up some of the brush we pushed off during the storm. We are in the Third Ward three days now and hopefully we will finish tomorrow. So, what I would like to do is to be able to hire Contractors through our rental rates to pick up the brush ahead of us so we can pick the leaves up. There is no way we can do it ourselves with the leaves. It takes us almost to Christmas to pick up the leaves as it is, without the brush. We have to clear the right of way, no matter what, but what I am asking is that I would like to open the Transfer Station for the next two Saturdays and let the people bring the branches down to us and open the Transfer Station for BRUSH ONLY. If we have to put on a third Saturday, then we could. I'm asking the residents to PLEASE, DO NOT ADD TO THE PILES THAT ARE IN THE STREET. The hours will be 7-3.

Councilman Krakower stated that the Highway Department really works during this time of the year with the leaves, snow and now with the brush on top of it and he really commends them and thanks them for what they do.

Councilman Conte cited an incident where the Highway cleared a road in record time during the storm to avoid any mishaps and he commended the Department on the job well done.

Councilman Cifone asked if Central Hudson was taking any brush away at all and Marc Pfeifer stated that they have been working hard also and he commended them for their job and stated that they are working 16 hour days. He stated that they are the only people that have a worse job than our Highway Department right now.

Marc Pfeifer stated that at this point, the \$100,000 dollar amount stated isn't going to make it. It will be more like \$200,000. I don't know what we have in our surplus or where we can take it from. But, regardless, we have to clear the right-of-ways regardless.

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

Nays: None

CARRIED: 7-0

11:02-SC 2 SET DATE FOR
PUBLIC HEARING

Dangerous & Unsafe Building Located At
2 Oak Grove Lane

RESOLUTION

WHEREAS, the Building Department of the Town of Poughkeepsie pursuant to Town Code Section 71-5 has made a report (Exhibit A) to the Town Board of the Town of Poughkeepsie regarding 2 Oak Grove Lane, Town of Poughkeepsie, County of Dutchess, State of New York, Tax Grid No. 6159-02-616709 ("The Premises"), the owner of record being Donald Evans and Anita Evans, 2 Oak Grove Lane, Poughkeepsie, NY 12603; and

WHEREAS, on the basis of such report, the Building Department has formed an opinion that the building on the Premises ("the Building") is dangerous and unsafe to the general public, open at the doorways and windows, accessible to minors, vagrants, trespassers and crime suspects, and that it presents a fire hazard; now therefore.

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie pursuant to Town Code Section 71-6 finds as follows:

1. The report of the Building Department supports a finding by the Town Board that the Building and a stagnant swimming pool are currently unsafe and in dangerous condition, constitute a public health threat, a public safety threat and are a hazardous condition; and
2. That the Building must be immediately secured in a manner acceptable to the Building Department to prevent further unauthorized entry and use and to reduce the fire hazard, that any solid waste on the Premises must be immediately removed, and that the pool must be drained because they constitute a public health and safety hazard; and
3. That the Premises' owners have heretofore been served with an Order to Remedy dated October 18, 2011 (see Exhibit A attached hereto); and
4. That notwithstanding the issuance of the Order to Remedy the Building and pool are currently unsecured, dangerous and in violation of the Orders to Remedy; and

5. That an Order, including notice of a Public Hearing, shall be issued and served upon the owner of record, by serving a copy of the same upon them personally or by Certified Mail, Return Receipt Requested, to their last known address, as the same appears on the records of the Assessor of the Town of Poughkeepsie, and if such service is made by mail, a copy of such Order shall also be posted on the Premises on the date of mailing, such service to be made at least five (5) days before the Public Hearing; and
6. That the said Notice shall contain the following information:
 - A. A description of the premises.
 - B. A statement of the particulars in which the building and pool are unsafe or dangerous.
 - C. An order outlining the manner in which the building and pool are to be made safe and secure or demolished and removed.
 - D. A statement that the securing of such building and the pool draining shall commence immediately, and in no event less than within thirty (30) days of the service of the Notice and shall be completed within sixty (60) days thereafter, unless for good cause shown such time shall be extended by the Building Inspector; and
 - E. That in the event of neglect or failure to timely comply with the Order to secure the Building and drain the pool, the Town Board is authorized to secure the Building and drain the pool, to assess the expense therefore against the Premises and to institute a proceeding to collect said expenses; and
 - F. That in the event of a failure to comply with the Order, the Town Board intends to direct, after a Public Hearing, that all Town expenses relating to this Resolution and Order and the work performed by the Town and its contractors pursuant thereto be assessed against the Premises and levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy; and
 - G. That a Public Hearing on the Order and the recovery, levy and collection of Town expenses will be held before the Town Board on the 16th day of November, 2011 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY; and
7. That the Town Clerk of the Town of Poughkeepsie shall file a copy of the Notice so served in the Office of the County Clerk of the County of Dutchess; and

8. That the Town of Poughkeepsie reserves all of its other rights and remedies as to the Building and Premises.

9. That this resolution shall take effect immediately.

SO MOVED: T. Tancredi/J. Conte

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

Nays: None

CARRIED: 7-0

REPORT ON AND PICTURES ATTACHED TO FINAL BOOK COPY

11:02-SC 3 AUTHORIZE

Filing An Application For Funding From NYS Office Of Parks, Recreation & Historic Preservation For The Recreational Development Of 2.4 Acres Of The Town & City Of Poughkeepsie Waterfront & Greenway Trail

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize and direct the Supervisor to file an application for funding from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$800,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance for the recreational development of 2.4 acres of the Town and City of Poughkeepsie Waterfront and Greenway Trail; and

BE IT FURTHER RESOLVED, the filing of this application is a Type II Action requiring no environmental review.

SO MOVED: Supervisor Myers/R. Lecker

Neil Wilson, Development Director: This matter is on for Special Consent because it was actually brought to my attention late yesterday. It's actually related to the O'Neill-Dutton Project. Most of which is in the City of Poughkeepsie, and part of it is in the Town, but this has to do with the section along the immediate waterfront, which is, in fact, still owned by the State of New York. One of the things that I've been working with the developer in the City to impress on the developer that any project down there needed to include a cleanup of the strip of land owned by the State, ultimately would be conveyed either to the Project Development or to the Town or City respectively. We still have to work that out. The early project plans basically stopped short of the shore line, leaving that to be determined later. The developers recently came to understand they don't have any project approvals from either the City or the Town without incorporating

some plan for a waterfront walkway that would connect through the City from Dutchess Avenue up to the Vassar Boathouse property, for which, the Town also has access easements that connect further up to the Marist properties as well. There was apparently a scramble on the part of the applicant to pull this thing together, is why it came to me very late. I actually have a plan that they presented to me, but it was a large document format and I couldn't get it printed, but I can certainly e-mail it to the member. But, the bottom line is that this application needed to be submitted, I believe yesterday was the deadline, so it's gone in and the resolution that you are being asked to pass tonight is to submit the application. The City Common Council doesn't meet until next Monday, but they have on their agenda a similar resolution.

Supervisor Myers: I'm really confused. This is for a grant that we, the Town, is seeking for property we don't own for a developer that we don't care about.

Neil Wilson: Well, I don't know that we don't care about it, but ultimately you will be asked to take some action on the underline rezoning that they need.

Supervisor Myers: I understand that, but why are we seeking an \$800,000 Grant for property that we don't own? The State owns this property still.

Neil Wilson: We are not doing anything on the property, but the City and Town are the only ones eligible to make an application for the money. The \$800,000 is the max that they will allow to be applied for. There is still a significant shortfall. It still has to be made up for by the applicant to actually create the waterfront area.

Councilman Krakower: Now, would the money come back to the Town or would the Town have to manage that grant? Or does the State pay it directly to the developer after its approval?

Neil Wilson: My understanding is that it comes back to us ultimately for management.

Councilman Krakower: Ok, see there is the point I would be uncomfortable with. Because the developer hasn't done much to keep the Town very much in the loop in the process. So, for us to try and get \$800,000 for these people really doesn't make sense to me.

Supervisor Myers; How much does the City have to pay or is it joint?

Neil Wilson: It's a joint venture. It's the same monies.

Councilman Cifone: I say, let the City apply for it and they have our permission to do the cleanup.

The Council in general all agreed that, let the City deal with it.

ROLL CALL: Ayes: None

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

FAILED: 0-7

11:02-SC 4 AUTHORIZE
SUPERVISOR
TO SIGN

Amendments To The 2008 & 2009
Community Development Block Grant
Agreements With The County Of
Dutchess For The Arlington Sidewalks
Project

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign an amendment to the 2008 Community Development Block Grant Agreement with the County of Dutchess, which amendment reflects the recapture of \$1,969.00 of unexpended funds from the completed 2008 Arlington Sidewalks project; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign an amendment to the 2009 Community Block Grant Agreement with the County of Dutchess, which amendment reflects the recapture of \$2,252.64 of unexpended funds from the completed 2009 Arlington Sidewalks project; and

BE IT FURTHER RESOLVED, that this is a Type II Action requiring no environmental review.

SO MOVED: R. Lecker/S. Krakower

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: Supervisor Myers/S. Eagleton

CARRIED: 7-0

Councilman Krakower: I just want to say something. One of our officers was in an accident this past week and it was my understanding that it was a head-on collision, which has to be a traumatic event and I guess once everything stopped moving, she actually climbed out of the car and assisted the other motorist, which I think is kind of amazing and impressive that through all that trauma, she continued to do her job and had to go to the hospital by ambulance to be treated. I think she is doing ok now and on the mend. I just found that to be very impressive. So, I hope officer Corbett is doing ok and on the mend and will be back soon.

Rob Rubin: I would also like to compliment the Highway Department and the Police Department during the recent storm. Their interaction was seamless and amazing. I know we talked a lot about the storm, I just want to ask that please, last meeting, there was a petition presented to the Board to review a drainage situation problem along Sutton Park Road there is a small creek behind certain homes and I'm asking that still be kept on someones list for consideration.

Supervisor Myers: We did not forget about it.

Jim: I made up a handout here, which shows the plans and some pictures for Germano's property. I don't know if it was Neil or the lawyer or what happened, but one day Germano took down the fence and put up a new one and the whole event took one day. On the first sheet I made some comments. My only question is, where do we go from here, since we don't have an approved plan? So, what is going to happen next?

Supervisor Myers: I think you have to talk to Neil Wilson on that. At least there is some progress, however. That's encouraging.

Jim Tuttle: I was here on October 19th concerning the water problem. I would like to find out what has occurred since October 19th when I was here and asked that this problem with Kensington Lane and Stafford Lane and a legal action.

Town Attorney Nelson: From my perspective, Mr. Tuttle, I did go out and looked at the site and took a look at the down grade into your basement as shown in the pictures. I met with Don Beer, who is the Town Engineer. The question was raised as to whether perhaps what was the product of a 150 year storm. Don Beer confirmed to me is that the runoff problem that exists there is one that is not just a product of that storm, but is an ongoing problem. I have had probably two conversations with the attorney who represents the developer. I have not sent out the notice to "call the bond", it was obviously my intention to get it done more promptly, but I didn't, but we do know that this is a problem more generic and not related just to the one incident. We told the attorney for the developer that we want a response to this to expand the drainage system that was done so this won't happen again and we were promised that the drainage study that was undertaken by the project owner was going to be received either Friday or Monday, but my understanding is that it has not yet come in. So, that's where we are at this time.

Councilman Tancredi: Jim, once we pull that bond do they have time to do it?

Jim Nelson, Attorney: Actually, this bond requires that we give them 30 days notice to come in. If the developer is co-operative, that would be good, because the work would come in and be done by them without us wrestling with the bonding company and then get the work done ourselves. It could actually work out for the better.

Michelle McCourt: I'm the owner of the property across the street where the majority of that run off runs through my back yard and has been since they started the development

of this property. It definitely is not a generic thing. It's been there. The property was owned by my grandfather before me and he had the problem, but it was a very little runoff. The problem really didn't intensify until they started building that development. Storm after storm and just a pretty decent rain storm, there is a river running down my back yard. It's gotten such that it is not impeding the next door neighbor and going across Route 44. Aside from the ruining all our personal property and our home, God Forbid, if there is an accident on that road and someone gets killed as a result of that water running off of the properties. I know I don't want to be liable for it. It needs to be addressed quicker than what's been happening. Your prompt attention would be appreciated, especially before winter setting in with the ice on the highway, etc.

Jim Nelson, Attorney: I do appreciate the reminder and I will get the notice out and we have to give them 30 days. You're right, it does need to be taken care of and I will.

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

CARRIED: 7-0

RESOLUTION

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

1. Litigation: To discuss litigation strategy in a case known as Ginsberg.
2. Contract negotiations
3. Personnel matters, to wit: To discuss the employment history of particular individuals who need not be identified at this time.
4. Confidential communication between attorney and his client/Town Board based on attorney/client privileges.

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

SO MOVED: Supervisor Myers/M. Cifone

CARRIED: 7-0

POLICE CHIEF MAURO WAS INVITED INTO EXECUTIVE SESSION

BOARD MEETING ADJOURNED AT 8:30 PM

INTO EXECUTIVE SESSION AT 8:37 PM

BACK FROM EXECUTIVE SESSION AT 9:03 PM
NO ACTION WAS TAKEN

Motion made to close the meeting: Supervisor Myers/M. Cifone CARRIED: 7-0

SJM:lk

MEETING CLOSED AT 9:04 PM