

**MINUTES OF A SPECIAL AND REGULAR TOWN BOARD
MEETING HELD ON DECEMBER 7, 2011 AT 6:30 & 7:38 PM AT
TOWN HALL, ONE OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

PRESENT: Councilman Lecker
Councilman Eagleton, Deputy Town Supervisor
Councilman Conte
Councilman Cifone
Councilman Krakower
Councilman Tancredi
Town Attorney Nelson
Town Clerk Miller

ABSENT: Supervisor Myers

* **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 the 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

SPECIAL TOWN BOARD MEETING

6:30 PM

Motion made to adjourn to Executive Session: Deputy Supervisor Eagleton/J. Conte

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None

CARRIED: 6-0
CARRIED: 6-0

12:07-SM1 ADJOURN TO
EXECUTIVE SESSION

To Enter Executive Session To
Consider Following Matters:

A. Confidential Communication
Between Attorney And His
Client, The Town Board, Based
On Attorney/Client Privilege

12:07-SM 2 ANY OTHER MATTER

That May Legally Come Before The
Town Board

INTO EXECUTIVE SESSION AT 6:35 PM

BACK FROM EXECUTIVE SESSION AT 7:37 PM

NO ACTION WAS TAKEN AT EXECUTIVE SESSION

EXECUTIVE SESSION ADJOURNED AT 7:38 PM

REGULAR TOWN BOARD MEETING

DECEMBER 7, 2011

7: 38 PM

7:38 PM

CALL TO ORDER

SALUTE THE FLAG

Councilman Tancredi requested a moment of silence. The Arlington Business Improvement District lost a good man, the Director of the District, Robert Raisch past away last week end. MOMENT OF SILENCE OBSERVED

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

ABSENT: Supervisor Myers

Councilman Tancredi: Before we begin, I would like to ask Michael Cavalier from COVANTA ENERGY, INC. to come forward with a special presentation. COVANTA ENERGY this past Fall took it upon themselves to get some employees together for a community project and that was to find a park in the Town, which so happened to be Crown Heights Park in Councilman Krakower's Ward, (Ward 5). They got together and did some painting of fences and trimmed a lot of shrubs and pruning and just a general clean up of the park and they came to the Recreation Director Mr. Tom Meyering and myself with the idea and I just think it is really nice when companies and businesses within the community want to give back to the community. They also, in addition, made a financial contribution of \$1,000 to the Recreation Department and I thought it was important to have them come in tonight and recognize the contributions they made to the community because it is something special and I have a proclamation I would like to read and present to Mr. Cavalier.

PROCLAMATION

WHEREAS, COVANTA ENERGY operates energy from waste facility on Sand Dock Road and

WHEREAS, COVANTA ENERGY, INC. adopted the Town of Poughkeepsie Crown Heights Park and resident employees of COVANTA ENERGY, INC. have donated many hours of their time cleaning and repairing the facility of Crown Heights Park and

WHEREAS, COVANTA ENERGY, INC. has made a significant donation of funds for park improvements,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby comment and thank COVANTA ENERGY, INC. for their outstanding community services.

**DATED: December 7, 2011
PATRICIA MYERS,
TOWN OF POUGHKEEPSIE SUPERVISOR**

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

CARRIED: 6-0

Rob Rubin: I would personally like to thank, on this day of infamy, the men and women who honorably served the United States and helped us secure our freedoms. I have a question regarding Special Consent Item #1. Actually, it's just a statement. I'm curious to know, I really think that these types of engineering services should be bid because as I've been attending these Town Board Meetings for these last few years, I don't every recall seeing engineering services from the Morris Company ever bid out and it appears to me that the Town Board considers Morris to be a sole source type of an entity here and I don't believe that to be true and so I would ask, please, that going forth, that these types of services be put out to public bid for future endeavors in this Town.

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

CARRIED: 6-0

12:07-01 SET DATE FOR
PUBLIC HEARING

Amend Town Code, Chapter 105, Entitled
"Fees", Specifically Section 105-4 "Fee
Schedule", O. Chapter 154 "Plumbing"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 14th day of December, 2011 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and place of a public hearing to consider an amendment to the Town Code, Chapter 105, entitled "Fees", specifically Section 105-4 "Fee Schedule", O. Chapter 154, Plumbing, to

reduce the annual plumber's license renewal fee from \$350.00 to \$250.00, which amendment would be as follows:

AMEND Section 105-4. Fee Schedule. O. Chapter 154, Plumbing to read:

O. Chapter 154, Plumbing

(3) Plumber's License Renewal \$250.00

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/T. Tancredi

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

CARRIED: 4-2

12:07-02 SET DATE FOR
HEARING

Makan Land Development-One, LLC
For Escrow Funds Default

RESOLUTION

WHEREAS, pursuant to Chapter 106 of the Town Code, Makan Land Development-One, LLC ("Makan") is in default of reimbursing the Town for consulting fees expended by the Town for the Tamarack Subdivision project; and

WHEREAS, on October 3, 2011 Makan was advised by the Town's Director of Municipal Development that an escrow payment and deposit of \$12,000 was required; and

WHEREAS, as of this date no response has been received by the Director of Municipal Development, and there is currently due a balance of \$12, 615.00; now therefore

BE IT RESOLVED, that pursuant to Town Code Section 106-1 (G)(2), the Town Board does hereby set the 18th day of January, 2012 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, as the time, date and place of a hearing at which Makan may be heard to object to charging said \$12,615.00 against the real property constituting the Tamarack Subdivision by adding that charge to and making it a part of the next annual real property tax assessment roll of the Town; and

BE IT FURTHER RESOLVED, notice of this hearing shall be given to Makan pursuant to Town Code Section 106-1(G)(2); and

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

SO MOVED: J. Conte/R. Lecker

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

12:07-03 BUDGET Recreation For Storm Cleanup In Town
MODIFICATION Parks

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 for storm cleanup in Town parks, which monies to be reimbursed by FEMA, as follows:

FROM:

A 7110-0481	Parks – Contracted Services	\$1,500.00
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TO:

A 7110-0116	Seasonal Labor	\$1,400.00
A 7110-0811	Social Security	100.00

SO MOVED: M. Cifone/J. Conte

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

12:07-04 AUTHORIZE Justice Court Assistance Program
SUPERVISOR 2011 Grant Application
TO SIGN

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute all papers necessary and proper for the grant application for the Justice Court Assistance Program 2011; and

BE IT FURTHER RESOLVED, that this application will benefit the Town of Poughkeepsie Court Facilities for office equipment and security related equipment not to exceed \$30,000.00.

SO MOVED: S. Krakower/R. Lecker

Councilman Cifone: Did the Judge involved write this grant? Do you know who wrote it?

(Inaudible)

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

12:07-05 AUTHORIZE Mobile Life Support Services, Inc. For
SUPERVISOR Ambulance Service For The New Hamburg
TO SIGN Ambulance District For Years 2012-2013

RESOLUTION

WHEREAS, Mobile Life Support Services, Inc. has agreed to provide ambulance service for the New Hamburg Ambulance District for the calendar years 2012 and 2013 at its 2011 cost to the Town of \$2,729.00 per month (\$32,754.00/year); now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute an agreement with Mobile Life Support Services, Inc. for ambulance service for the New Hamburg Ambulance District for the calendar years 2012 and 2013, which cost to the Town is \$2,729.00 per month (\$32,754.00/year).

SO MOVED: T. Tancredi/M. Cifone

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

12:07-06 AUTHORIZE Tax Certiorari Settlement For Overlook
Golf Center, 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 Overlook Golf Center, Inc. for the tax assessment roll of 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: S. Eagleton/R. Lecker

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

STIPULATION SETTLEMENT AND ORDER ATTACHED TO FINAL BOOK COPY

12:07-07 AUTHORIZE Tax Certiorari Settlement For
Michael De Cordova

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 Michael De Cordova for the tax assessment roll of 2011 as shown on the attached memorandum from the Town Assessor; and

BE IT FURTHER RESOLVED, that Kathleen Taber, Town Assessor is hereby authorized to sign such papers as are necessary to effectuate the settlement.

SO MOVED: R. Lecker/J. Conte

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

MEMORANDUM ATTACHED TO FINAL BOOK COPY

12:07-08 CONSENT Town Planning Board To Be Lead Agency
For Vassar College Science Building Project

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby consent to the Town of Poughkeepsie Planning Board acting as Lead Agency for the project known as Vassar College-Science Building, 124 Raymond Avenue.

SO MOVED: J. Conte/M. Cifone

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

12:07-09 AUTHORIZE

2011 Compensation Modification For
Craig Wallace, Esq. as Counsel To The
Town Attorney

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie (the "Town Board") on January 5, 2011 by Resolution 1:5 - #14 of 2011 designated Craig Wallace, Esq. as counsel to the Town Attorney to provide code enforcement advice and litigation in the Town of Poughkeepsie Justice Court as to various matters during 2011 at the hourly rate of \$155.00 per hour, not to exceed \$47,500.00 for the year; and

WHEREAS, Mr. Wallace's time spent providing these services will exceed the amount allocated therefore; and

WHEREAS, Mr. Wallace has requested that he be compensated for the additional service he is providing to the Town; and

WHEREAS, the services rendered enhance public safety in the Town and have been revenue positive; now therefore

BE IT RESOLVED, that the 2011 cap of \$47,500.00 is increased by \$4,400.00 to \$51,900.00.

SO MOVED: M. Cifone/J. Conte

Councilman Cifone: I've been in the Court and we are packed and Craig is doing a real good job and it will save us a lot of money on over time in having Craig there instead of police officers. This is actually a good investment.

Councilman Conte: Has there been an increase in the amount of cases that they've handled. Is this why the increase in time he is asking for?

Councilman Cifone: He has been able to settle more cases and the court is moving more efficiently.

Councilman Conte: Isn't this the second year we've done this with him?

Councilman Cifone: We started it last year.

Councilman Conte: Has there been an increase in cases?

Councilman Cifone: We've solved a lot more cases this year and we are making more money coming into the court with the tickets that are being generated.

Councilman Krakower: He's prosecuting, also, the ones from the State Troopers, I believe, as well. Also, the cases used to be dismissed if the officer didn't show up, but more cases are being settled now instead of being dismissed. So, more cases are being disposed of in a more efficient manner and effectively more fines are being paid. It seems to be working out very well. And to answer your question, "Yes, there was more work involved than initially expected."

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

12:07-10 APPROVE Rollover Of Forty (40) Hours Of Unused
2011 Vacation Time To 2012 For Carmine
Crispi

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the rollover of forty (40) hours of unused 2011 vacation time to 2012 for Carmine Crispi.

SO MOVED: S. Krakower/R. Lecker

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

12:07-11 APPROVE Rollover Of Forty (40) Hours Of Unused
2011 Vacation Time To 2012 For Franco
Zani

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the rollover of forty (40) hours of unused 2011 vacation time to 2012 for Franco Zani.

SO MOVED: T. Tancredi/M. Cifone

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

12:07-12 ACCEPT Contribution From Konover Development
Toward Installation Of An Opticon Device
At To DeGarmo Road/Route 44 Intersection

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept a contribution from Konover Development in the amount of \$6,000 toward the installation of an Opticon Device at the DeGarmo Road/Route 44 intersection.

SO MOVED: S. Eagleton/J. Conte.

Councilman Conte: That Walgreens is now in business and it is really starting to come along nice and they've got that intersected there.

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

12:07-13 AUTHORIZE Tax Certiorari Settlement For Shady
Brook Trailer Park, 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 Shady Brook Trailer Park, Inc., for the tax assessment roll of 2009/10, 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 is hereby authorized to sign such papers as are necessary to effectuate the settlement.

SO MOVED: R. Lecker/J. Conte

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

SETTLEMENT AND ORDER ATTACHED TO FINAL BOOK COPY

12:07-14 AUTHORIZE Special Permit To Allow The Post-
Subdivision Maintenance of Three
Existing Meters On 25 Van Wagner
Road

RESOLUTION

WHEREAS, the owners of 25 Van Wagner Road have a pending application before the Town Planning Board for subdivision and site plan approval for the development of a portion of that premises as the Van Wagner Office Park, and

WHEREAS, by reason of the fact that there are three (3) pre-existing separately water metered structures on the premises, which structures will remain after the

subdivision is completed, the owner has requested a waiver pursuant to Town Code Section 203-6 A; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby grant a Section 206-6 A special permit to allow the post-subdivision maintenance of the three existing meters on the applicant's parcel, which special permit is revocable at the discretion of the Town Board; and

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

SO MOVED: J. Conte/R. Lecker

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

12:07-15 AUTHORIZE Waiving Of Any Sign Permit Fees & Other
Related Fees To The Arlington Fire District
To Replace Sign Located At The
Headquarters Building On 11 Burnett
Boulevard

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive any sign permit fees and other related fees to the Arlington Fire District to replace the sign located at the headquarters building on 11 Burnett Boulevard.

SO MOVED: M. Cifone/S. Eagleton

Councilman Cifone: I believe this sign was damaged during the storm and that's why they are replacing it.

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

12:07-16 AUTHORIZE Michael T. Flynn & Joann E. Flynn Deed To
SUPERVISOR Release Restrictive Covenant With Terms
TO SIGN & Conditions

RESOLUTION

WHEREAS, Michael T. Flynn and Joann E. Flynn (collectively "the Flynn's") are the owners of an approximately 3.5 acre parcel of real estate located at 2432 New Hackensack Road, in the Town of Poughkeepsie ("Parcel I"); and

WHEREAS, the Flynns also own a 50' x 124.07' +/- parcel ("Parcel II") which abuts the west side of Parcel I, which Parcel II was purchased from the Town by Deed recorded August 9, 2007, which deed included a covenant providing that on Parcel II "there shall be no permanent structures and/or bushes, trees, shrubs---except an approved driveway to access other properties of the Grantee herein"; and

WHEREAS, by Resolution 10:1 - #10 of 2008 the Town Board offered to take back title to Parcel II and to refund to the Flynns the purchase price for it; and

WHEREAS, the Flynns have declined the Town's offer and have requested that the restrictive covenant be lifted in exchange for other development restrictions of Parcel II; now therefore

BE IT RESOLVED, that the Supervisor is authorized to execute such documents as may be required to effectuate the release of the aforesaid restrictive covenant on the following terms and conditions:

- The deed to Parcel I shall provide that it may be subdivided to create no more than two (2) additional single family residential lots, for a total of three (3), which two additional lots may be accessed over Parcel II, and
- The deed to Parcel II shall provide that the development of Parcel II will be limited to the installation, at the sole cost of the Flynns or their successors, of a public road, as the same may be approved by the Town Highway Superintendent, together with the sewer, water, lighting and utility service, curbing, drainage and other improvements as are required by the Highway Superintendent, the Planning Board and any other governmental agencies or authorities, and
- Any new residential lots created out of Parcel I shall have a vegetative buffer thirty (30) feet from the east and west property lines, excluding the Town's to-be titled 50' wide road right-of-way, which buffer shall maintain the existing healthy vegetation and any additional vegetation which may be required by the Planning Board, and
- The subdivision of Parcel I and the development of any lots thereon shall be subject to compliance with all applicable state, local and federal laws, rules and regulations; and
- The Flynns confirm their waiver and release of the Town's proffered refund of their purchase price for Parcel II and of any other claim or cause of action which they may have or claim to have against the Town, its officers, employees, agents and representatives; and

BE IT FURTHER RESOLVED, that this is a Type II Action pursuant to SEQR and no environmental review is required.

SO MOVED: S. Krakower/J. Conte

Councilman Tancredi: I think there is a couple of residents here to speak on this issue and so I would like that we suspend the rules to give them an opportunity to speak.

Seconded by Councilman Lecker

CARRIED: 6-0

Antoinette Petcono: I am here to speak on the three plots request. In 2008, Mr. Flynn asked the Town Planning Board for approval to subdivide and build on this property. The Planning Board stated that this is contingent on the approval of the Town Board. In 2007, a master plan was voted on by the Board to prohibit the building on flag lots. So, I ask, why are we here a third time voting on the same issue that was unanimously voted against by this Board? What has changed? We, the residents of Carriage Hill, are confused and concerned why this issue keeps coming up for a vote. Is the Board being pressured and harassed by Mr. Flynn? Two years ago many of the residents of Carriage, Sunrise Lane and Surry Lane signed a petition which was presented to the Board opposing this plan by Mr. Flynn. I'm certain that a few signatures were received by Mr. Flynn, but I'm sure these residents are not directly affected. As we all know, many storms this past year have happened and many residents have come before the Board asking for help. Example, Stratford Farms because of a flooding issue. We even have a few items on tonight's agenda where a few residents are suing the Town for reimbursement for flooding damages to their homes. I'm sure each time a well intended developer comes before the Town.... Please do not let your decision tonight result in a problem for a future Board. We the residents of Carriage Hill are asking the Board to stick to your initial unanimous decision against Mr. Flynn's Plan.

Alphonso Brown also spoke on this issue.

Councilman Tancredi spoke saying that a number of residents sent letters to him and he requested that they be added to the record herein:

FOUR MORE LIKE LETTERS ARE ATTACHED TO FINAL BOOK COPY

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

CARRIED: 6-0

Councilman Krakower: When the Town Board sold him this land, there was no prohibition against Flag Lots and he could have gone to the Planning Board and gotten approval and there were delays, some on his side of the table and some on the Town's side in getting this processed and we were in the middle of updating our Comprehensive Plan and updating our Zoning Ordinance, if that was not the case, I'm pretty sure there would be two new houses there already because the Planning Board was in full support of

the project. The other side of it is there were delays. I don't believe that this Town Board is specifically responsible for what took place. Some of those delays, though, came in the direction of discussions on sewer agreements and a lot of other things that delayed this project. During that process, the Master Plan and Zoning Ordinances got updated and prohibition was put in place against Flag Lots. When Mr. Flynn bought this property from the Town I think he was effectively buying just a "paper road". That lot is perfectly in size for a "paper road". So, if you are looking at it from the point of view of "Buyer beware" that lot is perfectly sized for a "paper road". The rules of the game changed in the process and I don't know who to say owns 100% of the blame, but I think this Town Board has been consistent in its position with "Flag Lots". If when we sold that property to Mr. Flynn, if he had come in and told us that his purpose of buying this land was for the purpose of building houses back there and somewhere in the process the rules changed, I think there is a hardship that has been created... In my honest opinion, when we sold this land, if everything happened according to what the plans were there and what the Town Board was aware of, he would have built two new houses. A lot of things changed and the finger could be pointed at many things, but the reality is, I've always been opposed to changing the laws on "Flag Lots" to accommodate one person and I've argued before on issues where I think it's a bad idea to change Town Law to impact one property owner and benefit another property owner. I think when you change Town Law, you create problems potentially everywhere. In this situation, I think the only way we create this same problem is if we sell someone a "paper road" that the Town owns knowing they are going to build on and then change the rules and make it now "unbuildable" then we create the same type problem. So, I don't think we are setting any precedent or creating a new problem in other parts of the Town and somewhere in the process fairness comes into play....

Councilman Conte felt that putting homes in there would create more flooding problems in that area and that's the circumstances he didn't want to see happen to the residents there. Is there a way we can put a bond in place to promise that if these residents have flooded basements that there would be some kind of stipend we could pull from them to protect these residents?

Councilman Cifone: That is something Mr. Flynn would have to agree to and talk to his attorney about that. For the record, I've always been trying to find a way to mediate this because I do feel for the neighbors as well as the Flynn's because I do believe we told them they need to get approval from the Planning Board for the "Flag Lot" and he could not get it and then in June we did change things and I've always been in favor to mediate for one house to be built on this subdivision, not two. So, I'm a little disappointed to see two coming back on this because I would be in favor of meeting half way, with one. I don't believe we are voting on this tonight, so if Mr. Flynn is in favor of tabling this until he talks to his attorney, so be it.

Motion made to Table until December 14, 2011 Town Board Meeting: S. Krakower/R. Lecker

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower,
Nays: Councilman Tancredi

CARRIED: 5-1

12:07-17 ACCEPT

2011 Town Board Minutes:
October 12 Committee of the Whole
Meeting
November 2 Regular Town Board Meeting
November 9 Cancelled-Committee of the
Whole Meeting
November 16 Regular Town Board Meeting

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the minutes for the following 2011 Town Board Meetings, to wit:

October 12 – Committee of the Whole
November 2 – Regular Town Board Meeting
November 9 - Cancelled Committee of the Whole Meeting
November 16 – Regular Town Board Meeting

SO MOVED: T. Tancredi/J. Conte

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None

CARRIED: 6-0

12:07-18 APPROVE

Amended Development Plan Application of
Clearwire US, LLC For New Equipment On
Existing Antenna Mounts At 20 Barnes
Drive

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the Amended Development Plan Application of Clearwire US, LLC for new equipment on existing antenna mounts at 20 Barnes Drive, Town of Poughkeepsie, pursuant to the attached memorandum dated December 2, 2011 from the Town Planner; and

BE IT FURTHER RESOLVED, that this action is a SEQRA Type II Action and requires no further environmental review.

SO MOVED: S. Eagleton/J. Conte

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

MEMORANDUM ATTACHED TO FINAL BOOK COPY

12:07-19 AUTHORIZE/DIRECT Water Department To Repair A Water
Service Line Leak At 13 Denver Place

REMOVED FROM AGENDA

12:07-20 NOTIFICATION Town Of Hyde Park Will Hold A Public
Hearing At Town Hall On December 12,
2011 in Hyde Park At 7:00 PM To Introduce
For Adoption Of Proposed Local Law C Of
2011 To Amend The Zoning Map Regarding
1433 Route 9G

NOTED BY TOWN BOARD

12:07-21 NOTICE OF CLAIM Dr. Craig Fisher, Anthony Zito, Ali Duale &
Craig Feduke V Town & Town Highway
Department For Negligence To Maintain,
Monitor & Upgrade Town Storm Water
Pumping Station So As To Prevent
Neighboring Properties From being
Damaged From Storm Water Collected In
The Facility

REFERRED TO LEGAL DEPARTMENT

12:07-22 NOTICE OF CLAIM Kathleen McKenna-Heller V Town For
Broken Axel On Automobile Due To
Running Over Grate In Road

REFERRED TO LEGAL DEPARTMENT

12:07-23 NOTICE OF CLAIM Peter Giangrasso V Town For Flooding Of
Basement In Home

REFERRED TO LEGAL DEPARTMENT

12:07-24 NOTICE OF CLAIM Gerald Sliss V Town For Damage To
Automobile Due To Striking A Manhole
With the Cover Missing

REFERRED TO LEGAL DEPARTMENT

12:07-25 NOTIFICATION

Notice Form For Renewal Application For
Liquor License For ADF Dutchess LLC
D/B/A Pizza Hut #22945

REVIEWED BY POLICE
NOTED BY TOWN BOARD

12:07-26 AUTHORIZE

Special Consent Items SC 1, SC 2, SC 3,
SC 4, SC 5, SC 6, SC 7, SC 8, SC 9, SC 10,
SC 11 and SC 12 (Added at Meeting)

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 to go to Bid | Roof Replacement – Arlington Wastewater Treatment Plant Thickener Building |
| SC 2. Accept | Property Damage Settlement – Liberty Mutual Insurance Co. |
| SC 3. Approve | Rollover of Twelve (12) hours of Unused 2011 Vacation Time to 2012 – Karen Schubert |
| SC 4. Accept | Course Certification – Patrick Rose |
| SC 5. Accept | Course Certification – Patrick Rose |
| SC 6. Accept | Course Certification - Carl Whitehead |
| SC 7. Accept | Course Certification – Carl Whitehead |
| SC 8. Accept | Course Certification – Marcy Marlow |
| SC 9. Accept | Course Certification – Richard Davison |
| SC 10. Accept | Course Certification – Richard Davison |
| SC 11. Notice of Claim | Wallace v. Town |

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: R. Lecker/J. Conte

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

12:07-SC 1 RETAIN

Morris Associates To Develop Plans &
Specifications For The Arlington Wastewater
Treatment Plant Thickener Building Roof
Replacement & For The Engineering Department
To Issue Bid For This Work

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby retain Morris Associates to develop plans and specifications for the Arlington Wastewater Treatment Plant Thickener Building Roof Replacement, at its stated hourly rates, with the total cost not to exceed \$14,000, and

BE IT FURTHER RESOLVED, that the Town Board finds that because Morris has already developed the plans and specifications for a portion of the roof work required at the Thickener Building that it would be in the Town's economic best interest to not seek other proposals, and

BE IT FURTHER RESOLVED, that the Engineering Department is directed, on receipt of the plans and specifications, to issue a bid for this work.

SO MOVED: J. Conte/M. Cifone

Councilman Eagleton urged the quick action on this Bid approval due to the urgency of getting this roof repaired.

Councilman Tancredi agreed.

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

12:07-SC 2 ACCEPT

Property Damage Settlement With Liberty
Mutual Insurance Company For Property
Damage Due To A Motor Vehicle Accident

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Attorney for the Town to accept and the Supervisor to execute the documents necessary to effect a settlement from Liberty Mutual Insurance Company in the amount of \$3,459.24 for property damage that was

sustained at the corner of Main Street and Raymond Avenue on July 3, 2011 due to a motor vehicle accident.

SO MOVED: M. Cifone/T. Tancredi

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

12:07-SC 3 APPROVE Rollover Of Twelve (12) Hours Of Unused
2011 Vacation Time To 2012 For Karen
Schubert

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the rollover of twelve (12) hours of unused 2011 vacation time to 2012 for Karen Schubert.

SO MOVED: S. Krakower/J. Conte

Councilmember's seemed to have an issue with the amount of time on this rollover.

Town Clerk Miller explained that Karen works both for the Town Clerk's Office and the Tax Department which are both very busy offices and she had to cover for illnesses as well as being extremely busy offices.

Councilman Conte: She can't take it within the next three weeks?

Town Clerk Miller: No, because other people are taking their time off.

Councilman Tancredi: We need to develop a policy where we can have some consistency.

Councilman Lecker: We need to devise a time line in the next year where they can take it within three months or six months because some people are stuck at the end of the year. And the manager may have a work load such that is too heavy for the take off.

Councilman Tancredi: I agree, we need to standardize the process better next year.

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

12:07-SC 4 ACCEPT The Course Certification For Patrick Rose
From Dutchess County Planning Federation
For Course Entitled "State Environmental
Quality Review Act (SEQRA) Basics"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Course Certification for Patrick Rose from Dutchess County Planning Federation, for the course entitled “State Environmental Quality Review Act (SEQRA) Basics”, a copy of which is attached.

SO MOVED: T. Tancredi/J. Conte

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

CERTIFICATE ATTACHED TO FINAL BOOK COPY

12:07-SC 5 ACCEPT

The Course Certification For Patrick Rose
From Dutchess County Planning Federation
For Course Entitled “Public Meetings,
Hearings And Record Keeping”

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Course Certification for Patrick Rose from Dutchess County Planning Federation, for the course entitled “Public Meetings, Hearings, and Record Keeping”, a copy of which is attached.

SO MOVED: S. Eagleton/M. Cifone

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

CERTIFICATE ATTACHED TO FIANL BOOK COPY

12:07-SC 6 ACCEPT

The Course Certification For Carl Whitehead
From Dutchess County Planning Federation For
Course Entitled “State Environmental Quality
Review Act (SEQRA) Basics”

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Course Certification for Carl Whitehead from Dutchess County Planning Federation, for the course entitled “State Environmental Quality Review Act (SEQRA) Basics”, a copy of which is attached.

SO MOVED: R. Lecker/J. Conte

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

CERTIFICATE ATTACHED TO FINAL BOOK COPY

12:07-SC 7 ACCEPT

The Course Certification For Carl
Whitehead From Dutchess County Planning
Federation For Course Entitled "Public
Meetings, Hearings And Record Keeping"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Course Certification for Carl Whitehead from Dutchess county Planning Federation, for the course entitled "Public Meetings, Hearings, and Record Keeping", a copy of which is attached.

SO MOVED: J. Conte/R. Lecker

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

CERTIFICATION ATTACHED TO FINAL BOOK COPY

12:07-SC 8 ACCEPT

The Course Certification For Marcy Marlow
From Dutchess County Planning Federation
For Course Entitled "Implementing New
York State's Agricultural Districts Law;
Municipal Responsibilities"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Course Certification for Marcy Marlow from Dutchess County Planning Federation, for the course entitled "Implementing New York State's Agricultural Districts Law: Municipal Responsibilities", a copy of which is attached.

SO MOVED: M. Cifone/J. Conte

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

CERTIFICATION ATTACHED TO FINAL BOOK COPY

12:07-SC 9 ACCEPT

The Course Certification For Richard W. Davison From Dutchess County Planning Federation For Course Entitled “ State Environmental Quality Review Act (SEQRA) Basics”

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Course Certification for Richard W. Davison from Dutchess County Planning Federation, for the course entitled “State Environmental Quality Review Act (SEQRA) Basics”, a copy of which is attached.

SO MOVED: S. Krakower/T. Tancredi

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

CERTIFICATE ATTACHED TO FINAL BOOK COPY

12:07-SC 10 ACCEPT

The Course Certification For Richard W. Davison From Dutchess County Planning Federation For Course Entitled “Public Meetings, Hearings And Record Keeping”

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Course Certification for Richard W. Davison from Dutchess County Planning Federation, for the course entitled “Public Meetings, Hearings, and Record Keeping”, a copy of which is attached.

SO MOVED: S. Krakower/T. Tancredi

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

CERTIFICATE ATTACHED TO FINAL BOOK COPY

12:07-SC 11 NOTICE OF CLAIM

Gloria Wallace V Town For Fall Over Stump Between Curb And Sidewalk In Front of Dunkin Donuts On Main Street

REFERRED TO LEGAL DEPARTMENT

12:07-SC 12 NOTICE OF
CLAIM

Claim Relating To A Personnel Claim
Discussed In Attorney/Client Session,
December 7, 2011

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the settlement by assigned counsel, Morris, Duffy, Alonso & Faley, of any and all claims relating to a personnel claim which was discussed in Attorney/Client Session on December 7, 2011, which settlement is to be within the applicable policy limits.

SO MOVED: R. Lecker/J. Conte

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Tancredi
Nays: Councilman Krakower

CARRIED: 5-1

Motion made to suspend the rules for public speaking: Deputy Supervisor Eagleton/T. Tancredi

Rob Rubin: I have a problem with something that occurred at the last meeting regarding the Tilcon Lease and when it was approved. From the information that I am aware of, the documents that you folks got was for a time extension, but there was no information on there for any of the costs involved. I have a problem with authorizing extensions without being aware of what the financial impacts are.

Councilman Krakower: We've done those a number of times over the years and it is a nominal amount of, I believe, One Dollar.

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

CARRIED: 6-0

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. Contract Negotiations
2. 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: Deputy Supervisor Eagleton/J. Conte

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi
Nays: None CARRIED: 6-0

TOWN BOARD MEETING ADJOURNED AT 8:30 PM

TOWN BOARD INTO EXECUTIVE SESSION AT 8:40 PM

TOWN BOARD RETURNED TO MEETING AT 9:05 PM

NO ACTION WAS TAKEN

TOWN BOARD MEETING CLOSED AT 9:05 PM

SJM:lkM