

**MINUTES OF REGULAR TOWN BOARD MEETING  
HELD ON DECEMBER 14, 2011 AT 7:00 PM  
AT TOWN HALL, ONE OVEROCKER ROAD  
POUGHKEEPSIE, NEW YORK**

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

**ABSENT:** Councilman Conte

**\* 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/Councilman Eagleton

CARRIED: 6-0

Rob Rubin: I've been checking the newspapers to see if there has been any publication in the legal notices describing what the proposed changes are for any of these public hearings tonight and maybe I missed them, but I didn't see them and I've heard nothing about it in any of the Town Board Meetings that I've attended and with that being said, I would ask, that if they haven't been being put in the Journal or at least posted on the website, I haven't seen it there either, that these be postponed until the public can have a chance to review them.

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

CARRIED: 6-0

Town Clerk Miller: I did hereby file the affidavit of posting on November 23, 2011 and published in the Poughkeepsie Journal on November 28, 2011.

12:14-01 PUBLIC HEARING

Amend Chapter 210, Entitled "Zoning,"  
Specifically Section 210-20, Entitled  
"Senior Housing Overlay District" For  
Residence District Regulations

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 14<sup>th</sup> day of December, 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", specifically Section 210-20 regarding Senior Housing Overlay District 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 November 10, 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 was received from the Dutchess County Department of Planning and Development; and

BE IT FURTHER ENACTED, that a written recommendation dated November 18, 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 said local law shall take effect immediately upon filing with the Secretary of State.

SO MOVED: R. Lecker/S. Eagleton

Councilman Krakower: We've made changes to this now a couple of times and I just want to make sure that we go through this and make just one final set of changes and so I just need a little more time to go through it and send Neil my notes on it. Motion made to table this until January 18, 2012 Town Board Meeting. Seconded by S. Eagleton

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

Motion made to reopen the public hearing and stipulate that if there will be no changes and if there are any substantial changes, then there will be a republication as well as maintaining the open hearing for January 18<sup>th</sup>, 2012. Supervisor Myers/S. Krakower

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

Motion made to suspend the rules for public speaking on Public Hearing #2: Supervisor Myers/T. Tancredi  
CARRIED: 6-0

#### NO SPEAKERS CAME FORWARD

Motion made resume the rules: Supervisor Myers/S. Eagleton  
CARRIED: 6-0

12:14-02 PUBLIC HEARING Amend Chapter 210, Entitled "Zoning"  
Specifically Section 210-11 Entitled  
"Zoning Map" For MacDonnell Heights  
Center (MHC) On Dutchess Turnpike

#### RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 14<sup>th</sup> day of December, 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", specifically Section 210-11, which amendment hereby changes the zoning designation of tax parcel numbers 6262-04-732301, 723342, 754340, 776348 and 761394, located on Dutchess Turnpike (Route 44) from MacDonnell Heights Center (MHC) to Residence, Single Family 20,000 square feet (R-20,000); 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 November 10, 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 was received from the Dutchess County Department of Planning and Development; and

BE IT FURTHER ENACTED, that a written recommendation dated November 18, 2011 was received from the Town of Poughkeepsie Planning Board which recommended adoption of the herein zoning amendment; and

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

SO MOVED: S. Eagleton/R. Lecker

Town Clerk Miller: I did hereby file the affidavit of posting on November 23, 2011 and published in the Poughkeepsie Journal on November 29, 2011.

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

Nays: None

CARRIED: 6-0

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

CARRIED: 6-0

#### NO SPEAKERS CAME FORWARD

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

CARRIED: 6-0

Town Clerk Miller: I did hereby file the affidavit of posting on November 23, 2011 and published in the Poughkeepsie Journal on November 28, 2011.

12:14-03 PUBLIC HEARING

Amend Chapter 210, Entitled "Zoning", Specifically Section 210-11 Entitled "Zoning Map" For MacDonnell Heights Center (MHC) On Dutchess Turnpike

#### RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 14<sup>th</sup> day of December, 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", specifically Section 210-11, which amendment hereby changes the zoning designation of tax parcel number 6262-04-915295, located on Darrow Place from Residence, Single Family 20,000 square feet (R-20,000) to MacDonnell Heights Center MHC); 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 November 10, 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 was received from the Dutchess County Department of Planning and Development; and

BE IT FURTHER ENACTED, that a written recommendation dated November 18, 2011 was received from the Town of Poughkeepsie Planning Board supporting the adoption of the herein zoning amendment; and

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

SO MOVED: M. Cifone/R. Lecker

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

Nays: None

CARRIED: 6-0

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

CARRIED: 6-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 6-0

Town Clerk Miller: I did hereby file the Affidavit of Posting on November 23, 2011 and published in the Poughkeepsie Journal on November 28, 2011.

12:14-04 PUBLIC HEARING

Amend Chapter 210, Entitled "Zoning",  
Specifically Section 210-11 Entitled  
"Zoning Map" For Salt Point Center (SPC)  
For Bedell Road

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 14<sup>th</sup> day of December, 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", specifically Section 210-11, which amendment hereby changes the zoning designation of tax parcel number 6262-01-130823, located on Bedell Road from Salt Point (SPC) to Residence, Single Family 4 acre (R-4A); and

BE IT FURTHER ENACTED, that the Town Board declared itself as Lead Agency under the New York State Environmental Quality Review Act and upon review of the Full Environmental assessment Form declared said action a Type I Action but have determined that it will not have a significant adverse impact on the environment for the reasons set forth in the attached Negative Declaration; and

BE IT FURTHER ENACTED, that a written recommendation was received from the Dutchess County Department of Planning and Development; and

BE IT FURTHER ENACTED, that a written recommendation dated November 18, 2011 was received from the Town of Poughkeepsie Planning Board and that said recommendations recommended adoption of the herein zoning amendment; and

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

SO MOVED: S. Krakower/M. Cifone

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

Nays: None

CARRIED: 6-0

Motion made to suspend the rules for public speaking on Public Hearing #5: Supervisor  
Myers/M. Cifone

CARRIED: 6-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 6-0

12:14-05 PUBLIC HEARING

Amend Chapter 210, Entitled "Zoning",  
Specifically Section 210-27 Entitled  
"MacDonnell Heights Center District  
(MHC)"

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 14<sup>th</sup> 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", specifically Section 210-27 regarding MacDonnell Heights Center (MHC) District 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

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 November 10, 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 was received from the Dutchess County Department of Planning and Development; and

BE IT FURTHER ENACTED, that a written recommendation dated November 18, 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 said local law shall take effect immediately upon filing with the Secretary of State.

SO MOVED: T. Tancredi/R. Lecker

Councilman Krakower: I have a question. Neil, 35,000 sq. ft. vs. 65,000 sq. ft., can you give me an example of a 35,000 store vs. 65,000 to get a point of reference?

Neil Wilson: 65,000 would be something closer to the Stop and Shop on Rt. 9. Roughly half of that would be down to your 35,000.

Councilman Krakower: Would it be something like the CVS on Rt. 9?

Neil Wilson: No, they are not that large. The CVS and Walgreens tends to come in around 14,000 to 15,000 now days. Half of that 35,000 is currently allowed.

Councilman Krakower: When we put the Town Centers together, the plan was to try to have more in mind with what the County Department of Planning is recommending. I think the reality of the situation is that it would be hard to build out 4, 5, or 6 Town Centers across the same Town. So, I do think that when the stats started there was the thought that some would be started and some wouldn't be as successful. I don't know how many we have at this point, but 5 or 6 Town Centers would be a little bit surprising. I agree with some of the County Planning Department points, but I do think that with what we put together like the Salt Point Center, not all of these end up working and we kind of have to make these corrections to the Code, some in theory and some in reality. My comfort level going from 35,000 to 65,000 is that this does goes back to the Planning Board and the traffic issues and the other issues that are addressed by the County Department of Planning will be addressed at the Planning Board, but I do think, at the end of the day, I'm comfortable with this. I'm not sure we've had any of the Town Centers built out the way we thought.

Neil Wilson: We have made some changes here tonight on the Salt Point Center. Of the Town Centers, when we were doing the Code amendments back in 2006 and 2007, that was when I was most dubious about because of where it was located and how it was sort of formed. If you look at the land that is available in that area, a lot of it is constrained, which is exactly why the Board took the action it did tonight to take 28 acres out because it's loaded with wetlands and drainage problems. The reality is that the bulk of the properties that are in that Town Center are single family residential lots and people living there and what it would require is a developer would have to come in and accumulate those properties. You don't have a single large piece of property that you could at least start with and then go from there. The Salt Point Center is probably one we should really rethink that, but, as we talked about in November when I first brought forward these amendments, I do think that the McDonnell Heights Center next to Crown Heights is certainly one which stands the best chance of success.

Councilman Krakower: Since this one is just starting out, before it gets too far down the road, this is another opportunity up there for sewer for the residents and there has to be some economic liability to what gets built up there so someone can afford to address that issue. I do want to try and get that sewer resolved for the people who really need it.

Supervisor Myers: It just strikes me that this whole change in this McDonnell Heights thing is being done for the developers' sake.

Neil Wilson: From the standpoint of a single owner currently having control of a certain amount of property in the current McDonnell Center ...

Supervisor Myers: Right, and we are changing the size of the retail so he can bring in a grocery store because he probably has someone who wants to put a grocery store there.

Town Clerk Miller: I did hereby file the affidavit of posting on November 23, 2011 and published in the Poughkeepsie Journal on November 28, 2011.

Supervisor Myers: Ok, I guess everybody read the letter from Dutchess County, they are only giving conditional approval on this and the Board has to pass this by a majority plus one of the full memberships.

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Cifone, Krakower, Tancredi  
Nays: Supervisor Myers CARRIED: 5-1

Motion made to suspend the rules for public speaking on Public Hearing #6: Supervisor Myers/M. Cifone

CARRIED: 6-0

#### NO SPEAKERS CAME FORWARD

Motion made to resume the rules: Supervisor Myers/R. Lecker

CARRIED: 6-0

12:14-06 PUBLIC HEARING

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

#### RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 14<sup>th</sup> day of December, 2011 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend 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 is 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 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: Supervisor Myers/R. Lecker

Town Clerk Miller: I did hereby file the affidavit of posting on December 8, 2011 and published in the Poughkeepsie Journal on December 10, 2011.

Councilman Cifone: I'm on the Plumbing Board as well and the reason this came up at the Plumbing Board, it's not so much the fine, it's the fact that the Plumbers get hit with all of their licenses at the same time if they have licenses in Putnam County, Westchester County, Kingston, and City of Poughkeepsie. So they thought, let's drop it \$100 and keep a little money in our pockets, so to speak. I did some research. The City of Poughkeepsie charges \$350 for a license renewal. They charge \$150 lay fee if it lapses. Westchester charges \$500 and Kingston charges \$200. Most of our plumbers in the Town have licenses in all these municipalities. I'm opposed to lowering the fee because it is not going to stop any additional work for the Building Department when they issue the licenses. What I would propose is making an amendment to leaving it the current rate, but allowing them to pay it through the end of January and give them a break that way so it is not due January 1<sup>st</sup>.

Supervisor Myers: I think that that is a significant change and what we would have to do in this case is to vote this down and then bring it back in January to have a new Public Hearing and have it amended the way you want it.

Town Attorney Nelson: You can vote this down and make a motion to put on for Special Consent. You have to have a Public Hearing on this before you can vote on this. If you put this on for the 4th of January, you can vote on it then and they can be ok until the end of January.

ROLL CALL: Ayes: None

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

FAILED: 0-6

## 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. Attorney/Client issues

SO MOVED: Supervisor Myers/J. Lecker

CARRIED: 6-0

INTO EXECUTIVE SESSION AT 7:50 PM

TOWN BOARD RETURNED TO MEETING AT 8:05 PM

NO ACTION TAKEN

EXECUTIVE SESSION CLOSED AT 8:05 PM

TOWN BOARD MEETING OPENED AT 8:06 PM

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

CARRIED: 6-0

Doreen Tignanelli: Could you give a little information on Item 8?

Supervisor Myers: It's being discontinued, the lawsuit is done.

Doreen Tignanelli: Ok, then I would like to comment on Item SC#4. Removal of Patrick Rose from the Planning Board. I would like to thank Councilman Tancredi for that. When Mr. Rose was reappointed in January of 2010 there were several members of the Town who had concerns about Mr. Rose's attendance record and Councilman Tancredi said that if it continued, he would be removed and I discussed those terms and so this is the right thing to do, so thank you.

Motion made to resume the rules: Supervisor Myers/R. Lecker

CARRIED: 6-0

12:14-07 AUTHORIZE  
SUPERVISOR  
TO SIGN

Michael T. Flynn & Joann E. Flynn Deed To  
Release Restrictive Covenant With terms &  
Conditions

TABLED UNTIL JANUARY 2012 MEETING

12:14-08 AUTHORIZE  
SUPERVISOR  
TO SIGN

Stipulation Of Settlement For Ginsburg  
Development, LLC V Town of  
Poughkeepsie

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize Supervisor Patricia Myers and James E. Nelson, Attorney to the Town to execute a So Ordered Stipulation of Settlement and such other documents as are necessary to effectuate the settlement of *Ginsburg Development, LLC, et al. v. Patricia Myers, as Town Supervisor, et al.*, Index No. 350/2008 in substantially the form as presented to and discussed with the Town Board at its meeting December 14, 2011.

SO MOVED: R. Lecker/T. Tancredi

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

Nays: None

CARRIED: 6-0

12:14-09 AUTHORIZE

Discontinuance Of Chas Sells Litigation

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute all documents necessary and proper to effectuate the discontinuance of the Chas Sells Litigation.

SO MOVED: S. Eagleton/R. Lecker

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

Nays: None

CARRIED: 6-0

12:14-10 RETIREMENT

Legal Department Of Mary Lou Pudney

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the retirement of Mary Lou Pudney effective the close of business January 6, 2011.

SO MOVED: M. Cifone/R. Lecker

Councilman Tancredi: I'm thankful that Mary Lou is willing to stay part-time after retirement because she is a big asset to the Legal Department and Town.

Supervisor Myers: There is no one more knowledgeable than Mary Lou on anything in the history of anything going on in the Town, so we are very fortunate that we would really miss you too much to not stay and work at least part time.

Town Attorney Nelson: I just wanted to relate a story. About 15 years ago, Dave Hagstrom, one of the Town Attorney's was considering the position and he made a comment to me that if he had a yellow pad and Mary Lou Putney, he would be ok in the Department. She is an exceptional person and I second everything you've said about her, she's great!

Supervisor Myers: I hope she listens to this type tomorrow to know that she really is appreciated because I know she feels unappreciated particularly Fridays and Wednesdays when she is getting ready for a meeting.

(NOTE: I called her in to listen to this type. LINDA)

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

Nays: None

CARRIED: 6-0

11:14-11 APPROVE

2011 Vacation Time Rollover Of Forty  
Eight (48) Hours To 2012 Of Eric Hollman,  
Planner

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the rollover of forty (48) hours of unused 2011 vacation time to 2012 for Eric Hollman.

SO MOVED: S. Krakower/S. Eagleton

Councilman Cifone: I just want to say, I want to get together with all of the Department heads. I don't mind rolling over some hours if you don't use them, but, you are given vacation hours to keep fresh and revived and doing your work and unless you have a real difficulty getting time off, I want to see the employees taking their vacation. I can see rolling over maybe 10 or 12 hours. But 48 hours of vacation time, there is no justifiable reason with the amount of work coming into our departments that you should roll over 48 hours. So, I'm asking and I'm going to get together with each department head in January and ask them, this can't happen. They shouldn't be rolling this much over. If they are working this much, I want to see more production from each department then. Just that simple.

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

Nays: None

CARRIED: 6-0

12:14-12 AUTHORIZE

Engineering To Go To Bid For Construction  
Of Sewer Pump Station On Route 9G In  
Town of Poughkeepsie

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Town Engineer to prepare a Notice to Bidders and Bid documents,

and to go to bid for the construction of a sewer pump station on Route 9G in the Town of Poughkeepsie, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reserve the right to accept or reject all bids in whole or part.

SO MOVED: T. Tancredi/S. Krakower

Councilman Krakower: When we say to authorize, “The Town Engineer”, I presume that that is in-house and no additional cost to the taxpayer.

Supervisor Myers: Yes, Councilman Sean Eagleton is doing a lot of the work on it.

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

Nays: None

CARRIED: 6-0

12:14-13 AUTHORIZE

Engineering To Go To Bid For Construction Of Sewer Pump Station On Stuart Drive In Town of Poughkeepsie

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Town Engineer to prepare a Notice to Bidders and Bid documents, and to go to bid for the construction of a sewer pump station on Stuart Drive in the Town of Poughkeepsie, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reserve the right to accept or reject all bids in whole or part.

SO MOVED: Supervisor Myers/T. Tancredi

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

Nays: None

CARRIED: 6-0

12:14-14 AUTHORIZE

Engineering To Go To Bid For Trailer Mounted Diesel Pump For Water Department

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Town Engineer to prepare a Notice to Bidders and Bid documents, and to go to bid for the purchase of a trailer mounted 8 inch diesel pump for the Water Department, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reserve the right to accept or reject all bids in whole or part.

SO MOVED: R. Lecker/S. Eagleton

Councilman Krakower: These items are all items that have already been budgeted for, correct?

Councilman Tancredi: I know the pump certainly is.

Councilman Eagleton: The pump we discussed in the Finance Budget.

Supervisor Myers: They are not emergency fixes, I think they are just part of our aging infrastructure. I'm sure it's not the first or the last pump station you're going to see.

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

Nays: None

CARRIED: 6-0

12:14-15 AUTHORIZE  
SUPERVISOR  
TO SIGN

Extension Of The Dutchess Rail Trail  
Intermunicipal Agreement With Dutchess  
County

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor, on behalf of the Town of Poughkeepsie, to execute the extension of the Dutchess Rail Trail Intermunicipal Agreement with the County of Dutchess, which agreement shall be in effect from January 1, 2012 through December 31, 2013.

SO MOVED: S. Eagleton/S. Krakower

Councilman Krakower: Have we had any issues regarding the amount of time we put in?

Supervisor Myers: Very little, just some good feeding once in a while is the whole extent of it. Really, the people have maintained it themselves very nicely.

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

Nays: None

CARRIED: 6-0

12:14-16 NOTIFICATION

Notice Form For Renewal Application For  
Liquor License For GKK Petroleum D/B/A  
GKK Petroleum Located At 340 Violet

Avenue

Councilman Krakower: We sell wine in a convenient store?

REVIEWED BY POLICE

NOTED BY TOWN BOARD

12:14-17 APPROVE

Town Memorializes Its Opposition To  
Allowance Of Hydrofracking In Town of  
Poughkeepsie

RESOLUTION

BE IT RESOLVED, that the Town of Poughkeepsie memorializes its opposition to the allowance of hydrofracking in the Town of Poughkeepsie,

SO MOVED: M. Cifone/S. Krakower

Councilman Cifone: I don't know enough either way about hydrofracking and so I'm going to abstain from voting on this.

Councilman Krakower: There is a possibility of hydrofracking in the Town of Poughkeepsie?

Supervisor Myers: People do hydrofracking any place they think they can do it and someone is willing to lease on the land. I think we should just get out there and say, until you have more information on it, it's not a good thing to do.

Councilman Lecker: I think I just heard Attorney Jim Nelson say what it is, it's just pushing natural gas out of the ground using water and whatever chemicals used to break up and dissolve rock. There is still a lot of unanswered questions about the risk that imposes on the water table.

Supervisor Myers: If you had followed the article in the Poughkeepsie Journal in the last week or so, I believe it's in Oklahoma is the Town that the water table has been virtually destroyed and they now believe it was hydrofracking that induced all the chemicals. It makes you a little nervous when you know they will not allow it anywhere near the water supplies in New York City, now what does that tell you? If they can't do it near the water tables in New York City, I don't see any reason they should be doing it for the water tables we might be using.

Councilman Eagleton: I would consider the Town of Poughkeepsie, even though I grew up in Brooklyn, I would still consider it too densely populated for this type of activity.

Town Attorney Nelson: Councilman Cifone, this is on as a memorialization, a statement on an issue, it is not an amendment to your Zoning Ordinance. Some Towns, like Ithaca and around Ithaca, they have done and there are ongoing lawsuits having to do with them, so this is just a memorialization of. So, it's not effective yet.

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

12:14-18 AUTHORIZE Special Consent Items SC 1, SC 2, SC 3,  
SC 4, and SC 5

### RESOLUTION

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

- |                                    |   |
|------------------------------------|---|
| SC 1. Authorize                    | Tax Certiorari Settlement – Fairview Block, Inc.    |
| SC 2. Authorize Supervisor to Sign | Stratford Letter Agreement                          |
| SC 3. Authorize                    | Tax Certiorari Settlement-Spring Apartments         |
| SC 4. Authorize                    | Planning Board Resignations, Removal & Appointments |
| SC 5. Notification                 | Town of Wappinger Public Hearing                    |

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: S. Krakower/. Tancredi

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

12:14-SC 1 AUTHORIZE Tax Certiorari Settlement With Fairview  
Block, Inc.

### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the settlement of the tax review proceedings instituted by Fairview Block, Inc., for the tax assessment rolls of 2008 through 2011 as shown on the attached Stipulation 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: T. Tancredi/R. Lecker

Councilman Krakower: This go from one million down to nine hundred and fifty thousand? It's more than cut in half, is that right? So, next year it's going to go down to about 1/3?

Supervisor Myers: Approximately, yes.

Councilman Krakower: Really! Then we get refunds, right?

Supervisor Myers: 20,000.

Councilman Krakower: Do we have any letter or anything explaining this?

Supervisor Myers: The court order, that's all.

Councilman Krakower: That's a lot. It seems out of proportion. We've seen some bad ones with the consulting firm that did our reveal, but that one seems more significant than most.

Councilman Eagleton: It's a 60% drop.

Councilman Krakower: I think we ought to have a cover letter explaining what exactly happened. If M.J. Watts was drastically off in evaluation, that would probably make sense to me, my guess is that's probably what it is, but.

Councilman Tancredi: On page three of three, for 2008 assessment, the asterisk, it says 3 parcels existed. That would appear to me that 3 parcels don't exist.

Councilman Krakower: Or did they just consolidate them into one tax parcel.

Supervisor Myers: It says, consolidation of assessments for the three parcels, so.

Councilman Krakower: Consolidating three separate tax parcels into one, if they are all for the same---

Supervisor Myers: They are for different uses, I think one is a day care, and block play room, chimney place.

Councilman Krakower: But, should that be such a drastic change, to go from three million down to 93,000.

Supervisor Myers: I have no clue. Well, you have to do your refund within 90 days or you would have to pay interest back and accrued stuff back three or four years. I think we need ---

Councilman Krakower: To me, the explanation with some of these has been the firm that did the reval, did a really bad job on the evaluation and the economy being what it is, and has impacted the evaluations further. It's just a huge cut.

Attorney Nelson: I see a stipulation, not yet signed by Attorney Kyle Barnett, and I see a quarter, next to the last document, which does not have Justice Brand's signature on it.

Supervisor Myers: So, do you think it can be Tabled?

Attorney Nelson: Yes.

Councilman Tancredi: Why don't we just Table it to the fourth and we could always come in ½ hour earlier if we have to and meet with Attorney Kyle Barnett on this that night.

Councilman Krakower: Or even Kathy Taber come in and explain it. I just want to know why we are dropping it that low. I'm not necessarily against it, I just want to know why.

Motion made to Table to January 4, 2012: Supervisor Myers/R. Lecker Seconded.

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

Nays: None

CARRIED: 6-0

TABLED TO JANUARY 4, 2012

12:14-SC 2 AUTHORIZE  
SUPERVISOR  
TO SIGN

Improvement Completion Letter-Agreement  
With ABD Stratford, LLC

#### RESOLUTION

WHEREAS, pursuant to Resolution 10:19-#SC 4 of 2011 the Attorney to the Town of Poughkeepsie has notified ABD Stratford, LLC ("Stratford") and others that Stratford has failed to complete certain subdivision improvements, which improvements are required to alleviate a storm water runoff condition at the Stratford site; and

WHEREAS, Stratford has agreed to make certain site improvements to alleviate the runoff condition; now therefore

BE IT RESOLVED, that the Supervisor is authorized to enter into an Improvement Completion Letter-Agreement with Stratford on substantially the terms presented to the Town Board, including that the Agreement is to be executed not later than Tuesday, December 20, 2011, the work is to be commenced by Stratford not later than January 1, 2012, and it is thereafter actively pursued to timely and acceptable completion by January 31, 2012, failing which the Attorney to the Town shall proceed as previously directed.

SO MOVED: T. Tancredi/R. Lecker

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

Nays: None

CARRIED: 6-0

12:14-SC 3 AUTHORIZE

Tax Certiorari Settlement With Spring Apartments

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the settlement of the tax review proceedings instituted by Spring Apartments, LLC, for the tax assessment rolls of 2009, 2010 and 2011 as shown on the attached Consent Order and Judgment, 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: Supervisor Myers/M. Cifone

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

Nays: None

CARRIED: 6-0

#### CONSENT ORDER AND JUDGMENT ATTACHED TO FINAL BOOK COPY

12:14-SC 4 AUTHORIZE

To Accept The Resignation Of Anne Conroy As an Alternate Member Of The Planning Board & Remove Patrick Rose, With His Consent, As A Regular Member Of The Planning Board To Fill Mrs. Conroy's Alternate Member Term & Appoint Mrs.

Conroy To Fill The Unexpired Regular  
Member Term Of Mr. Rose

RESOLUTION

WHEREAS, Anne Conroy, an Alternate Member of the Town of Poughkeepsie Planning Board, has resigned her position; and

WHEREAS, the Town Board wishes to appoint Patrick Rose, currently a Regular Planning Board Member, to fill Ms. Conroy's unexpired term through December 31, 2013, and to appoint Ms. Conroy to fill Mr. Rose's unexpired term through December 31, 2016; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with appreciation for her service, the resignation of Anne Conroy as an Alternate Member of the Planning Board, does hereby remove Patrick Rose with his consent, and with appreciation for his service, as a Regular Member of the Planning Board, does hereby appoint Mr. Rose to fill the unexpired Alternate Member term of Mrs. Conroy on the Planning Board through December 31, 2013, and does hereby appoint Ms. Conroy to fill the unexpired Regular Member term of Mr. Rose on the Planning Board through December 31, 2016; 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: M. Lecker/T. Tancredi

12:14-SC 5 NOTIFICATION

Public Hearing To Be Held January 9, 2012  
At 7:30 PM By Town Board Of Town Of  
Wappinger Concerning Establishing a Local  
Law Amending The Town's Zoning Map  
For The Purpose Of Rezoning Properties To  
The Neighborhood Business (NB) District

NOTED BY TOWN BOARD

Motion made to suspend the rules for public speaking: Supervisor Myers/M. Cifone

CARRIED: 6-0

Rob Rubin: Thank you Councilman Eagleton, I commend you on Public Hearing #5 today. Terrific Job, thank you. I just have a question on the Tilcon Lease. What is the Town doing with that lease? I know it was discussed over the last couple of meetings. We're leasing it for a dollar a year.

Councilman Cifone: It's a ball park and a recreational center.

Councilman Tancredi: Three fields in an actively used park. The other spot is, remember the company that came in last week that did the park cleanup.

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

CARRIED: 6-0

Councilman Cifone: Just before we close for this year, the Board wants to give a gift from us to Pat and to Rick for their service to the Town and for working with us. It's a nice little clock with a plaque that's inscribed with their service and dedication and we appreciate it. We had good pleasure working with both of you.

APPLAUSE GIVEN BY AUDIENCE

Supervisor Myers: This is my last meeting after six years. It has been an honor and a pleasure to serve the residents of the Town of Poughkeepsie for the last six years and I will, in a way, I will miss doing this, but, it is time to step aside and let someone else have a turn at this. I particularly want to commend all the employees of the Town. I think that Civil Servants get a bad rap right now, everybody says they make too much money, they are costing us this and they are costing us that, but the people who work for the Town are definitely not overpaid. They work very hard and they are very dedicated many of them and they are your friends and your neighbors who take their job very seriously and it's got to be kind of hard to be an employee who changes bosses every two to six years and they all do it with a great deal of tact and diplomacy and that was very appreciated when I came in and I am sure that they will all have the same reaction and treat Todd in the same manner. It has been a pleasure to be here for six years. I want to say good night and good luck to everyone and Happy Holiday.

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

CARRIED: 6-0

MEETNG CLOSED AT 9:34 PM

SJM:lkm