

**MINUTES OF REGULAR TOWN BOARD MEETING
HELD ON MARCH 21, 2012 AT 7:00 PM AT
TOWN HALL, ONE OVEROCKER ROAD,
POUGHKEEPSIE, NEW YORK**

PRESENT: Supervisor Tancredi
Councilman Baisley
Councilman Eagleton
Councilman Conte
Councilman Cifone
Councilman Krakower
Councilwoman Shershin
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 Tancredi/J. Conte

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

03:21-01 PUBLIC HEARING

Amend Town Code, Chapter 198,
Entitled "Vehicle For Hire",
Specifically Section 198-11
Entitled "Denial, Suspension Or
Revocation Of TAXICAB Driver's
License Or TAXICAB Vehicle
License

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 21st of March, 2012 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie does hereby amend the Town Code Chapter 198, entitled “Vehicles for Hire”, specifically Section 198-11, entitled “Denial, Suspension or revocation of TAXICAB Driver’s License or TAXICAB Vehicle License”, which amendment is as follows:

AMEND Section 198-11 (3) to read as follows:

- (3) Violations: If the licensee or any TAXICAB driver operating a TAXICAB for a licensee has violated any provisions of this Chapter ten (10) or more times in any twenty-four (24) month period.

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: J. Baisley/S. Eagleton

Town Clerk Miller: I did hereby file this affidavit of posting on March 8, 2012 and published in the Poughkeepsie Journal on March 12, 2012.

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

Motion made to suspend the rules for Public Hearing #2: Supervisor Tancredi/J. Conte

CARRIED: 7-0

Neil Wilson, Town Development Director: The amendments that you are considering are ones that are required by FEMA in order to track the changes to their regulations or specifically the new Flood Plan Maps, which will come into effect in this County and Ulster as of May 2, of this year. So, what we are trying to do is to basically, they gave us a 30 day cushion in the month of April to get this all done. Part of this process, as you may recall, involved this Board authorizing a copy of the draft to be sent to the DEC as of February 2nd - the DEC’s original time frame as to when they wanted to receive a copy to review. DEC essentially operates as FEMA agent for purposes of reviewing local codes and ordinances to implement the FEMA regulations. I had put a couple of calls into the DEC offices over the past couple of weeks to find out where they were at relative to their review. I ended up speaking with the staff person assigned to do the review today and she actually completed her review of ours and there is a public hearing tonight and she

had one comment and that was, there is a section of the draft that talks about an Appeals Board, it actually designates this Board, the Town Board, as the Appeals Board and that is actually language that is in our current Code and she said that, under FEMA's regulations, the legislative body cannot be the Appeals Board. Her recommendation was to either assign it to the Zoning Board of Appeals or to the Planning Board. My recommendation is, of course we have to advertise this any way, is to appoint the Planning Board as the Appeals Board. You certainly can appoint the Zoning Board, but my feeling is that the Planning Board has more experience in reviewing applications and involving things like storm water and flood issues as part of their normal subdivision/site plan reviews. Other than that, she had no other comments of the draft that was submitted.

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

CARRIED: 7-0

03-21-02 PUBLIC HEARING

Amend Town Code, Chapter 113,
Entitled "Flood Damage Prevention"

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 21st day of March, 2012 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town Code Chapter 113, entitled "Flood Damage Prevention", which amendment is as follows:

REPEAL: Chapter 113 – Flood Damage Prevention

ADD: Chapter 113 – Flood Damage Prevention

SEE ATTACHMENT

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

BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie determined that it is the only Involved Agency, declared itself to be the Lead Agency, and found that this Action is an Unlisted Action for environmental review purposes; and

BE IT FURTHER ENACTED, that the Town Board found that this Action will have no adverse environmental impacts and adopted the Negative Declaration included in Part III of the annexed Short Environmental Assessment Form; and

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

Motion made to adjourn to April 4, 2012 Town Board Meeting. Supervisor Tancredi/J. Conte

CARRIED: 7-0

Motion made to adjourn this Public Hearing to the April 4th Meeting. Supervisor Tancredi/S. Krakower

CARRIED: 7-0

Motion made to suspend the rules for Public Hearing #3: Supervisor Tancredi/S. Eagleton

CARRIED: 7-0

Town Attorney Nelson: This is a notice to the land owner, which under the Code is not designated as a Public Hearing but they do have a right to come and express any concerns they may have. One of the things that are going on here is that the owner has had to track affirming applications, which can be done under the Code, requesting that the net money would be applied against this balance. They need to submit this to us in writing and Neil can speak to the balance owed and the only other thing I want to mention for the record is that Makan's did send in a letter objecting to this and it's in your packet and I'm assuming it is being made as part of the record.

Neil Wilson, Town Development Director: As to the balance that is owed, it is \$12,826.75 accrued charges for inspection and professional services accrued up to a certain point last year that they owe us, some, of which, have been paid, but we are certainly looking to recoup that amount.

Councilman Conte: You say he has some permits he could pay, do we know how much money that would be to offset this, or no?

Neil Wilson: I'm going to say it's roughly about \$6400. Those are the monies that were actually submitted as part of building permits for four lots. Two permits were actually issued and there were some construction on two of the lots. The other two, as far as we can figure out, were not issued. The practice of the Building Department is to retain a portion of a common earned fee, depending on where they are in review, so, we had the Building Department calculate an amount. It's about \$6400 total for the four lots that, in theory, could be refunded or to be applied in a different fashion if the Board wanted to.

Councilman Conte: Is there some kind of clause that we could make sure they applied this and not give it back to them?

Town Attorney Nelson: They wrote and asked if they could have this applied. The answer is, they can. We need to get in writing a request that says in both parts, that we want to abandon those permits and we want it applied. When we get that, we will make a calculation and I'm sure he and Tim are not going to let anything leave that isn't first applied to the balance of the bill.

Motion made to close the Public Hearing: Supervisor Tancredi/J. Conte

CARRIED: 7-0

03:21-03 HEARING

So Makan Land Development-One, LLC & The DM Equities Of New York, LLC May Be Heard To Object To Charging \$12,826.75 Against The Real Property Constituting The Tamarack Subdivision

AMENDMENT
RESOLUTION

WHEREAS, Makan Land Development-One, LLC (“Makan”) defaulted in reimbursing the Town for consulting fees incurred by the Town for the Tamarack Subdivision project, which project lands are owned by Makan and the DM Equities of New York, LLC (“DM Equities”), and

WHEREAS, the amount in default to date is \$12,826.75; and

WHEREAS, pursuant to Town Code Section 106-1 (G), and after certified mail notice on February 7, 2012, a public hearing was held on March 21, 2012 at 7:00 PM at the Town of Poughkeepsie Town Hall, One Overocker Road, Poughkeepsie, NY regarding the collection of said fees by adding them to the real property tax rolls; and

WHEREAS, Makan’s February 27, 2012 letter acknowledging notice to it and DM Equities, and objecting to said collection and levy has been received and considered; now therefore

BE IT RESOLVED, that based on the testimony and documents presented, and after due notice, the Town Board does hereby find and direct that the \$12,826.75 balance to date is owed to the Town for the Tamarack Subdivision consulting fees, and that said balance shall be added to and made a part of the next annual real property tax assessment roll of the Town for the lands of Makan and DM Equities comprising the Tamarack Subdivision, less the amount, as determined by the Development Director, of any fees for building permits which are surrendered by April 4, 2012 and applied to the \$12,826.75 balance due. A copy of this resolution shall be forwarded to Makan.

SO MOVED: S. Eagleton/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

Motion made to suspend the rules for Public Hearing #4: Supervisor Tancredi/J. Baisley

CARRIED: 7-0

Lenny Splain, Fire Inspector: We have a vacant, unsecured building at 6 Van Wyck Drive. Our department was called to the scene for a structure fire, but it was an extinguisher started by children outside of the building. So, there was no fire, but we would like to get it secured up. I've had no response from the owner in response to the Order to Remedy letter we sent. We posted the building as required and we would like to get it boarded up hopefully this week.

Town Clerk Miller: I did hereby file the affidavit of posting on March 8, 2012 and published in the Poughkeepsie Journal on March 12, 2012.

Motion made to close the Public Hearing: Supervisor Tancredi/J. Baisley

CARRIED: 7-0

03:21-04 PUBLIC HEARING

Dangerous & Unsafe Building
Located At 6 Van Wyck Drive

RESOLUTION

WHEREAS, by Resolution 3:7-#7 of 2012 adopted on March 7, 2012, the Town Board of the Town of Poughkeepsie has determined that the building ("Building") located at 6 Van Wyck Drive, Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6162-07-548849 (the "Premises"), owned by Kathleen Walker, 6 Van Wyck Drive, Poughkeepsie, NY 12601, is dangerous and unsafe to the general public; and

WHEREAS, pursuant to said Order, a Notice of a Public Hearing has been served and posted, which Order included a direction that the required work begin immediately and must be commenced not later than thirty (30) days from service of the Notice and be completed no later than sixty (60) days after service of the Notice, and gave further notice that on failure to timely comply, the Town Board is authorized to secure or demolish and remove the Building and assess the expense thereof against the Premises as a special ad valorem levy under Town Law Article 15 and to institute a proceeding to collect the expenses of such work, and

WHEREAS, said Public Hearing has been held this day, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie authorizes and directs the Building Department to secure the Building by Town employees or contractors in the event that the same is not timely commenced by the Owner or if it is not timely completed by the Owner as directed in the Order, and to thereafter assess against the Premises and levy and collect the expenses of same as

provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

SO MOVED: J. Conte/S. Eagleton

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

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

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

03:21-05 PROCLAIM

Month Of April 2012 As Parkinson's
Awareness Month

RESOLUTION

WHEREAS, Parkinson's disease is a progressive neurological movement disorder of the central nervous system, which has a unique impact on each patient; and

WHEREAS, according to the Parkinson's Action Network, the Parkinson's Disease Foundation, the American Parkinson's Disease Association and the National Institutes of Health, there are over one million Americans diagnosed with Parkinson's disease; and

WHEREAS, symptoms include slowness, tremor, difficulty with balance and speaking, rigidity, cognitive and memory problems; and

WHEREAS, although new medicines and therapies may enhance life for some time for people with Parkinson's, more work is needed for a cure; and

WHEREAS, increased education and research are needed to help find more effective treatments with fewer side effects and ultimately a cure for Parkinson's disease; and

WHEREAS, a multidisciplinary approach to Parkinson's disease care includes local wellness, support, and caregiver groups; and

WHEREAS, April has been proclaimed as World Wide Parkinson's Awareness Month for all to recognize the need for more research ad help in dealing with the devastating effects of Parkinson's disease; now therefore,

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie proudly proclaims the month of April, 2012 as Parkinson's Awareness Month and encourages all municipal officials and citizens and visitors to participate in the scheduled activities to learn more about Parkinson's Disease.

SO MOVED: M. Cifone/S. Krakower

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

03:21-06 AUTHORIZE

Water/Sewer Billing Change For
47 Scenic Drive

RESOLUTION

WHEREAS, there was a water leak at 47 Scenic Drive, Poughkeepsie, New York, which has been documented by the Water/Sewer Billing Department of the town of Poughkeepsie, and said water leak resulted in a charge of \$1,227.00 for water and \$1,227.00 for sewer, now therefore,

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the removal of said sewer charge of \$1,227.00 from the billing for the property located at 47 Scenic Drive due to the fact that this water did not go into the Town's sewer collection system.

SO MOVED: S. Krakower/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

03:21-07 RETIREMENT

Police Department Of Police
Assistant Bonnie Holden

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the retirement of Police Assistant Bonnie Holden, effective April 13, 2012.

SO MOVED: A. Shershin/M. Cifone

Councilman Cifone commented that Ms. Holden seemed to be a great person on the phone and did her job very well and she shall be missed.

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None CARRIED: 7-0

03:21-08 APPOINTMENT Police Department Of Per Diem (Fill
In) School Crossing Guard John
Krocian, Jr.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint John Krocian, Jr. to the position of Per Diem (Fill In) School Crossing Guard at the established rate of \$10.72 per hour, effective March 26, 2012.

SO MOVED: T. Tancredi/M. Cifone

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

03:21-09 BUDGET Water Department For Labor
MODIFICATION Manning Standards

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the 2012 Budget, pursuant to the attached Budgetary Transfer Request Form submitted by the Comptroller, to allow the Water Department to function professionally in relation to new labor manning standards, as follows:

FROM:

F 8320-0440	Water-Purchase	\$14,965.00
-------------	----------------	-------------

TO:

F 8340-0101	Regular Pay	\$10,500.00
F 8340-0811	Social Security	957.00
F 8320-0109	Out-Of-Title Pay	1,400.00
F 8340-0109	Out-Of-Title Pay	2,000.00
F 8320.0811	Social Security	108.00

SO MOVED: J. Baisley/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

03:21-10 AUTHORIZE

Hudson Valley Senior Softball
League Use Of Town Ball Fields For
Season Price

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Park Facilities & Program Director to issue a permit to the Hudson Valley Senior Softball League for utilization of Town ball fields at a season price of \$325.00, pursuant to the attached request; and

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

SO MOVED: S. Eagleton/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

03:21-11 APPROVE

Opening Day Parade For The Town
Of Poughkeepsie Little League On
April 14, 2012 (Rain Date April 21,
2012) From 10:00 AM To 11:00 AM

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Jack Smith on behalf of Town of Poughkeepsie Little League, to hold its Opening Day Parade on April 14, 2012 at 10:00 AM, with a rain date of April 21, 2012, which parade route is outlined on the attached documentation; and

WHEREAS, the Town Clerk is in receipt of a Certificate of Liability Insurance naming the Town of Poughkeepsie as an additional insured; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application for said Opening Day Parade as submitted.

SO MOVED: J. Conte/S. Eagleton

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None CARRIED: 7-0

03:21-12 APPROVE On Behalf Of The Hyde Park
Teachers Association To Hold A
Violet Avenue Two-Some Race On
June 1, 2012 from 6:30 PM To 7:30
PM

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Tomi Nonemacher, on behalf of the Hyde Park Teachers Association, to hold a Violet Avenue Two-Some Race, on June 1, 2012 from 6:30 PM to 7:30 PM, which race route is outlined in the attached documentation, contingent upon receipt by the Town of a Certificate of Liability Insurance naming the Town of Poughkeepsie as an additional insured.

SO MOVED: M. Cifone/J. Conte.

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None CARRIED: 7-0

03:21-13 AUTHORIZE Rinaldi Flea Market To Be Held At
900 Dutchess Turnpike In April
Through October, Possibly Through
November

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Rinaldi Flea Market to hold a flea market from April, 2012 through November, 2012 to be held at 900 Dutchess Turnpike, Poughkeepsie, NY, owned by Quadrelle Realty Services; and

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application as submitted, contingent upon the Town first receiving the applicable fees and a Certificate of Liability Insurance naming the Town of Poughkeepsie as an additional insured.

SO MOVED: S. Krakower/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,

Councilwoman Shershin and Supervisor Tancredi
Nays: None

CARRIED: 7-0

03:21-14A NOTIFICATION

New Application For An On-Premises Alcoholic Beverage License

A. Carino Bacio Corporation D/B/A Pizzeria Bacio Located At 7 Collegeview Avenue

REVIEWED BY POLICE

03:21-14B WAIVE

B. Mike And Jakes, Inc. D/B/A Mike And Jakes Deli Located At 46 Vassar Road

REVIEWED BY POLICE

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from John Gillespie, on behalf of Mike And Jakes, Inc., 46 Vassar Road, Poughkeepsie, NY, for a waiver of the 30 day review period for a liquor license application; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the thirty (30) day review period and does authorize and direct the Town Clerk to forward a letter of waiver and consent, pursuant to the attached request.

SO MOVED: A. Shershin/M. Cifone

Board questioned if there was a liquor license being issued and also a request was made for serving on deck. Supervisor advised to table this item until more information regarding the establishment and what they intended to do.

Motion made to Table until April 4, 2012 Town Board Meeting: Supervisor Tancredi/S. Krakower

CARRIED: 7-0

03:21-15 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

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 – Jyoti, Inc. |
| SC 2. Authorize | Use of Greenvale Park by HVARs for Rabies & Distemper Clinic |
| SC 3. Authorize | Refund of Sewer Usage Fees
15 Olympic Way |
| SC 4. Authorize
Supervisor to Sign | Stormwater Agreements – Healey
Chevrolet |
| SC 5. Authorize | Fireworks – Marist College |
| SC 6. Bid Award | Town Hall Audio Visual Improvements
Hudson Valley Audio Visual |
| SC 7. Accept | Course Certification – A. Ed LaPerche
B. Robert Gorman |
| SC 8. Authorize | Modification of Resolution 3:7-SC 3 of
2012 – Signatory on Town Water &
Sewer Account |
| SC 9. Notification | Public Hearing – A. Town of Wappinger
B. Town of LaGrange |
| SC 10. Notification | Public Hearing – D.C. Local Development
Corp. & Marist College |
| SC 11. Notification | Lead Agency: A. Gasland Petroleum and
Dunkin Donuts Red Oaks Mills; and
B. Marist College Student Center |
| SC 12. Consent | Planning Board to be Lead Agency – Our
Lady of Lourdes High School Sports
Complex |

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

SO MOVED: Supervisor Tancredi/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,

Councilwoman Shershin and Supervisor Tancredi
Nays: None

CARRIED: 7-0

03-21-SC 1– AUTHORIZE

Tax Certiorari Settlement For
Jyoti, 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 Jyoti, Inc., for the tax assessment rolls of 2008 through 2009, 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: J. Baisley/S. Eagleton

ROLL CALL: Ayes: Councilmen Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi

Nays: Councilman Baisley

CARRIED: 6-1

ATTACHMENT TO FINAL BOOK COPY

03-21-SC 2 AUTHORIZE

Use of Greenvale Park By Hudson
Valley Animal Rescue & Sanctuary
For Dog & Cat Rabies & Distemper
Clinic on April 22, 2012 Between
Hours of 10:00 AM and 2:00 PM

RESOLUTION

WHEREAS, Hudson Valley Animal Rescue and Sanctuary (“HVARs”), an IRS Section 501(c)3 not-for-profit organization, wishes to conduct a dog and cat rabies and distemper clinic on April 22, 2012, between the hours of 10:00 AM and 2:00 PM, at the Town of Poughkeepsie’s Greenvale Park; now therefore,

BE IT RESOLVED, that HVARs is authorized to so use Greenvale Park without charge, provided that any expense incurred by the Town shall be reimbursed to the Town by HVARs, that proof of insurance naming the Town as an additional insured is provided in advance of the event, that the property be left in a clean and orderly state, and that proof of all required professional veterinary coverage is provided to the Town in advance; and

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

SO MOVED: S. Eagleton/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

03:21-SC 3 AUTHORIZE

Refund Of Sewer Usage Fees For 15
Olympic Way

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize a refund to Gabe Tricarico, 15 Olympic Way, Poughkeepsie, NY in the amount of \$75.00 for sewer usage fees paid for said property which is not connected to the Town sewer.

SO MOVED: J. Conte/S. Eagleton

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

03:21-SC 4 AUTHORIZE
SUPERVISOR
TO SIGN

Stormwater Agreements With DK
Healey Properties, LLC

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Stormwater Management Facility Inspection and Maintenance Easement and any supporting recording documents with DK Healey Properties, LLC, a copy of said Easement is attached; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign the Stormwater Management Facility Inspection and Maintenance Agreement with DK Healey Properties, LLC and, Stormwater Management Facility Inspection and Maintenance Agreement, and Declaration of Covenants and Restrictions for Continued Maintenance of Stormwater Managements Facilities, and Providing Access to the Facility for Periodic Inspection by the Town of Poughkeepsie and any supporting recording documents with Healey Chevrolet, Inc. and Central Hudson Gas & Electric Corporation, a copy of said Agreements are attached.

SO MOVED: M. Cifone/S. Krakower

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None CARRIED: 7-0
03:21-SC 5 AUTHORIZE Marist College Fireworks Public
Display April 27, 2012 At 9:00 PM
At North Road

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Marist College to include a fireworks display at its Riverfest event to be held on Friday, April 27, 2012; and

WHEREAS, the applicant has notified the Fairview Fire District; and

WHEREAS, a Certificate of Liability Insurance has been filed with the Town Clerk naming the Town of Poughkeepsie as an additional insured; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application as submitted for a fireworks display to be held on Friday, April 27, 2012 at 9:00 PM on Marist College's riverfront property, North Road, Poughkeepsie, New York.

SO MOVED: S. Krakower/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None CARRIED: 7-0

03:21-SC 6 BID AWARD For Town Hall Audio Visual Equipment
Improvements To Hudson Valley Audio
Visual

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the bid for the "TOWN HALL AUDIO VISUAL EQUIPMENT IMPROVEMENTS" to the low bidder, Hudson Valley Audio Visual, 1914 Route 44/55, Modena, New York 12548, at the bid price of \$142,945.00, pursuant to the recommendation of the Town's Software Support Analyst; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute a contract agreement with Hudson Valley Audio Visual.

SO MOVED: A. Shershin/J. Conte

Councilman Krakower: My suggestion is that the price tag is a pretty large price and I think it's going to use a wade of money that we've got to the Cable Companies going forward and I think we have ten year agreements with the Cable Companies. My thought would be is to see if we could have this company come and do a presentation at a COW Meeting so that the Board can see what it is we are spending the money on before we vote on it.

Supervisor Tancredi: We did bid this out. This company is \$50,000 lower than the others.

Neil Wilson: We actually intended to do just that. But, first, we had received two bids and there was a total of about six companies that actually attended our pre-bid conference, but only two of them bid. We have about a \$50,000.00 difference between the low and high bid received. We've also been talking with the company about some recommendations they had for some additional items for consideration to come back to you. We have a 60 day window in which the price is to be held and my recommendation is to approve the bid as proposed and allow us to come back at a Committee of the Whole in a couple of weeks to talk about some of the other changes that they were recommending and exactly what it is they are proposing. They were very responsive to our bid package.

Councilman Krakower: Was it a bid or an RFP?

Neil Wilson: It was a bid. It was for buying stuff and we went back and forth on this, so.

Councilman Krakower: Can we run into a problem if we put it out to bid if we change what we are –?

Neil Wilson: Well, that's why we are asking the Board to approve that which was bid and there are some other things that they presented to us, things that was not included in the original bid, for additional changes going forward, we're not talking about a brand new bid like \$142,000.00, nothing like that, and that will certainly enhance the presentation.

Councilman Krakower: With an RFP we can make changes safely without creating problems.

Neil Wilson: There wasn't a change in the original bid, there were additional items they were talking to us about.

Councilman Krakower: So, if we do this at the next regular meeting, within that 60 day window, we can –

Town Attorney Nelson: Bids were opened on January 23rd. That's not to say that these folks might not be very pleased.

Neil Wilson: A lot of the base bid involved swapping these things out and then redoing the microphones and equipment in the broadcast booth. The other items we are talking to them about are about additional video displays and things like that above.

Councilman Krakower: But, we can't hold them to their bid price past the 60 days.

Neil Wilson: Unless they agree to.

Councilman Krakower: Well, if we approve this tonight and we have them come in and do a presentation two weeks from now and we decide we don't like what we approved tonight, where do we stand with that?

Town Attorney Nelson: I don't know if I've ever seen this. But, you might consider approving it subject to appearance at the April Meeting and a presentation acceptable to the Town Board.

Neil Wilson: On the baseline bid, they were very responsive to in terms of swapping out the microphones and speakers, etc. and they were talking to us about some things that were their ideas as part of their bid to help people here in the room. They do have a pretty heavy resume.

Councilman Krakower: Well, we might as well have them come in and if we can do it the way Mr. Nelson said, then I think it works fine.

Motion made to amend the resolution to read "subject to the low bidder making an acceptable project presentation to the Board on April 4th": Supervisor Tancredi and seconded by J. Conte.

ROLL CALL ON AMENDMENT AS READ: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower, Councilwoman Shershin and Supervisor Tancredi
Nays: None CARRIED: 7-0

ROLL CALL ON AMENDED RESOLUTION: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower, Councilwoman Shershin and Supervisor Tancredi
Nays: None CARRIED: 7-0

03:21-SC7A COURSE
CERTIFICATION

For Ed LaPerche From DC Planning
Federation For Course Entitled
"Housing Series 1: The Truth about
Affordable Housing"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Course Certification for Ed LaPerche from Dutchess County Planning Federation for the course entitled “Housing Series 1: The Truth About Affordable Housing”, a copy of which is attached.

SO MOVED: Supervisor Tancredi/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None CARRIED: 7-0

CERTIFICATE ATTACHED TO FINAL BOOK COPY

03:21-SC7 B COURSE For Robert Gorman From DC
CERTIFICATION Planning Federation For Course
Entitled “Housing Series 1: The
Truth About Affordable Housing”

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Course Certification for Robert Gorman from Dutchess County Planning Federation, for the course entitled “Housing Series 1. The Truth About Affordable Housing”, a copy of which is attached.

SO MOVED: J. Baisley/S. Krakower

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None CARRIED: 7-0

CERTIFICATE ATTACHED TO FINAL BOOK COPY

03:21-SC 8 AUTHORIZE Modification Of Resolution 3:7-SC 3
Of 2012 To Authorize Supervisor &
The Comptroller To Be Signatory On The
Town Water & Sewer Account With Key
Bank

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify Resolution 3:7-SC 3 of 2012 to authorize the Supervisor and the Comptroller, rather than the Receiver of Taxes, to be the signatory on the Town Water and Sewer Account with Key Bank, otherwise said resolution to remain effective.

SO MOVED: S. Eagleton/S. Krakower

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

03:21-SC 9 NOTIFICATION

A. Town of Wappingers Public
Hearing In Wappinger Town Hall
April 9, 2012 Regarding Local Law
No. --- Of Year 2012 Entitled
“Amending Chapter 236-6.B. Of
Town Code & Local Law No. ____
Of Year 2012 Entitled Amending
Chapter 46, “The Procurement
Policy Of Town Of Wappinger

NOTED BY TOWN BOARD

B. Town Of LaGrange Public
Hearing At LaGrange Town Hall On
April 11, 2012 To Discuss Local
Law No.____ Of Year 2012
Amending Chapter 240, “Zoning For
Definition Of “Building Square”

NOTED BY TOWN BOARD

03:21-SC 10 NOTIFICATION

Public Hearing To Be Held By
Dutchess County Local
Development Corporation & Marist
College On March 29, 2012 At 11:30
AM At The Dutchess County
Economic Development Corporation
On 3 Neptune Road

NOTED BY TOWN BOARD

03:21-SC 11 NOTIFICATION

A. SEQRA Lead Agency Notice Of
Intent Issue By Planning Board For
Gasland Petroleum/Dunkin Donuts
Red Oaks Mills At 35 Vassar Road

NOTED BY TOWN BOARD

B. Notice To Town Board SEQRA

Lead Agency Declaration for
MARIST COLLEGE STUDENT
CENTER RENOVATION &
MUSIC ADDITION

NOTED BY TOWN BOARD

03:21-SC 12 CONSENT

Planning Board To Be Lead Agency
For Our Lady Of Lourdes High
School Sports Complex

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 Our Lady of Lourdes High School Sports Complex, 131 Boardman Road.

SO MOVED: J. Conte/S. Krakower

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

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

CARRIED: 7-0

Doreen Tignanelli reminded people, "That at 7 PM at Town Hall, March 22nd there will be a presentation by Pace University on the Fairview Fire District consolidation and efficiency study and that's for people not in just the Fairview Fire District, but they are also studying shared services with the City of Poughkeepsie, Arlington Fire District, Hyde Park Fire and Water District and the Roosevelt Fire District as well as Staatsburg Fire District. They started this process back in 2009 so the District and the residents were concerned about the taxes and tried to do something about that. Arlington chose not to go in on that grant, but, they will be studied anyway. It will also be televised." She also spoke regarding the Dutton-O'Neill Project on the City water front. On February 8th when Mr. Koffman from the Dutton-O'Neill Group spoke here, he said that the parkland is one of the two cleanup sites in the area and would be paid for out of Grant money they were looking for and it wouldn't come out of the City or Town funds because that was originally their concern, but somewhere between February 8th and March 8th, when the final EIS was updated, there was a proposal in there that they were going to ask the Town to waive the recreation fees and at 84 units at \$5,000 each, that's about \$420,000, so February 8th, Mr. Koffman says it's not going to cost the Town anything and then on March 8th, now there is this proposal and to me as a tax payer, THAT'S A COST. I understand the City did vote to accept the document and I realize they have no authority

to wave the recreation fees but, my concern is that it is possible they will come forward and say “The City has ok’ed their part and if the Town doesn’t waive their fees, then we are going to possibly walk away from the deal”. I just don’t want any more pressure. I just wanted to make it clear that this is something you may hear.

Neil Wilson explained that the FEIS that was approved by the City is the city’s document and the FEIS that comes out by the Council, we are not bound by it. The Town is very much in the “Driver’s Seat” to say what this project will look like, or not. That includes things like Recreation Fees. They had proposed a waiver and he told them there would be no waiver and he did not anticipate this Board ever giving a waiver nor the Planning Board every granting a waiver.

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

CARRIED: 7-0

Councilman Cifone made the following Announcement:

ANNOUNCEMENT

FOURTH WARD COUNCILMAN MICHAEL CIFONE ANNOUNCED THE FIRST OF HIS THREE CLEANUPS THAT HE HOLDS IN HIS WARD ON MARCH 31, 2012 AT 8:00 AM. HE AND VOLUNTEERS WILL CLEAN UP FAIRVIEW PARK AT FULTON STREET AND PAINT THE LITTLE LEAGUE DUGOUT SNACK SHOP. HE HANDS OUT ALL THE FREE SUPLIES AND JUST NEEDS LABOR

03:21-ES 1 ADJOURN TO
EXECUTIVE SESSION

To Enter Executive Session To
Consider the Following Matters:

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 Hildecar
2. Contract Negotiations

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

SO MOVED: Supervisor Tancredi/J. Conte

CARRIED: 7-0

TOWN BOARD MEETING ADJOURNED AT 8:04 PM

TOWN BOARD ENTERED EXECUTIVE SESSION AT 8:08 PM
TOWN BOARD RETURNED TO TOWN BOARD MEETING AT 8:20 PM

NO ACTION WAS TAKEN IN EXECUTIVE SESSION
TOWN BOARD MEETING CLOSED AT 8:21 PM

SJM:lk