

**MINUTES OF REGULAR TOWN BOARD MEETING
HELD ON JULY 11, 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 resume the rules: Supervisor Tancredi/J. Conte

CARRIED: 7-0

Councilwoman Shershin: I'm really appreciative of the amendment for the historic sign. We spoke about it last night at the Historic Preservation Meeting and we are going to start taking the steps to get the Juliet sign declared as a historic sign. It turns out that the sign has been up there since they opened the theater, which was 1939 and it worked up to 1990 when they closed their doors. It was red neon. We also approached Vassar to see if they are interested in restoring it.

Town Clerk Miller: I did hereby file the affidavit of posting on June 19, 2012 and published in the Poughkeepsie Journal on June 21, 2012. I would also like to add, if anyone wants copies of any resolutions we are discussing tonight, they are up here on the table.

07:11-01 PUBLIC HEARING

Amend Town Code, Chapter 210 entitled,
“Zoning”, For Regulation Of
Temporary/Tent Sales & Signs

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 11th day of July, 2012 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 of the Zoning Law in regard to regulations pertaining to temporary/tent sales and signs, 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 for purposes of coordinating the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law; and

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

BE IT FURTHER ENACTED, that a written recommendation dated June 20, 2012 was received from the Dutchess County Department of Planning and Development stating that the proposed amendment was a matter of local concern; and

BE IT FURTHER ENACTED, that a written recommendation dated June 26, 2012 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: J. Baisley/J. Conte

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

AMENDMENT ATTACHED TO FINAL BOOK COPY

Motion made to suspend the rules for public speaking on Public Hearing #2: Supervisor
Tancredi/S. Eagleton

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

Councilman Cifone: This is along Fairview, West Cedar, East Cedar and down by the
Home Depot area. We are just going to put some new lines down. Some of the lines
went away and we are going to put new ones.

07:11-02 PUBLIC HEARING

Amend Chapter 195, Entitled
“Vehicles And Traffic”, Specifically
Section 195-47, Schedule XII,
Entitled “Crosswalks”

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant
to a public hearing held on the 11th day of July, 2012 at 7:00 PM at the Town Hall, Town
of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town
Code, Chapter 195 entitled “Vehicles and Traffic”, specifically Section 195-47, Schedule
XII, entitled “Crosswalks”, which amendment is as follows:

ADD: Section 195-47. Schedule XII

Name of Street	Location
Fulton Street	West of the Beck Place intersection
Fairview Avenue	At West and East Cedar Street intersection-North
Fairview Avenue	At West and East Cedar Street Intersection-South
West Cedar Street	At Fairview Avenue intersection
East Cedar Street	At Fairview Avenue intersection

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 become effective immediately upon filing with the Secretary of State.

SO MOVED: S. Eagleton/J. Conte

Town Clerk Miller: I did hereby file the affidavit of posting on June 27, 2012 and published in the Poughkeepsie Journal on July 2, 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 speaking on agenda items: Supervisor Tancredi/J. Conte

CARRIED: 7-0

Doreen Tignanelli: I have a question on Item #11, the Sears settlement. I saw on line that for the years 2008 through 2012, the assessment was reduced between 3.5 and 4.7 million dollars. Exactly how much is the settlement though?

Supervisor Tancredi: \$119,000. That's the Town's portion.

Doreen Tignanelli: So, the Town has to pay them \$119,000?

Supervisor Tancredi: If it's approved, yes.

Doreen Tignanelli: Ok, the other question was on Item # 13, also for a Tax Cert for Spacken Partners. I see that it says Phase I for the appraiser, \$9,600 and Phase II, \$3,900 and then it says that that only includes the court ready report and that there are additional fees they charge for other side's appraisal, travel, wait and testimony time if you have to go to court, attorney consultations and then it says \$175.00 per hour plus expenses. Is there any cap to that?

Town Attorney Nelson: There is no cap and #1, I think you have to realize a number of these cases that actually go to trial, it is not significant and so many, if not most of these, are resolved by using the preliminary appraisal, which is the first number, and after that, you invest the money in the trial ready appraisal and you only run into the hourly rates and the expenses if, in fact, you end up having to go to court.

Doreen Tignanelli: That's if there is no settlement, right?

Councilman Krakower: I don't think we've had one the entire time I've been on this Board, if I remember correctly.

Doreen Tignanelli: I guess, in the future, I would like to see, just in case, it ever did have to go to trial, that there would be some sort of limit on the expenses is considered.

Councilman Krakower: Isn't it kind of difficult to put a cap on something like that?

Town Attorney Nelson: You can ask, and you can negotiate, but I'm not sure whether an appraiser any other expert witness would agree to that. They might.

Rob Rubin: I would just like to take this opportunity to thank Town Clerk, Sue Miller, for continuing to send copies in advance of agendas of the Town Board Meetings. I am speaking as a trustee of the Wappingers School Board now. I know, as an example, on tonight's agenda, there is a Tax Cert case which I forwarded that information to my business manager and she was extremely appreciative of having that type of knowledge in advance. I believe it helps them that they can take a look and make projections as to the budget impact in the Wappinger's School District. So, I think that type of information sharing between governmental agencies is very good and I wanted to thank Sue Miller for being a pro-active part of that.

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

CARRIED: 7-0

07:11-03 PRESENTATION

Tax Payment By Credit Cards Presented
By John Dresch – IMAS, llc

John Dresch: In your portfolio that you have in front of you, if you look on the right side, where it says "Power Play". You have a brochure of the Banking Company that is the processor that matches with your New York State Statutes that allows municipalities to take credit cards. You must not go through retail, you must be going through a processor. PowerPay is the processor. It's an over \$5 billion company located in Portland, Maine. All US help support they are putting all over the 50 States today. So, there are hundreds of thousand customers who are satisfied and using PowerPay. On the other side of your portfolio, there is a blue brochure that says satellite. That is the conversion of the company I am at. The next sheet you have talks about the New York Municipalities we are currently working. (He listed the municipalities). We have met with your software company that Geoffrey is using for software and both of those software providers have provided us with their files. We have a bi-directional relationship as far as data is concerned, which means Geoffrey exports it, we can put it on the Credit Card and send it back. It is going to be "Ease of Use. The top the page that talks about the satellite states it all by saying "We are your presents on the internet". It is the web information management convergence of the companies that allow multiple office functions undertaken from anywhere, in-line, on-line, remote or portable, regardless of whatever software you are currently using. You do not need to change any

software. You do not need to change any hardware. You do not need to change any banking relationships you currently have in place. Best of all, zero, zero, zero is the cost to the municipality. (He did a slide presentation on the program and showed sample bills and how the process worked).

Geoffrey Patterson, Tax Collector: A few years ago, we had another vendor and they were always on-line. I used them for three years. They were good. But, the State Comptroller said that “You can’t use a third party to collect the taxes”. So, at that time, the contract with that company was coming to an end and we had to find another contractor and that’s when I met John, I called the offices of State Control and they said “Well, now, the municipalities can use the third party.” I had a number of receivers come here and a presentation was done and they all liked it. Sue Miller and Tim Sickles were interested in it, also. People are demanding it and we would like to have it, also.

Councilman Conte: How is it no cost to the Town?

John Dresch: The cost is given to the consumer. You can use debit card, credit card, Visa, Discover and Master Card. You may also choose to use American Express. Every single credit card that is out there, you can use. The only issue is, the Federal statute says, “Municipalities of 501C3 Non-profit organizations are able to pass any fees onto the end user” is a way you will not be charged for it. However, Federal Banking regulations say that you have to charge one flat fee across to everyone. So, as we all know, those of us who pay with or accept American Express, there is a higher fee and so to start included in your suite of chooses for constituents to use, you are going to be starting with a 3.5% rate as opposed to a 3 % rate. So, we feel that statistically, everybody that has a Master Card or VISA, may or may not have American Express. Everyone that has American Express at one point in their lives has realized that they can’t use it everywhere. It is now known that 90% to 95% of all transactions done in the US today are done electronically. It now costs you and me more money to produce a penny or nickel than what it is worth in change. That does not even count for all of the illegal activities that go around CASH. Once you remove that, this is what they think is going to happen as we go into the future.

07:11-04 AUTHORIZE

Standard Workday Resolution For
Each Elective & Appointive Official

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby establish the standard workday for each elective and appointive official, which shall be not less than 6 hours per day; and

BE IT FURTHER RESOLVED, that the standard work week shall be Monday through Friday; and

BE IT FURTHER RESOLED, that the following is a list of the elected officials with their term expiration date:

	TERM ENDS	HOURS PER WORKDAY
Todd Tancredi, Supervisor	12/31/13	8
Jon Jay Baisley, 1 st Ward Councilman	12/31/13	6
Joseph Conte, 3 rd Ward Councilman	12/31/13	6
Michael Cifone, 4 th Ward Councilman	12/31/13	6
Stephan Krakower, 5 th Ward Councilman	12/31/13	6
Ann Shershin, 6 th Ward Councilwoman	12/31/13	8
Geoffrey Patterson, Receiver of Taxes	12/31/13	8
Susan J. Miller, Town Clerk	12/31/13	8
Marc Pfeifer, Superintendent of Highways	12/31/13	8
Paul O. Sullivan, Town Justice	12/31/15	6
Paul Banner, Town Justice	12/31/15	6

AND BE IT FURTHER RESOLVED, that the following is a list of the appointed Officials with their term expiration date:

	TERM ENDS	HOURS PER WORKDAY
James Wojtowicz, Comptroller 8:00 AM – 4:00 PM (1 hour lunch)	12/31/13	8

AND BE IT FURTHER RESOLVED, that commencing January 1, 2012 the elected or appointed official shall record his or her work activities for a period of three consecutive months, which will include matters outside the normal working hours for the purpose of actually attending to official duties, including to responding to an emergency, attending an employer sponsored event or meeting with, or responding to, members of the public on matters of official business; and

BE IT FURTHER RESOLVED, that said records shall be completed within 150 days of taking office and shall be submitted within 180 days to the Clerk of the Governing Board; and

BE IT FURTHER RESOLVED, that the Town Clerk is authorized and directed to certify the “Standard Work Day and Reporting Resolution” as presented to this Town Board.

SO MOVED: J. Conte/M. Cifone

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

07:11-05 SET DATE FOR PUBLIC HEARING Property maintenance For 9 Peter Cooper Drive

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 25th day of July, 2012 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 a recommendation from the Zoning Administrator, to remove and continue to remove garden waste, fallen tree limbs and to cut and continue to cut grass to a height not to exceed 6 inches so as not to become overgrown and unsightly, which Order to Remedy is attached hereto, for property located at 9 Peter Cooper Drive, Town of Poughkeepsie, State of New York, pursuant to Chapter 159, Section 159-13 of the Town of Poughkeepsie Town Code.

SO MOVED: M. Cifone/S. Krakower

Councilman Baisley: How do you figure how much to charge them when the time comes? Is everyone different?

Supervisor Tancredi: We receive bills from the contractor. The first cut is usually more and then it drops after that.

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

ORDER TO REMEDY ATTACHED TO FINAL BOOK COPY

07:11-06 SET DATE FOR PUBLIC HEARING Property maintenance For 20 Peter Cooper Drive

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 25th day of July, 2012 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 a recommendation from the Zoning Administrator, to remove and continue to remove garden waste, fallen tree limbs and to cut and continue to cut grass to a height not to exceed 6 inches so as not to become overgrown and unsightly, which Order to Remedy is attached hereto, for property located at 20 Peter

Cooper Drive, Town of Poughkeepsie, State of New York, pursuant to Chapter 159, Section 159-13 of the Town of Poughkeepsie Town Code.

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

ORDER TO REMEDY ATTACHED TO FINAL BOOK COPY

07:11-07 SET DATE FOR
PUBLIC HEARING

Property Maintenance For 247
Wilbur Boulevard

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 25th day of July, 2012 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 a recommendation from the Zoning Administrator, to remove and continue to remove garden waste, fallen tree limbs and to cut and continue to cut grass to a height not to exceed 6 inches so as not to become overgrown and unsightly, which Order to Remedy is attached hereto, for property located at 247 Wilbur Blvd. Town of Poughkeepsie, State of New York, pursuant to Chapter 159, Section 159-13 of the Town of Poughkeepsie Town Code.

SO MOVED: A. Shershin/M. Cifone

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

Nays: None

CARRIED: 7-0

ORDER TO REMEDY ATTACHED TO FINAL BOOK COPY

07:11-08 SET DATE FOR
PUBLIC HEARING

Property Maintenance For 17 Ziegler
Avenue

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 25th day of July, 2012 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 a recommendation from the Zoning Administrator, to remove and continue to remove garden waste, fallen tree limbs and to cut and continue to cut grass to a height not to exceed 6 inches so as not to become overgrown and unsightly, which Order to Remedy is attached hereto, for property located at 17 Ziegler Avenue, Town of

Poughkeepsie, State of New York, pursuant to Chapter 159, Section 159-13 of the Town of Poughkeepsie Town Code.

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

ORDER TO REMEDY ATTACHED TO FINAL BOOK COPY

07:11-09 SET DATE FOR
PUBLIC HEARING

Property Maintenance For 32 Streit Avenue

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 25th day of July, 2012 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 a recommendation from the Zoning Administrator, to remove all solid waste, debris and litter, remove and continue to remove garden waste, fallen tree limbs and to cut and continue to cut grass to a height not to exceed 6 inches so as not to become overgrown and unsightly, which Orders to Remedy are attached hereto, for property located at 32 Streit Avenue, Town of Poughkeepsie, State of New York, pursuant to Chapter 159, Section 159-13 of the Town of Poughkeepsie Town Code.

SO MOVED: J. Baisley/S. Eagleton

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

Nays: None

CARRIED: 7-0

ORDER TO REMEDY ATTACHED TO FINAL BOOK COPY

07:11-10 SET DATE FOR
PUBLIC HEARING

Property Maintenance For 32 Briarwood
Drive

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 25th day of July, 2012 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 a recommendation from the Zoning Administrator, to remove and continue to remove garden waste, fallen tree limbs and to cut and continue to cut grass to a height not to exceed 6 inches so as not to become overgrown and

unsightly, which Order to Remedy is attached hereto, for property located at 32 Briarwood Drive, Town of Poughkeepsie, State of New York, pursuant to Chapter 159, Section 159-13 of the Town of Poughkeepsie Town Code.

SO MOVED: S. Eagleton/J. Baisley

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

ORDER TO REMEDY ATTACHED TO FINAL BOOK COPY

07:11-11 AUTHORIZE For Tax Certiorari Proceedings Instituted
SETTLEMENT By Sears Roebuck & Company #1333

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 Sears Roebuck and Co. #1333 for the tax assessment rolls of 2008 through 2012, as shown on the attached Consent Judgment; and

BE IT FURTHER RESOLVED, that Kyle W. Barnett, Esq., Van DeWater & Van DeWater, LLP and Kathleen D. Taber, Town Assessor are authorized to sign such papers as are necessary to effectuate the settlement.

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

CONSENT JUDGEMENT ATTACHED TO FINAL BOOK COPY

07:11-12 AUTHORIZE Building Permit Fee For Arlington Fire
WAIVER District Headquarters Building On Burnett
Boulevard

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the Building Permit fee for the Arlington Fire District Headquarters Building on Burnett Blvd. to enclose an opened turnout gear storage area.

SO MOVED: M. Cifone/S. Eagleton

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

07:11-13 RETAIN DeWan & Schott Appraisal Associates, LLC
For Spacken Partners, LLC Tax Certiorari
Proceeding

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie finds that it is in the best interest of the Town to retain DeWan & Schott Appraisal Associates, LLC, for appraisal services for the Town of Poughkeepsie for the tax certiorari proceedings instituted by Spacken Partners, LLC against the Town for assessment rolls of 2009, 2010, 2011 without using an RFP, such retention to be in accordance with the fee appraisal quote dated June 26, 2012, and that Kyle W. Barnett, Esq., Van DeWater & Van DeWater, LLP and/or Kathleen D. Taber, Town Assessor are authorized to sign such papers as are necessary to effectuate the retention.

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

07:11-14 AUTHORIZE New York State Department Of State Grant
SUPERVISOR Application To Fund The Update Of The
TO SIGN Local Waterfront Revitalization Plan

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a grant application for funding from the New York State Department of State for funding which will update the Town's Local Waterfront Revitalization Plan (LWRP), which grant, if awarded will be for 505 of the cost to prepare the update, with a 50% in-kind, non-cash local match by the Town; and

BE IT FURTHER RESOLVED, that the Town Board declares that because only the Town Board may authorize the grant application that it is the only involved agency under the New York State Environmental quality Review Act; and

BE IT FURTHER RESOLVED, that the Town board does declare said action to be an Unlisted Action; and

BE IT FURTHER RESOLVED, that the Town Board has reviewed the Short Form Environmental Assessment Form (EAF) dated July 6, 2011 prepared by the

Director of Municipal Development and hereby determines that: 1) the herein authorization 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.

SO MOVED: A. Shershin/J. Conte

Councilman Cifone: Do we have any idea what possible money we get in this grant?

Neil Wilson, Development Director: Actually, the reason the Budget has stated is, I'm actually still working on it with our Grants Writer. The deadline is Monday. The grant request is probably going to fall in the \$25,000 to \$35,000 range. So, there will be a substantial in-kind match of staff services between Planning and in the Engineering Department I would expect would have a lot of input from Building as well as we update the Plan. The Plan was adopted in 1999. Our Master Plan would be about every five years would be a good idea. So we are a little bit behind. The money was there. We actually got a very good type of report. We have the Department of State coming in a few months ago and did a little bit of an audit on the way we were running and managing the local waterfront plan and got high marks and we were encouraged to take the opportunity to submit our grant application for the upgrade. So, that would include not merely the time and the cost to upgrade the plan itself, but any Zoning that we would have to take to track that.

Councilman Baisley: The local waterfront plan is which areas in the Town?

Neil Wilson: Basically, it's the waterfront area roughly from Route 9 westward from Hyde Park boarder all the way down to Wappinger.

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

Nays: None

CARRIED: 7-0

07:11-15 AUTHORIZE

Block Party On July 28, 2012 From 1:00 PM to
10:00 PM On Orchard Park

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Colleen Flanagan to hold a block party on Orchard Park on July 28, 2012 with a rain date of July 29, 2012, from 1:00 PM to 10:00 PM, and does hereby authorize the Town of Poughkeepsie Police Department Traffic Division to close said street, but allowing access for emergency vehicles, from 1:00 PM to 10:00 PM; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the "Open Container Law" in the event alcoholic beverages are to be served.

SO MOVED: T. Tancredi/S. Eagleton

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

Nays: None

CARRIED: 7-0

07:11-16 NOTIFICATION

Liquor License Renewal For
Goodfellas Located At 47 Vassar Road

NOTED BY TOWN BOARD

07:11-17 NOTIFICATION

SEQRA Determination Issued By The
Planning Board For Friendly Honda
Comprehensive Site Plan Located At 1121-
1159 Dutchess Turnpike

NOTED BY TOWN BOARD

07:11-18 NOTIFICATION

The Following Supplemental Notice Of
Claim(s) Have Been Referred By The Town
Clerk To The Legal Department
A. Zallo V Town of Poughkeepsie
B. Wheeler V Town of Poughkeepsie

REFERRED TO LEGAL DEPARTMENT

07:11-19 AUTHORIZE

Special Consent Items SC 1, SC 2, SC 2,
SC 4, SC 5, and SC 6

RESOLUTION

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

SC 1. Authorize Supervisor to Sign

Federal Aid – Local Projects Utility
Work Agreement – Town Water
Line Relocation – Rt. 55

SC 2. Authorize Supervisor to Sign

License Agreement – Van Wagner
Rd. Office Park

SC 3. Authorize

The Seasons Assisted Living Center

- | | |
|------------------------------------|---|
| | Time Extension for Senior Housing
Overlay Designation |
| SC 4. Authorize | 30-day Waiver of Liquor License-
Juliet Café |
| SC 5. Retain | Hudson Valley Appraisal Corp. for
Country Club Apartments Tax
Certiorari Proceeding |
| SC 6. Authorize supervisor to Sign | Audio Visual System Change Order |

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: J. Baisley/S. Eagleton

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

Nays: None

CARRIED: 7-0

07:11-SC 1 AUTHORIZE
SUPERVISOR
TO SIGN

A Federal Aid – Local Projects Utility Work
Agreement In Addition To The Inter-
Municipal Agreement Between The County
Of Dutchess & The Town Of Poughkeepsie
For Relocation Of A Town Water Line On
Route 55

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie, by Resolution 4:4-SC 7 of 2012 authorized the Supervisor to execute an Agreement on behalf of the Townwide Water Improvement Area with Dutchess County for the relocation by the County of a Town water line on Route 55 due to improvements to the Dutchess Rail Trail; and

WHEREAS, the NYS DOT requires the execution of a Federal Aid – Local Projects Utility Work Agreement for this work; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does Hereby authorize the Supervisor to also sign a Federal Aid – Local Projects Utility Work Agreement in addition to the Inter-Municipal Agreement between the County of Dutchess and the Town; and

BE IT FURTHER RESOLVED, that this work is part of the ongoing administration of the Town wide Water Improvement Area, and 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

07:11-SC 2 AUTHORIZE
SUPERVISOR
TO SIGN

The Improvements License & Maintenance
Agreement In Regard To The Van Wagner
Office Park Project

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Declaration of Common Access and Parking Easement and authorize the Supervisor to sign the Improvements License and Maintenance Agreement in regard to the Van Wagner Office Park project, in substantially the form presented; and

BE IT FURTHER RESOLVED, that such acceptance and authorization by the Town Board of the Town of Poughkeepsie is subject to the approval of all final documents by the Town Attorney, Planning Board Attorney, Town Engineer and the Director of Municipal Development for the Town of Poughkeepsie.

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

07:11-SC 3 AUTHORIZE

The Seasons Assisted Living Center Time
Extension For Senior Housing Overlay
Designation

RESOLUTION

Matter of the Application of EBS Poughkeepsie, LLC

WHEREAS, on August 12, 2009 the Town Board granted conditional approval for an application submitted by EBS Poughkeepsie, LLC for Senior Housing Overlay District designation of a proposed ± 14.51 acre parcel located at 2611-2629 South Road also presently identified as tax parcel number 6060-02-950800-0000 for a project known as “The Seasons Assisted Living at Poughkeepsie”, referred to herein as the “Application”; and

WHEREAS, said designation was made pursuant to Section 210-20 of the Town Code; and

WHEREAS, Section 210-20(D)(8) of the Town Code states that a Senior Housing Overlay District designation shall become null and void if construction work is not begun within two years of the date of Town Board approval and completed within two years of the date of Planning Board site plan and/or subdivision approvals; and

WHEREAS, the application has not yet commenced construction due to ongoing economic conditions making financing for assisted living facilities challenging; and

WHEREAS, Section 210-20(D)(8) of the Town Code states that the Town Board may, for good cause, authorize an extension to the Senior Housing Overlay District designation; and

WHEREAS, the Town Board has determined that the ongoing economic conditions is the proximate cause of said delay, and that the delay is beyond the direct control of the applicant.

NOW THEREFORE BE IT RESOLVED THAT, the Town Board hereby grants a two year time extension of the Senior Housing Overlay District designation for the Application of EBS Poughkeepsie, LLC, said extension to expire on August 12, 2014.

BE IT FURTHER RESOLVED THAT, this approval is for an extension of time only and that all prior conditions of Town Board approval as set forth in the August 12, 2009 resolution of the Board are applicable and shall be completed as a condition of the Town Board's approval.

SO MOVED: M. Cifone/S. Eagleton

Councilman Krakower: Where is this project at at this point?

Phil Apekeeno: We are working every day on this project to get this thing moving. Financing is still a struggle. We are HUD and IDA approved. One of the things is, we have to go out and market the bonds, which there is not a good market for the bonds right now. We are getting very positive action on the commercial lot, lot #2, which will help secure financing and jump start the project. It will get the hotel down.

Councilman Krakower: By positive action, what do you mean?

Phil Apekeeno: Well, we have some possible tenants that we are talking to right now. We have several in contract and they are doing their "Do diligence" and we are hopefully going to come in soon and have a plan to demolish the hotel, build the boulevard and put the traffic signal in and that will jump start this whole project.

Councilman Krakower: We have a meeting next week, right?

Supervisor Tancredi: We have a Committee of the Whole next week.

Councilman Krakower: We have another one in July?

Supervisor Tancredi: Yes.

Councilman Krakower: Can we Table this until the third meeting in July? It's in my Ward and I've got some concerns about the overall project and property and where it's going and so I would like to take a little time to look at it. I didn't know it was going to be on the agenda tonight.

Neil Wilson, Development Director: I had received a request for the extension from Larry Wilinsky. I didn't see any reason to hold off.

Motion made to adjourn this item to the third meeting in July: Councilman Krakower/M. Cifone

CARRIED: 7-0

ROLL CALL ON ADJOURNMENT TO THIRD MEETING IN JULY: Councilmen
Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi

NAYS: None

CARRIED: 7-0

ADJOURNED TO 25TH OF JULY BOARD MEETING

07:11-SC 4 AUTHORIZE

30-Day Waiver of New Liquor License
Review Period For The Juliet Café At
5-7 Raymond Avenue

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Glen F. Kubista & Associates, on behalf of the Juliet Café, 5-7 Raymond avenue, 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: S. Krakower/J. Conte

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

07:11-SC 5 RETAIN Hudson Valley Appraisal Corporation
For Country Club Apartments LLC Tax
Certiorari Proceeding

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie finds that it is in the best interest of the Town to retain Hudson Valley Appraisal Corporation (“HVAC”), for appraisal services for the Town of Poughkeepsie for the tax certiorari proceedings instituted by Country Club Apartments, LLC against the Town for assessment rolls of 2009, 2010 and 2011, without using an RFP, such retention to be in accordance with the fee appraisal quote dated May 10, 2012, and that Kyle W. Barnett, Esq., Van DeWater & Van DeWater, LLP and/or Kathleen D. Taber, Town Assessor are authorized to sign such papers as are necessary to effectuate the retention.

SO MOVED: A. Shershin/M. Cifone

Councilman Eagleton: We’ve used this company before? (Yes)

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

07:11-SC 6 AUTHORIZE Town Hall Digital Audio & Visual System
SUPERVISOR Change Order To Hudson Valley
TO SIGN Audio/Visual

RESOLUTION

WHEREAS, the Town of Poughkeepsie Town Board advertised for sealed bids for the installation of a Town Hall Digital Audio and Video System (“the AV System”), and

WHEREAS, the Town requested the bidders to proposed various items of equipment, which together, as installed by the successful bidder, would function as a system that would meet the performance needs of the Town; and

WHEREAS, at the opening, two bids were received, the low bid being from Hudson Valley Audio/Visual for \$141,445, which was \$56,261.18 lower than the second bid, and

WHEREAS, by RESOLUTION 3:21-SC 6 of 2012, the Town Board of the Town of Poughkeepsie on March 21, 2012 awarded the contract to Hudson Valley Audio Visual to install the equipment (the “baseline installation”) in accordance with the Town’s Request for Bids document, and

WHEREAS, on further review of the proposed system and the Town’s needs, it appears that changes and upgrades, at a proposed additional cost of \$33,215, would make the system significantly more functional and effective, and

WHEREAS, the changes and upgrades include no-cost equipment changes to the baseline installation, additional cost equipment changes to the baseline installation, and additional cost equipment changes to the baseline installation, and additional cost equipment that was not part of the baseline installation, and

WHEREAS, the Town Board determines that this Change Order contract is a contract for public work, and

WHEREAS, the Town’s March, 1992 Procurement Policy calls for sealed bids for contracts for public work in excess of \$20,000, and

WHEREAS, New York General Municipal Law Section 103, as effective in 2008, calls for sealed bids for contracts for public work in excess of \$35,000, and

WHEREAS, New York General Municipal Law Section 104-b(2)(g) provides that a municipality may adopt a procurement policy governing work which does not have to be bid, which policy may set forth circumstances and types of procurements for which it would not be in the best interest of the municipality to seek alternative proposals, a determined by the Town Board, and

WHEREAS, the adoption and modification of a procurement policy is within the authority of the Town Board, and

WHEREAS, after the issuance of a \$33,215 change order for the AV System Contract, the total contract cost would still be less than the bid submitted by the second bidder; and

WHEREAS, the Town Board determines that this contract, because it involves not merely the purchase of equipment but includes the skill necessary to install and to integrate multiple, complex equipment components by the contractor into the baseline installation so as to create a seamlessly functioning system, is not a “new undertaking”, but rather a supplement to and addition to the original AV System Contract work, and

WHEREAS, separately bidding the change order work could result in having two prime contractors on what is inherently a single project, which would involve additional Town resources to oversee the work of potentially competing bidders, not to mention the additional cost of Town staff time to oversee such work to ensure a fully integrated and

functioning AV system, which circumstance would not be beneficial to or in the best interests of the Town, and

WHEREAS, in the AV System bid documents the Town specifically reserved the right to seek clarifications and revisions of proposals, and also reserve to itself the right to negotiate with the successful bidder within the scope of the request for bids in the best interest of the Town; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie hereby determines that issuing a Change Order as set forth in Exhibit "A" attached hereto for \$33,215 to Hudson Valley Audio/Visual for the proposed AV System Contract without soliciting separate proposals would be in the best interest of the Town, and it does hereby supersede the contrary provisions of the Town's Procurement Policy as it relates to said Change Order, and

BE IT FURTHER RESOLVED, that the Supervisor or his designee is authorized to sign the proposed Change Order.

SO MOVED: Supervisor Tancredi/J. Conte

Councilman Baisley: What are we changing for \$30,000?

Supervisor Tancredi: It's all broken down in your package, the 4th page.

Councilman Baisley: Why wasn't all this put in in the beginning?

Neil Wilson: Mark and I put together the original bid. You authorized the contract and they bid it. They came in and said, "Sure we can install anything you ask for and that was for the original \$142,000 price. When they came in and we started talking to them about the actual installation, timing and things like that, they said, you know, looking at this room and the way that the room is set up and the way that you are using the room, wouldn't you like to consider some additional items that we think would enhance the experience and the usage of the room? Among them would include two additional 48" LED larger than this melted on the front so you wouldn't have to get up when ever they used the screen. It would include cabling and hookups.

Councilman Baisley: Will the screen we have here be eliminated?

Neil Wilson: It's a direct hookup, yes. These are all things that were not included in the original bid that Mark and I put together. There are three components. The Dais, all the hookups, you can come in with your laptop rather than a projector and you plug it in and it would come up on the TV's and all of that was not included on the original bid. That's like a new suggestion. There are a couple of pieces of equipment that are at no cost and part of a change order. That's why I broke it down into three parts. Then you have some additional components, like more wireless microphones, etc. (listed on fourth page of the Package.)

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/ J. Conte

CARRIED: 7-0

Doreen Tignanelli: The \$119,000 for Sears, that is what has to be paid this year? Is it in the Budget?

Supervisor Tancredi: It's probably not going to be paid this year. By the time it gets worked into the system it will be next year.

Jim Nelson: That is one that you had asked that it be paid in 2013.

Doreen Tignanelli: My other question is, we see these property maintenances here and I understand that you are contracting them out, but there are some costs to the Town. Just by services, hours for Zoning, Building and all just to manage it. Have you ever considered putting some sort of fee on the banks?

Councilman Krakower: My only concern is, you have people who are struggling and losing their properties and I think we are doing this to try and clean them up so the neighbors don't have to live with the mess, but I really don't want to pile on any additional charges. If we put on another \$1500 fee, the County ends up eating that, correct? We have a lot of these properties through the Town now and it isn't because people don't want to take care of their property, it's because they are loosing their homes because they can't afford them.

Supervisor Tancredi: And it also makes it harder to sell and get it resolved.

Bob Casement: Is the work on the air conditioning done?

Supervisor Tancredi: I think it is nearing completion. I don't know if it is done yet, or not.

Bob Casement: It's noisy as ever.

Supervisor Tancredi: I'm not sure it's going to be better. I don't think there was any guarantee it would reduce the noise.

Bob Casement: I've never been in a building where it was as noisy as it is in here.

Supervisor Tancredi: No.

Councilman Krakower: Central Air is supposed to be where you can't hear it.

Marlene Gallow: I don't know what they did to it, but its worse. You can't hear anything. It's really bad. In the back you can't hear anything.

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 Town vs. County
2. Confidential communication between attorney and is client/Town Board based on attorney/client privileges.

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

SO MOVED: J. Baisley/S. Eagleton

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

Nays: None

CARRIED: 7-0

TOWN BOARD WENT INTO EXECUTIVE SESSION AT 8:40 PM

TOWN BOARD RETURNED FROM EXECUTIVE SESSION AT 8:50

NO ACTION WAS TAKEN

Motion made to Close the Meeting: Supervisor Tancredi/J. Conte

CARRIED: 7-0

MEETING CLOSED AT 8:56 PM

SJM:lkm