

**MINUTES OF COMMITTEE OF THE WHOLE TOWN BOARD
MEETING HELD ON OCTOBER 17, 2012 AT 7:00 PM
AT TOWN HALL, ONE OVEROCKER ROAD
POUGHKEEPSIE, NEW YORK**

**PRESENT: Supervisor Tancredi
Councilman Baisley
Councilman Conte
Councilman Krakower (Arrived at 7:03 PM)
Councilwoman Shershin
Town Attorney Nelson
Town Clerk Miller**

**ABSENT: Councilman Eagleton
Councilman Cifone**

* **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: 5-0

Recreation Director Tom Meyering: The Recreation Department is in the process of preparing a grant application for our Community Development Block Grant through the Dutchess Department of Planning. The amount we are asking for is \$96,289.00 and that will be for Universal Accessibility Improvements at Red Oaks Mill Park. The plan is phased out over six phases. I left a map and plan at your desks there. The Community Development people did say that they would be welcoming our application. They gave me some hints as to write it and prepare it and I think I've included all those. They also said that last year they had 20 applications and were only able to fund 13 of the 20 and so hopefully I've done a good enough job along with the Engineering Department to answer their questions and to have a viable application here, but we will see.

Councilman Conte: I love your enthusiasm to it and I support you on it. Hopefully you will get it.

Councilman Baisley: It looks like a nice grant and nice location. The fact that it's in dead center of the Town, basically. That's a good spot to start.

Supervisor Tancredi: Something different from past years when we applied for sidewalk renovations for the most part, but this is moving in a slightly different direction and hopefully something the County will look at favorably and give us a nice grant.

Supervisor Tancredi opened the discussion to the Public for speaking on this item:

Speaker not identified: Will you explain a little more in detail what the grant is about and for because I'm not familiar with it.

Supervisor Tancredi: Sure. Basically, what we are going to be applying for is the Grant for the Red Oaks Mills Park off of Alda Road and it is to permit handicap accessibility and so if we get the grant, we will do things like creating handicapped parking spots with a flat hard surface path so that people in wheel chairs can get to the ball field and to the snack shop, which is now just a stone path to the snack shop and they are big blue stones which are very course. Handicapped parking, flat solid path for people in wheelchairs or walkers. Proposed ADA accessible ramp at the playground to enable people to get to that. It is to make our Red Oaks Mill Park ADA compliant and ADA accessible.

Brian Olson, Vice President of the Poughkeepsie Cal Ripkin Babe Ruth Baseball League, and I would just like to say on behalf of our Board, we fully support and are excited about this opportunity if it, in fact, goes through, to improve the esthetics of our ballpark and bring more folks down to the fields. We appreciate Tom putting this all together.

Supervisor Tancredi: Yes, he's done a good job.

Motion made to close the public hearing: Supervisor Tancredi/J. Conte

CARREID: 5-0

10:17-01 PUBLIC HEARING

Community Block Grant

A RESOLUTION AUTHORIZING THE SUBMISSION OF THE FISCAL YEAR
2013 DUTCHESS COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM APPLICATION

PROJECT: Handicap accessibility projects at Red Oaks Mill Park

WHEREAS, the Town of Poughkeepsie is participating in the Dutchess County Community Development Consortium, for the Fiscal Year 2013; and

WHEREAS, input from citizens and groups has been received and considered;
and

WHEREAS, an application has been prepared which addresses our community concerns, and

WHEREAS, a Legal Notice of Public Hearing was published in the Poughkeepsie Journal on Saturday, October 6, 2012; and

NOW, THEREFORE BE IT RESOLVED, that the Dutchess County Community Development Consortium Fiscal Year 2013 application for the Town of Poughkeepsie including the certifications included therein be and hereby is approved, and

BE IT FURTHER RESOLVED, that the submission of said application to the Dutchess County Department of Planning and Development be and hereby is authorized; and

BE IT FURTHER RESOLVED, that the work in question involves only minor physical modifications and is a Type II Action requiring no SEQR review.

SO MOVED: J. Baisley/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Conte, Krakower, Councilwoman Shershin, And Supervisor Tancredi.

Nays: None

CARRIED: 5-0

PROJECT OVERVIEW, MAP AND PICTURES
ATTACHED TO FINAL BOOK COPY

Town Clerk Miller: I did hereby file the affidavit of posting on October 4, 2012 and published in the Poughkeepsie Journal on October 6, 2012; and

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

CARRIED: 5-0

Doreen Tignanelli: Count you please explain Item #SC 2?

Supervisor Tancredi: A broker, Jeff Richter, has left our Health Consultant's Group and moved to Rose and Kiernan. It's a medical, dental, vision benefit insurance programs for employees package.

Doreen Tignanelli: Ok, the other one is SC 4, to hire David Wise to represent the Town. Is that a particular case?

Town Attorney Nelson: There is a fellow named Donnell W. Hicks who several years ago brought a claim against the Town. It was dismissed by the Chief Judge in the Southern District of New York. Mr. Hicks filed an appeal from that and my firm was asked by the Town to Brief on behalf of the Town defendants, which we did, and Mr. Hicks claims that there is a conflict of interest because someone from my firm did some work for him. I reviewed the file and it's my position that the work that was done for him, was not directly related or substantially related to the matter in question and there is

no conflict. However, rather than go through the process, which he may or may not choose to initiate a follow up, I thought that the wise thing to do would be to let Dave Wise, or whom ever the Town Board wanted, to complete the defense of the action.

10:17-02 ACCEPT Resignation Of Police Assistant Bruce Griffing

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the resignation of Bruce Griffing, Police Assistant with the Town of Poughkeepsie Police Department, effective immediately.

SO MOVED: J. Conte, J. Basisley

ROLL CALL: Ayes: Councilmen Baisley, Conte, Krakower, Councilwoman Shershin,
And Supervisor Tancredi

Nays: None

CARRIED: 5-0

10:17-03 AUTHORIZE Promotion Of Thomas Colgan In
Water Department

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby provisionally appoint Thomas Colgan to the position of Water Distribution System Operator-Grade D, with the town of Poughkeepsie Water Department at a salary of \$43,694.99, which appointment is subject to a probationary period of not less than 8 nor more than 26 weeks per Civil Service Law, effective October 15, 2012.

SO MOVED: S. Krakower/J. Baisley

ROLL CALL: Ayes: Councilmen Baisley, Conte, Krakower, Councilwoman Shershin,
And Supervisor Tancredi

Nays: None

CARRIED: 5-0

10:17-04 AUTHORIZE Promotion Of Daniel Whiteley In Water
Department

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby provisionally appoint Daniel Whitely to the position of water Distribution System Operator-Grade D, with the Town of Poughkeepsie Water Department at a salary of \$42,730.08, which appointment is subject to a probationary period of not less than 8 nor more than 26 weeks per Civil Service Law, effective October 15, 2012.

SO MOVED: A Shershin/J. Baisley

ROLL CALL: Ayes: Councilmen Baisley, Conte, Krakower, Councilwoman Shershin,
And Supervisor Tancredi

Nays: None

CARRIED: 5-0

Supervisor Tancredi: I want to thank Keith for all the work trying to get this through the process, it's not as easy as you may think.

10:17-05 AUTHORIZE

SC 1, SC 2, SC 3, 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:

1. Authorize Supervisor to Sign Supplemental Agreements with NYSDOT Hornbeck Project
2. Authorize Supervisor to Sign Broker of Record designation-rose & Kiernan
3. Set Date for Public Hearing Amend Town Code Chapter 195- Crosswalks
4. Retain Gellert & Klein, P.C. – Donnell Hicks v. Town
5. Notification Town of LaGrange-Public Hearing
6. Notice of Claim The following Notice of Claim has been Referred by the Town Clerk to Legal Department
A. Diggins, Matthew

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. Baisley

ROLL CALL: Ayes: Councilmen Baisley, Conte, Krakower, Councilwoman Shershin,
And Supervisor Tancredi

Nays: None

CARRIED: 5-0

10:17-SC 1 AUTHORIZE
SUPERVISOR
TO SIGN

Supplemental Agreements With New York
State Department Of Transportation For A
Project For Hornbeck Road, Route 44

RESOLUTION

**Authorizing the implementation, and funding in the first instance 100% of
The federal-aid [[[State “Marchiselli” Program-aid]]] eligible costs, of a
Transportation federal-aid project, and appropriating funds therefore.**

WHEREAS, a Project for Hornbeck Road: Route 44 to Caroline Avenue in the Town of Poughkeepsie, Dutchess County Identified as **PIN 8759.40** (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Town of Poughkeepsie desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction, construction support and construction inspection.

NOW, THEREFORE, the Poughkeepsie Town Board, duly convened does hereby

RESOLVED, that the Poughkeepsie Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Poughkeepsie Town Board hereby authorizes the Town of Poughkeepsie to pay in the first instance 100% of the non-federal share of the cost of construction, construction support and construction inspection work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$358,809.00 is hereby appropriated from Account H23 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the non-federal share costs of the project exceeds the amount appropriated above, the Poughkeepsie Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Supervisor thereof, and it is further

RESOLVED, that the Town Supervisor of the Town of Poughkeepsie be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the Town of Poughkeepsie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent

funding of the local share of federal-aid and state-aid eligible Project costs and all Project cost within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Town Supervisor, the following municipal titles; Town Engineer, Town Highway Superintendent, Town Clerk and Town Comptroller are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, that this Resolution shall take effect immediately.

SO MOVED: J. Baisley/J. Conte

Councilman Conte: I just wanted to be sure, this had been off the “radar” for some time, now its back, and it’s changed. Am I missing something? We are going to get what back?

Town Attorney Nelson: We will get 80% back. When we started this process several Years ago, you had hoped to be able to get 75% of the other 20 back under this Marchiselli program but, for the actual construction work, which is about 425, in April, they amended the regulations relating to that and the construction work is now not subject to your being able to get 75% of that 20% and so it adds to about \$60,000 to the bonded expenses that the Town will have to bear on the project.

Councilman Conte: Well, it’s an important road, as we all know and thanks for the explanation on that.

Councilwoman Shershin: What exactly is the construction that is going to be done? What’s included?

Councilman Conte: The widening of Hornbeck Road, which there had to be some trees removed and they were talking about putting some fences up and that’s right where you come out on Route 44 and that could be a tight predicament early in the morning or around the 5:00 time. A lot of residents were behind it too, even willing to move their property lines in a little bit for it.

ROLL CALL: Ayes: Councilmen Baisley, Conte, Krakower, Councilwoman Shershin,
And Supervisor Tancredi

Nays: None

CARRIED: 5-0

10:17-SC 2 AUTHORIZE
SUPERVISOR
TO SIGN

Broker Of Record Designation
For Rose & Kiernan, Inc.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor or his designee to sign a broker of record designation in substantially the form presented and on receipt of an indemnity agreement, both in form acceptable to the Attorney for the Town, to allow Rose and Kiernan, Inc. to provide health, dental, vision, life and disability insurance and employee benefit brokerage services to the Town of Poughkeepsie on behalf of its officers and employees.

SO MOVED: J. Conte/J. Baisley.

ROLL CALL: Ayes: Councilmen Baisley, Conte, Krakower, Councilwoman Shershin,
And Supervisor Tancredi

Nays: None

CARRIED: 5-0

10:17-SC 3 SET DATE FOR
PUBLIC HEARING

Amend Town Code, Chapter 195,
Entitled "Vehicle And Traffic",
Specifically Section 195-47,
Schedule XII, Entitled "Crosswalks"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 7th day of November, 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 amendment to the Town code, Chapter 195 Entitled "Vehicles and Traffic", specifically Section 195-47 Schedule XII, entitled "Crosswalks", which amendment would read as follows:

ADD: Section 195-47. Schedule XII

Name of Street	Location
Inwood Avenue	At North Side of Fulton Street
Waldorf Place	At North Side of Fulton Street
Fulton Street	At East Side of Woodlawn Avenue
Spring Street	At West Side of Woodlawn Avenue

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does determine that this action is a Type II Action requiring no environmental review; and

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

SO MOVED: S. Krakower/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Conte, Krakower, Councilwoman Shershin,
And Supervisor Tancredi

Nays: None

CARRIED: 5-0

10:17-SC 4 RETAIN

David R. Wise, Gellert & Klein, P.C. To
Defend The Town's Interests In The United
States Court Of Appeals, Second Circuit

RESOLUTON

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie authorizes the retention of David R. Wise, Gellert & Klein, P.C. as successor to Van DeWater & Van DeWater, attorneys for the Town, at the rate of \$165.00 per hour for partners, \$155.00 per hour for associates and \$80.00 per hour for paralegals, to defend the Town's interests in the United States Court of Appeals, Second Circuit, regarding an action instituted by Donnell W. Hicks.

SO MOVED: A Shershin/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Conte, Krakower, Councilwoman Shershin,
And Supervisor Tancredi

Nays: None

CARRIED: 5-0

10:17-SC 5 NOTIFICATION

Town of Lagrange Public Hearing

NOTED BY TOWN BOARD

10:17-SC 6 NOTICE OF CLAIM

The following Notice of Claim has
Been referred by the Town Clerk to
Legal Department
A. Diggins, Matthew

REFERRED TO LEGAL DEPARTMENT

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

CARRIED: 5-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 5-0

SPECIAL MEETING ADJOURNED AT 7:20 PM

COMMITTEE OF THE WHOLE MEETING REPORTS

1. FINANCE Councilman Krakower: No Report
2. FIRE ADVISORY Councilman Conte: No Report
3. GOVERNMENT OPERATIONS Councilwoman Shershin: No Report
4. LAND USE & PLANNING Councilman Krakower: No Report
5. PERSONNEL Councilman Cifone: No Report
6. RECREATION Councilman Baisley: Still working forward on The Senior Center. It's moving forward and we should have some information on it in the next couple of weeks.
7. SENIOR CITIZENS Councilman Baisley: See Recreation
8. TECHNOLOGY & EQUIPMENT Councilman Eagleton: Absent
9. WATER, SEWER, HIGHWAY Councilman Eagleton: Absent

EXECUTIVE SESSION

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. Confidential communication between attorney and his client/Town Board based on attorney/client privileges.

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

SO MOVED: J. Baisley/J. Conte

TOWN BOARD WENT INTO EXECUTIVE SESSION AT 7:23 PM

TOWN BOARD RETURNED TO TOWN BOARD MEETING AT 7:35 PM

NO ACTION WAS TAKEN

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

CARRIED: 5-0

TOWN BOARD MEETING CLOSED AT 7:36 PM

SJM:lkm