

**MINUTES OF REGULAR TOWN BOARD MEETING HELD ON
OCTOBER 24, 2012 AT 7:00 PM AT TOWN HALL,
ONE OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

PRESENT: Deputy Town Supervisor Krakower
ABSENT: Supervisor Tancredi
Councilman Baisley
Councilman Eagleton
Councilman Conte
Councilman Cifone
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: Deputy Supervisor Krakower/S. Eagleton

CARRIED: 6-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 6-0

10:24-01 PUBLIC HEARING

Amend Town Code, Chapter 210, "Zoning", Specifically Pertaining To Freestanding Signs

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 24th day of October, 2012 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend Chapter 210, entitled "Zoning", specifically Article IX, Sections 210-126, 210-127, 210-129, which said amendments pertain to certain regulations regarding freestanding signs, and

BE IT FURTHER ENACTED, that the amendments are attached hereto and incorporated herein and the Town Board does hereby waive a verbatim reading of said amendments and does direct that said amendments be spread across the record as if they, in fact, had been read verbatim; and

BE IT FURTHER ENACTED, that the Town Board has previously declared its intent to act as Lead Agency under the New York State Environmental Quality Review Act and does declare said action to be an Unlisted Action; and

BE IT FURTHER ENACTED, that the Town Board has reviewed the Short Form Environmental Assessment Form (EAF) 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 October 10, 2012 was received from the Dutchess County Department of Planning and Economic Development stating that the proposed amendment was a matter of local concern; and

BE IT FURTHER ENACTED, that a written recommendation dated October 19, 2012 was received from the Town of Poughkeepsie Planning Board in which said Board recommended adoption of the herein amendments; and

BE IT FURTHER ENACTED, that the Town Clerk notify the Clerks of the surrounding municipalities of the public hearing pursuant to GML 239-239-nn; and

BE IT FURTHER ENACTED, that the Legal Notice of Public Hearing was published in the Poughkeepsie Journal on October 5, 2012; 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

Councilwoman Shershin: I read through it and they did a really good job clearing up the legislation as to what is being required and asked for.

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

Nays: None

CARRIED: 6-0

Motion made to suspend the rules for public speaking on Public Hearing #2: Deputy Supervisor Krakower/A. Shershin

CARRIED: 6-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 6-0

10:24-02 PUBLIC HEARING

Amend Town Code, Add Chapter 89
“Economic Development Incentives”

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 24th of October, 2012 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town Code to include an addition which will be known as Chapter 89, entitled “Economic Development Incentives”, and

BE IT FURTHER ENACTED, that the amendments are attached hereto and incorporated herein and the Town Board does hereby waive a verbatim reading of said amendments and does direct that said amendments be spread across the record as if they, in fact, had been read verbatim; and

BE IT FURTHER ENACTED, that the Town Board has previously declared its intent to act as Lead Agency under the New York State Environmental Quality Review Act and does declare said action to be an Unlisted Action; and

BE IT FURTHER ENACTED, that the Town Board has reviewed the Short Form Environmental Assessment Form (EAF) 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 October 9, 2012 was received from the Dutchess County Department of Planning and Economic Development stating that the proposed amendment was a matter of local concern; and

BE IT FURTHER ENACTED, that a written recommendation dated October 19, 2012 was received from the Town of Poughkeepsie Planning Board in which said Board recommended adoption of the herein amendments; and

BE IT FURTHER ENACTED, that the Town Clerk notified the Clerks of the surrounding municipalities of the public hearing pursuant to GML 239-nn; and

BE IT FURTHER ENACTED, that the Legal Notice of Public Hearing was published in the Poughkeepsie Journal on October 6, 2012; and

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

SO MOVED: S. Eagleton/J. Conte

Deputy Supervisor Krakower: We did get a letter from Ann Conroy who is a resident and on our Planning Board stating that she (inaudible) Section 45B (inaudible). So, we'll make that part of the record.

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

Nays: None

CARRIED: 6-0

Motion made to suspend the rules for public speaking on Public Hearing # 3: Deputy Supervisor Krakower/J. Conte

CARRIED: 6-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 6-0

10:24-03 PUBLIC HEARING

Amend Town Code, Chapter 195, "Vehicle And Traffic," Section 195-47 – "Crosswalks" for Nassau Road

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 24th day of October, 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

Robin Road

At Intersection with Nassau Road

West Robin Road

At Intersection with Nassau Road

Nassau Road

At Intersection with Robin Road

Nassau Road

At Intersection with West Robin Road

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

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

SO MOVED: J. Conte/S. Eagleton

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

CARRIED: 6-0

Deputy Supervisor Krakower: I had a question as to whether they were necessary and wanted to hold it up until I took a look, but they got painted before I was able to discuss it with the Town Police Department, but they don't look too bad, they actually look fine and it will make it a safer intersection for the kids that are crossing there, so, I'm in favor of it.

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

Nays: None

CARRIED: 6-0

Motion made to suspend the rules for public speaking on Public Hearing #4: Deputy Supervisor Krakower/J. Conte

CARRIED: 6-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 6-0

10:24-04 PUBLIC HEARING

Amend Town Code Chapter 195, "Vehicles and Traffic", Section 195-44 "Stop Intersections" at Creek Bend Road And Millbank Road

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 24th day of October, 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 195-44. Schedule IX, entitled “Stop Intersections”, which amendment is as follows:

ADD: Section 195-44. Schedule IX: Stop Intersections:

Stop Sign on	Direction of Travel	At Intersection of
Creek Bend Road	West	Millbank Road

REPEAL: Section 195-45. Schedule X: Yield Intersections:

Yield Sign on	Direction of Travel	At Intersection of
Creek Bend Road	West	Millbank Road

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

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

SO MOVED: M. Cifone/J. Conte

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

Councilwoman Shershin: Actually, this is a neighbor of Todd Tancredi who brought this up because Millbank is a long straight road and traffic can really get going with just a yield sign, it really doesn't have the impact. You really need to stop and check the traffic before you pull out and Todd thought it was a great idea.

Deputy Supervisor Krakower: I just want to mention that Todd isn't here today, he isn't feeling well so that's why I'm here in the middle.

Motion made to suspend the rules for public speaking on Public Hearing #5: Deputy Supervisor Krakower/J. Conte

CARRIED: 6-0

Wayne Cichon, Deputy Building Inspector: The report pretty much speaks for itself on the property. It's a case of someone who is there from time to time. We never seem to be able to get them, however, at the times we show up, but it looks like a "Hoarding" type of scenario going on there. You can tell from the pictures that the place has been packed off pretty well. It still has the electric turning right now and that would be one of the first steps I would definitely like to take is to get that terminated, for a lot of reasons. It's really a health hazard there. There is mold every where. The doors are unsecured. Some of the windows are unsecured. It's just another one of those where it's a bad scenario. If we had to have emergency responders there, it puts them in peril, especially with the pool. There is an in-ground pool on the property that no longer has an enclosure and so if they had to fight a fire from the reverse side of the building, it could put them in danger and really is just not necessary.

Councilman Conte: The fearful thing is that –is someone living there?

Wayne Cichon: No, no one is living there, but from time to time, a door will be open, the garage door will be up, that type of thing and you can tell that boxes have been moved, but definitely no one is living in the structure.

Councilman Conte: The owner of the property – the Town Police or no one can find them?

Wayne Cichon: No one has been able to find them. It's funny though, my certified return receipt mail has come back and the regular mail does not. It's been fifteen years I've been doing this job and we always send a regular US Mail Delivery on all of the Orders just to see what happens with it. It's still legal service, but that just never came back.

Councilman Conte: The reason I am alarmed about this is that someone is paying the electric bill. You said the electric is running?

Wayne Cichon: The meters on.

Councilman Eagleton: How often have you been checking the meter?

Wayne Cichon: I was back there within the last month and the electric was still on. I know that there is a pump running in the basement of the structure, because when taking pictures of it, it kicked on and started blowing water out from the basement area.

Councilman Conte: If we turn this electric off and we have a freeze and we damage those pipes, can we be liable?

Wayne Cichon: We would turn off the water as well.

Deputy Supervisor Krakower: We would winterize it, correct?

Councilman Conte: Is that what you would do, just turn the water and electric off, condemn it and just walk away from it?

Wayne Cichon: At this point, it can't be used for any legal purposes. It's in such an advanced stage of disrepair with holes and a huge water problem inside the structure. You can literally see the moisture on the inside of the glass.

Deputy Supervisor Krakower: We've posted it at the property, correct?

Wayne Cichon: Yes we have, it's been posted for more than a year.

Councilman Baisley: Has any of the neighbors seen anyone living there?

Wayne Cichon: No, and I spoke to the gentleman who lives right next door, about 35 ft. away, and he said that only from time to time does he see a car there. He never really gets to speak to anyone. The person that comes there doesn't stick around very long.

Deputy Supervisor Krakower: Has this been a problem over a number of years and just gotten to a point of unmanageable right now or is something that just came up on the radar within the past 12 months or so?

Wayne Cichon: It was a complaint that came in and we went and investigated the complaint and found out the condition. We waited for more than a year. If you read the report, I've asked for a lot for this. It is one of the places that looks like it could go at any time. It has some advanced failures of roofing systems on it now. We are looking to do an immediate securing of the premises. Get a snow type fence around the pool so if the firefighters had to show up there, at least they would have a little advanced warning that there is a problem going on. Board up the windows and doors. We can always come back and visit this another time for the Town Board to be able to issue a demolition or repair order for the property.

Deputy Supervisor Krakower: We appreciate the work you have done, you usually are very good with what you do, so, thank you for that. It's unfortunate something comes to this.

Town Attorney Nelson: In Mr. Cichon's September 20th investigative report, there is no question that he asked the Board to authorize the snow fencing, the securing and also the termination of the electricity. In the findings that are on the 5th page of the documents you have, that mentions doing the windows and the doors and the pool and securing the facility, but it doesn't specifically include electricity and so, if you adopt this resolution, maybe you could just take a voice vote to terminate the electricity and have that recommendation incorporated in the findings.

Councilman Eagleton: And the water, I don't recall seeing that. Can we mention the turning off of the water?

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: A. Shershin/S. Eagleton

Motion made to Amend the Resolution to include the authorization to turn off all utilities and to secure the pool in a manner satisfactory to the Town of Poughkeepsie Building Department: Deputy Supervisor Krakower/J. Conte

ROLL CALL ON AMENDMENT: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone,
Councilwoman Shershin and Deputy Supervisor
Krakower
Nays: None CARRIED: 6-0

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

Motion made to suspend the rules for public speaking on agenda items: Deputy
Supervisor Krakower/J. Conte
CARRIED: 6-0

Scott Volkman for the Racquet Club: I am here tonight to urge the Town Board to take action on the Special Consent Item #5 which covers confirming your lead agency status adopting negative declaration authorizing execution of an agreement which has been negotiated with respect to this issue and allowing the Town to exercise the sewer option over the Redl property which is critical for us to proceed in a timely fashion. Regarding the problems we are aware of continue to exist to date, we are still pumping sewage on a weekly basis there, the costs continue to mount and the health situation continues to be a problem and potentially more of a problem. So, I'm here if you want to ask questions or further on when you discuss the issue, I'm available and I just encourage you to take positive action tonight.

Deputy Supervisor Krakower: I have one question, if this gets passed, which I believe it will, what is the time line for the construction and when will you be done with the construction?

Scott Volkman: They have plans they are prepared to seek bids on it immediately and to start the construction as soon as those bids come back. I'm not positive on the completion time frame, but certainly before or during the early part of the winter it will be completed.

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

CARRIED: 6-0

10:24-06 APPOINT

Police Department Of Eric J.
Lamoree As Police Assistant

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Eric J. Lamoree to the position of part-time Police Assistant, at the Grade 6 Step 1 salary of \$19.45 per hour, effective November 5, 2012, which appointment is subject to a probationary period of not less than 8 nor more than 26 weeks per Civil Service Law; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute and file all documentation required by the Dutchess County Department of Human Resources in connection with this appointment.

SO MOVED: S. Krakower/J. Baisley

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

Nays: None

CARRIED: 6-0

10:24-07 SET DATE FOR
PUBLIC HEARING

Preliminary Budget 2013

RESOLUTION

BE IT RESOLVED, pursuant to and in accordance with the provisions of Section 106 of the Town Law and other applicable provisions of law, the tentative statement of estimated expenditures and revenues heretofore submitted by the Supervisor is adopted as the Preliminary Budget of the Town of Poughkeepsie for the fiscal year beginning January 1, 2013 and such Preliminary Budget is on file in the Town Clerk's Office of the Town of Poughkeepsie for public inspection; and

BE IT FURTHER 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 the date, time and place of the public hearing, on the Preliminary Budget for the fiscal year beginning January 1, 2013, at which time all interested parties will have the opportunity to be heard, which Preliminary Budget was approved by this Board and filed with the Town Clerk; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized, empowered and directed to advertise said public hearing in the Poughkeepsie Journal no less than five (5) days prior to the public hearing and to post same on the Town Clerk's bulletin board; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

SO MOVED: J. Baisley/S. Eagleton

Deputy Supervisor Krakower: The Finance Committee has been meeting on the Budget. We've met with a number of Department Heads already. I think everyone did a very good job. The numbers are very tight and I think in the current economic climate, it is a good thing because the taxpayers really can't afford any more than we actually have to tax them, so, the Supervisor and Comptroller did an excellent job. It's making our live a little easier on the Finance Committee, also.

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

Nays: None

CARRIED: 6-0

PUBLIC HEARING TO BE HELD AT NOVEMBER 7, 2012
TOWN BOARD MEETING

10:24-08 AUTHORIZE
SETTLEMENT

Poughkeepsie CTYD For Tax Certiorari
Proceeding

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 Poughkeepsie CTYD, by Huff Wilkes, LLP, Agent, for the tax assessment rolls of 2011 and 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: S. Eagleton/J. Conte

Deputy Supervisor Krakower: It looks like its being reduced from 10 million down to 8.9 in 2011 and to 8.25 in 2012, which stays the same.

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

Nays: None

CARRIED: 6-0

CONSENT JUDGMENT ATTACHED TO FINAL BOOK COPY

10:24-09 AUTHORIZE
SETTLEMENT

Vornado Realty Trust And South Hills
Eat II, LLC Tax Certiorari Proceeding

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 Vornado Realty Trust and South Hills Eat II, LLC for the tax assessment rolls of 2007 through 2012, as shown on the attached Stipulation of Settlement; 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.

Deputy Supervisor Krakower: It looks like the assessed value ends up at \$28 million and starts out at \$36 million. Is the value here reflective on the fact that there is a lot of vacant space?

Kathleen Tabor, Tax Assessor: Yes.

Deputy Supervisor Krakower: Ok, so hopefully when some of that space gets filled in, the value will go up? (Yes)

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

Nays: None

CARRIED: 6-0

STIPULATION OF SETTLEMENT ATTACHED TO FINAL BOOK COPY

10:24-10 AUTHORIZE

Special Consent Items SC 1, SC 2, SC 3,
SC 4, and SC 5

RESOLUTION

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

1. Authorize Settlement R & F Poughkeepsie North, LLC – Tax Certiorari Proceeding
2. Notice of Claim The following Notice of Claims have been referred by the Town Clerk to Legal Department:

- | | |
|---------------------------------|--|
| | A. Koren, Jeffrey; and
B. Winkler, Matthew/State Farm |
| 3. Appoint | Leo Stanszak-permanent part time
Court attendant |
| 4. Appoint | Alan Roberts- permanent part time
Court Attendant |
| 5. Authorize Supervisor to Sign | Racquet Club Sewer Tenancy Option
Agreement |

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: M. Cifone/J. Conte

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

Nays: None

CARRIED: 6-0

10:24-SC 1 AUTHORIZE
SETTLEMENT

R & F Poughkeepsie North, LLC For
Tax Certiorari Proceeding

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 R & F Poughkeepsie North, LLC, for the tax assessment rolls of 2009, 2010, 2011, and 2012, as shown on the attached Stipulation of Settlement and Order; 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: A. Shershin/S. Eagleton

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

Nays: None

CARRIED: 6-0

STIPULATION OF SETTLEMENT AND ORDER ATTACHED TO FINAL BOOK COPY

10:24-SC 2 NOTICE OF
CLAIMS

The Following Notice Of Claims Have Been
Referred By The Town Clerk To The Legal

purchase of 5,000 gallons per day of sewer capacity for forty (40) years from the Town's Fourth Ward Sewer District, which Agreement would include an initial payment of \$15.00 per gallon per day (\$75,000), over 5 years at 2.25%, the fulfillment of certain conditions precedent in the Agreement, and the exercise of the tenancy option no later than one year from the date of the Agreement; and

WHEREAS, the provision of sewer service to the Condominiums requires the Town to exercise its option to take ownership of certain sewer lines which run through the intervening lands of Herb Redl, LLC; and

WHEREAS, by Resolution SC 4 of September 12, 2012 the Town Board received a Long Form Environmental Assessment Form (EAF) showing the Town of Poughkeepsie, the City of Poughkeepsie, and the Dutchess County Department of Health as involved agencies in this Unlisted Action, and further declared its intention to be the Lead Agency for the coordinated SEQR review of this Action; and

WHEREAS, the Town Legal Department has circulated a Lead Agency Notice to the involved agencies; and

WHEREAS, based on the proposed volume of additional flow, the City of Poughkeepsie is not an involved agency, and thirty (30) days having elapsed since the mailing of the Lead Agency Notice to the Dutchess County Department of Health, which has not objected, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie adopts and authorizes the Supervisor or his designee to execute the annexed SEQR Negative Declaration; and

BE IT FURTHER RESOLVED, that the Supervisor or his designee is authorized to execute the Sewer Tenancy Option Agreement in substantially the form as presented; and

BE IT FURTHER RESOLVED, that the Supervisor or his designee is authorized to exercise the Town's sewer option as to the required lines which run through the lands of Herb Redl, LLC.

SO MOVED: S. Eagleton/J. Conte

Councilman Eagleton: I don't have any objection to the resolution, but the second to last paragraph language, is that substantially the form as presented? Is that kind of a weak statement?

Town Attorney Nelson: No, it's not intended to be weak. Ms. Richardson and I have traded the document back and forth and she asked me for some changes this afternoon around 2 PM and they struck me as minor and I said, Pam, I think we can work through

this as the resolution calls for it to be in substantially this (inaudible). So, I don't believe that any of the changes she requested were sustained. Scott, can you?

Scott Volkman: No, most of the changes have been made as agreed to so I would expect that there may be some minor tweaks, but nothing substantial.

Town Attorney Nelson: I don't believe any of the changes were substantial, but I will take a second look at them and if I feel there is anything to make me uncomfortable or seems to be off standard from what we've done before, I'll ask that this be put back on again at the next meeting, but as I looked at those request for changes this afternoon, they didn't strike me as being in any way substantially different from what you normally do. I will, however, review them.

Deputy Supervisor Krakower: I'm comfortable with the fact that if Mr. Nelson reviews it and is in anyway remotely an issue that Mr. Nelson will bring it back to us.

Scott Volkman: Just one thing, I checked my notes, construction will take six to eight weeks once we can actually get into the ground.

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

Nays: None

CARRIED: 6-0

AGREEMENT ATTACHED TO FINAL BOOK COPY

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

CARRIED: 6-0

Sue Miller: I want to thank the Legal Department, they did excellent resolutions, including when each of the Public Hearings were published and that's great.

Jim Barretta: I just wanted to thank my Councilwoman Ann Shershin for coming to the Arlington Fire District Budget Meeting and speaking about the high price of the Budget and the burden it puts on taxpayers and she previously came to another regular meeting and got a copy of the proposed budget and submitted to the Fire District her list of suggestions as how they could potentially reduce that budget. I just wanted to thank her for her time and making a couple of meetings, doing that research and putting that document together and speaking about it.

Councilman Cifone: Did they take any of it into consideration, Ann?

Councilwoman Shershin: One. They said they were going to cut anyway. Some \$3,000 line they were going to take out anyway.

Joe Armstrong: I was glad to hear you say before, Mr. Krakower, that people can't pay their taxes and it has been taken into consideration in your budget. I wish the Fire Department would have heard you say that and take it into their consideration because there is no question in my opinion, for the short time that I've been going to the meetings that they don't care what we think. They know we can't vote on it and so they put in what they want.

Doreen Tignanelli: I just wanted to say that that is one thing about this Board, we are not cut off from what we want to say. We are able to bring our point of views out and discuss them. The operating budget did go down slightly, but the reason for that is that they over estimated their medical/dental insurance line item by \$550,000. Anyway, I did want to say we do appreciate that we are able to speak here and ask our questions.

Victor Gennodie: The issue of the house on Vassar Road. I want to refresh the memory of the house on Stephanie Lane, there was a house back there that got torn down by the Town and afterwards the guy sued the pants off the Town of Poughkeepsie because the house had all personal belongings, antique jewelry, antique motor cycles, everything and what happened is the guy's wife had passed away and he had a nervous breakdown and wound up in a hospital and then went to Florida and stayed with his sister for a while and someone was supposed to be taking care of the house and didn't do it and then the house got in disrepair and kids got into it and they tore it down. You should just secure it but what took place at that house, that man was devastated. Don't tear down 195 Vassar Road house because you could have a lawsuit. If someone is paying the electric bill and the taxes, find out who is signing the checks and get hold of them.

Deputy Supervisor Krakower: I believe we are going to secure it, but don't believe we would be going in and demolishing it any time soon. I hope that would be the case.

Victor Gennodie: Ok, also, the Senior Center. I'm here to plead with all you members who are involved. Last month, the beginning of the month, everyone thought that the closing was going to take place, instead it didn't and so Mr. Farrara had to go and pay the mortgage and taxes and insurance and it cost him nearly \$7,000 a month and it's bleeding him because he can't rent the building for a month or two and it's hurting him. He's going backwards and I'm here because I get a lot of phone calls. I know a lot of seniors and they ask what's going on, I'm saying, all responsible parties involved, let's get it done. Let's get in and get it taken care of because now the weather is closing in and any work that needs to be done outside we are limited to the amount of time. The seniors are anxious to get in there and go. So, let's have a closing date. You have an extension until November 9th, is there going to be a closing by November 9th? The seniors, I being one, have been very patient and good about it, but they are anxious and so is Mr. Farrara to get this settled.

Town Attorney Nelson: We have a list of do diligence items we are working our way through and I think we've worked our way through them diligently, but we have to finish.

I've spoken about the closing as recently as Monday morning with Mr. Farrara's attorney and we are going to get this closed as soon as we can, but we do need to finish the prep work.

Deputy Supervisor Krakower: It does take a little longer with commercial properties than general residential. Residential can take a month or two, commercial is definitely more complicated. The legal department and engineering has been working through it.

Councilman Cifone: We want to make sure that everything is ironed out with no glitches.

Ginny Buechele: I would just like to say that I sympathize with Mr. Farrara about his mortgage problems, but, his mortgage problems are not the Town's problems. I would also like to ask Mr. Nelson, or this Board, when your do diligence is complete and before you proceed, are you going to present the findings of your do diligence to the public at a public meeting and will that be before the budget is adopted?

Town Attorney Nelson: The honest answer is, I don't know.

Ginny Buechele: I think there were some cost adjustments made and I think the public is entitled to know whether or not your do diligence has shown that whatever was going to be done with that building will come in under what projected and if not, how it might affect the budget, so I'm hoping before you decide to proceed, that your do diligence findings will be presented to the public at a public meeting.

Town Attorney Nelson: If we have to shift items from one line to another, you would know anyway as it would have to come before the Board first.

Ginny Buechele: I still think the public should know exactly what this is going to be costing before we proceed. It is also important to keep your eye on the Fire Department Budget, etc.

Councilman Cifone: Once we get everything ironed out, all of the findings will be out there.

Joe Armstrong: On the statement about attending the meetings for the Fire Department. November 5th at 7:30 on Burnett Blvd. is the next meeting and we will deal with the budget. Tell everyone to come.

Deputy Supervisor Krakower: Neil Wilson is the Director of Development here in the Town and his father passed away, I believe it was last night, and so I just want to send my condolences and condolences on behalf of the Town and Town Board to Neil and his family.

Motion made close the meeting: Deputy Supervisor Krakower/J. Conte

CARRIED: 6-0

SJM:lkM

MEETING CLOSED AT 8:07 PM

