

07:10-01 RETAIN

**Van DeWater & Van DeWater For Article 78
Proceeding – CPD NY Energy Corp. &
Chestnut Mart Of Poughkeepsie, Inc. Against
Town Planning Board, El.**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby retain Van DeWater & Van DeWater, LLLP, to represent the Town in the matter of CPD NY Energy Corp. and Chestnut Mart of Pok, Inc. against the Town of Poughkeepsie Planning Board, et al, at the rate of \$165.00 per hour for partners, \$155.0 per hour for associates and \$80,00 per hour for paralegals, plus disbursements.

SO MOVED: J. Baisley/J. Conte

Supervisor Tancredi: Last week a question was raised as to whether we can have the applicant pay for this legal representation and I've given each Board Member a copy memo from the Town Attorney that we received this afternoon and he reviewed the law but, he feels we can not do that and we can not pass on the legal fees to the applicant.

Attorney Adrienne Odierna: According to our research, it shows that the escrow fund is reserved just for this, charging against the legal fees for reviewing the application itself, but not necessarily for defending a lawsuit from a third party and so from that respect, and also the Attorney General's opinion, states that we can't force the developer to pay for the Town's representation and so the funds will have to come out of the legal budget.

Councilwoman Shershin: I do think that this is a good project and something the Town should support and definitely be a good addition to Route 9 there and hopefully develop more tax base for us.

Supervisor Tancredi: I agree. My personal opinion and not speaking on behalf of the Town, I think it is a frivolous lawsuit and I think it is someone trying to limit economic competition, which is honestly not our position.

Councilwoman Shershin: Yes, and I heard last night that the Hess Corporation may be closing those gas stations and being sold to someone else and we may even have one less gas station in that strip.

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

Nays: None

CARRIED: 5-0

07:10-02 APPOINTMENT

**Police Department Appointment
Of Police Officer Richard P. Sisilli,
Jr.**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Richard P. Sisilli, Jr. to the position of full time Police Officer under the provisions of Civil Service Law dealing with a resignation/reinstatement, at the yearly salary of \$53,592.00, effective July 29, 2013, which appointment is subject to a probationary period of not less than 26 nor more than 52 weeks per Civil Service Law.

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

**07:10-03 SET DATE FOR
PUBLIC HEARING**

**Amend Town Code, Entitled
“Peddling & Soliciting”,
Specifically Sections 151-2 &
151-11**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 7th day of August, 2013 at 7:00 PM, or as soon thereafter as the matter may come to be heard, 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 amendments to Chapter 151, entitled “Peddling and Soliciting”, specifically Sections 151-2 and 151-11, and

BE IT FURTHER RESOLVED, that the proposed 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 RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby declare itself as lead agency and that this action is a Type II Action requiring no environmental review; and

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

SO MOVED: J. Conte/Eagleton

**ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None**

CARRIED: 7-0

**07:10-04 SET DATE FOR
PUBLIC HEARING**

**Water Treatment Facility –
Upgrade – Water Improvement
Area VII**

RESOLUTION

The regular meeting of the Town Board, Town of Poughkeepsie, Dutchess County, New York, held at Town Hall, One Overocker Road, Poughkeepsie, New York in said Town on the 10th day of July, 2013 at 7:00 PM prevailing time.

WHEREAS, a map, report and plan, including estimate of an cost have, been duly prepared in such manner and in such detail heretofore as has been determined by the Town Board of the Town of Poughkeepsie, Dutchess County, New York relating to water improvements to serve a benefited area in saidof Town to be known as Water Improvement Area VII (the “Area), whose boundaries shall consist of the area specified in Appendix A as attached and hereby made part of (said boundaries being the same as those of the existing Water Improvement Areas I, II, III, IV, V, and VI being the entire area of said Town outside of any villages) as more fully shown upon a map on file in the office of the Town Clerk, which map is available for inspection by any person or persons interested in same during regular office hours at said office; and

WHEREAS, said map, plan and report, including estimate of cost, were prepared by a competent engineer, duly licensed by the State of New York and have been filed in the office of the Town Clerk of said Town, where the same are available during regular office hours for examination by any person or persons interested in the subject matter thereof; and

WHEREAS, the capital improvements proposed in connection with the establishment of Water Improvement Area VII of the Town of Poughkeepsie consist of the Town’s share of the cost of disinfection byproduct compliance improvements at the Poughkeepsies’ Water Treatment facilities, including construction of additions to and reconstruction of existing buildings and related facilities and original equipment, machinery, apparatus, appurtenances, as well as other incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$7,448,455; and

WHEREAS, said maximum estimated cost shall be authorized to be financed by the issuance by the Town of Poughkeepsie of its serial bonds with a maximum maturity not in excess of the forty year period prescribed by the Local Finance Law; and

WHEREAS, said maximum estimated cost is greater than one-tenth of one per centum of the full valuation of taxable real property in the area of the Town of Poughkeepsie outside of any villages and therefore an application for the office of the State Comptroller for approval of establishment of said Water Improvement Area VII will be required; and

WHEREAS, it is proposed that the cost of the aforesaid improvements shall be borne by the real property in said Water Improvement Area VII by assessing, levying upon and collecting from the several lots and parcels of land within such Water Improvement Area VII, outside of any villages, which the Town Board shall determine and specify to be especially benefitted by the improvements, an amount sufficient to pay the principal and interest on serial bonds and bond anticipation notes issued in anticipation of the issuance of serial bonds, as the same become due and payable; and

WHEREAS, the aforesaid improvements have been determined by the Poughkeepsies' Joint Water Board as Lead Agency, with the Town as a designated Involved Agency, to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, it has been determined will not result in a significant environmental effect; and

WHEREAS, it is now desired to call a public hearing for the purpose of considering said map, plan and report, including estimate of cost, and to hear all persons interested in the subject thereof concerning the same, all in accordance with the provisions of Section 209-q of the Town Law; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Poughkeepsie, Dutchess County, New York, as follows:

SECTION 1. A public meeting of the Town Board of the Town of Poughkeepsie, Dutchess County, New York, shall be held at the Town Hall on Overocker Road, in Poughkeepsie, New York, in said Town, on the 24th day of July, 2013, at 7:00 o'clock P.M., Prevailing Time, to consider the aforesaid map, plan and report, including estimate of cost, and to hear all persons interested in the subject thereof concerning the same and to take such action thereon as is required by law.

SECTION 2. the Town Clerk is hereby authorized and directed to cause a copy of this Order to be published once in the official newspaper, and also to post a copy thereof on the Town signboard maintained by the Town Clerk, not less than

ten (10) nor more than twenty (20) days before the day designated for the hearing as aforesaid, all in accordance with the provisions of Section 209-9 of the Town Law.

SECTION 3. This Order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

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

Nays: None

CARRIED: 7-0

The resolution was thereupon declared duly adopted.

APPENDIX A

Boundaries of Proposed Water Improvement Area VII

The entire Town of Poughkeepsie, not including the Village of Wappingers Falls

**07:10-05 AUTHORIZE
SUPERVISOR
TO SIGN**

**Architectural/Engineering
Consultant Agreement With
Lochner Engineering, P.C. To
Conduct Construction Inspections
For The Hornbeck Road, Rte. 44 To
Caroline Avenue**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the supervisor to sign the Architectural/Engineering Consultant Agreement with Lochner Engineering, P.C. to conduct construction inspections for the Hornbeck Road, Route 44 to Caroline Avenue, a copy of which is attached hereto, subject to the New York State Department of Transportation authorization for said improvements, and conditioned upon the indemnity of insurance language being acceptable to the Town Attorney.

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

CONSTRUCTION INSPECTIONS ATTACHED TO FINAL BOOK COPY

**07:10-06 AUTHORIZE TO
GO TO BID**

**“Hornbeck Road, Route 44 To
Caroline Avenue – Construction”**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Town Clerk to advertise for bids for **“HORNBECK ROAD, ROUTE 44 TO CAROLINE AVENUE – CONSTRUCTION”**, pursuant to plans and specifications to be prepared by the Engineering Department, subject to the approval of the New York State Department of Transportation; and

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

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

SO MOVED: A. Shershin/M. Cifone

Councilman Conte: As many people have, I’ve been on this road a long time and this will be a nice welcomed addition to the Town and we look forward to it being done.

**ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None**

CARRIED: 7-0

07:10-07 RETAIN

**Morris Associates – Country Club
Treatment Facility DEC Response**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby retain Morris Associates for engineering services to prepare a **Engineering Report** regarding the **Country Club Wastewater Treatment Plant** in response to the **New York State Department of Environmental Conservation’s Notice of Violation and Annual Compliance Inspection Report**, at its stated hourly rates, with the total cost not to exceed **\$25,000**, and

BE IT FURTHER RESOLVED, that the Town Board finds it to be in the best interest of the Town to retain **Morris Associates Engineering Consultants, PLLC**, without the solicitation of alternate proposals, and

BE IT FURTHER RESOLVED, that the aforesaid service is a Type II Action requiring no SEQRA review.

SO MOVED: Supervisor Tancredi/M. Cifone

Councilman Krakower: This is for the Country Club Wastewater. Are the costs all borne by the people that are part of that district? (Yes) So, that is a separate item from the prior bond that we did. Correct, at this point? (Yes) The other thing we should do is to probably do something to move forward with that other bond as far as a piece of it. I think, at least, there are parts of that we can do now that we might want to work on. (Yes)

**ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None**

CARRIED: 7-0

PROPOSAL ATTACHED TO FINAL BOOK COPY

**07:10-08 AUTHORIZE
SUPERVISOR
TO SIGN**

**Architectural/Engineering Consultant
Supplemental Agreement No. 2 With
Hudson Valley Engineering Associates,
P.C. For Right-Of Way Acquisition For
Spring-Road Improvement Project**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign the Architectural/Engineering Consultant Supplemental Agreement No. 2 with Hudson Valley Engineering Associates, P.C. for the right-of-way acquisition funding for \$17,721.00 for the Spring Road – Road Improvements Project; and

BE IT FURTHER RESOLVED, that the Town Board determines that signing this Agreement involves the ongoing administration of Town functions, and that no SEQR review is required because it is a Type II action.

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

AGREEMENT ATTACHED TO FINAL BOOK COPY

07:10-09 AUTHORIZE

**Emergency Repairs At The Woodland
Pump Station**

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie by RESOLUTION 12:06-05 of 2006 authorized the standardization of generators wherein Kohler generators were the generator of choice because of their durability and efficiency; and

WHEREAS, the Water Maintenance Supervisor has determined that the Woodland Pump Station is in need of emergency repair as outlined in the attached memorandum; and

WHEREAS, the above failure remains imminent and should not await the time required to advertise for, receive and award bids; and

WHEREAS, a failure of the Woodland Pump Station would greatly impact several families in our community, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby concur with the emergency assessment of Keith Ballard, Water Maintenance Supervisor, and authorizes the Supervisor or Keith Ballard to purchase an 83kw Kohler generator and transfer switch from Kinsley Power Systems, the exclusive Kohler distributor for upstate New York, Vermont and western Massachusetts, for the Woodland Pump Station for the sum of \$27,285.00, which price is approximately \$7,000.00 less than the "state bid" price for a similar generator; and

BE IT FURTHER RESOLVED, that the Town Board does hereby authorize the Water Maintenance Supervisor to retain the services of Anderson Brothers Electric, Inc. to install the generator and upgrade the electrical and control panels and a cost not to exceed \$67,700.00, which Anderson Brothers Electric, Inc. being the low labor rate emergency work proposer to the Water Department for 2013.

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

MEMORANDUM ATTACHED TO FINAL BOOK COPY

07:10-10 AUTHORIZE

**Approve Sale Of Surplus Town Vehicles
By An Online Web Auction Through
Absolute Auction Center**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, having reviewed the attached memo from Auto Center Manager Bill Galbraith, does declare ten (10) Town vehicles to be surplus, and does hereby approve the sale of those vehicles, by an online web auction coordinated through Absolute Auction Center, 45 South Avenue, Pleasant Valley, New York.

SO MOVED: J. Conte/S. Eagleton

Councilman Krakower: I just want to say that Bill Galbraith does a good job at keeping these cars running.

Councilwoman Shershin: Are we replacing these vehicles or are they just surplus?

Supervisor Tancredi: Apparently Surplus or just not usable.

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

Nays: None

CARRIED: 7-0

MEMORANDUM ATTACHED TO FINAL BOOK COPY

07:10-11 WAIVE

**Fee For Licensing Of Places Of Public
Assembly For The Oktoberfest Held By
Germania Of Poughkeepsie On 09/06,
09/07 and 09/08/2013**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the fee for licensing of Places of Public Assembly in the amount of \$400.00 for the Oktoberfest held by the Germania of Poughkeepsie on September 6, 7, and 8, 2013, pursuant to the request from Germania dated June 17, 2013, a copy of which is attached.

SO MOVED: M. Cifone/S. Krakower

**ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None**

CARRIED: 7-0

REQUEST ATTACHED TO FINAL BOOK COPY

07:10-12 APPROVE

**Application For A Fireworks Display To
Be Held Saturday, August 31, 2012 On Or
After 9:00 PM On Marist College
Property, 290 North Road**

RESOLUTION

**WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore
received an application from Marist College to include a postgame firework display
to be held on Saturday, August 31, 2013; and**

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

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

**BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does
hereby approve the application as submitted for a fireworks display to be held on
Saturday, August 31, 2013, on or after 9:00 PM on Marist College property, 290
North Road, Poughkeepsie, NY.**

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

**07:10-13 SET DATE FOR
PUBLIC HEARING**

**For Property Maintenance Of 18
Oakwood Drive**

**AMENDED
RESOLUTION**

**WHEREAS, Orders to Remedy, copies of which are attached hereto, have
been issued for property located at 18 Oakwood Drive, Wappingers Falls, New
York, pursuant to Chapter 159 of the Town of Poughkeepsie Town Code; and**

WHEREAS, said Orders to Remedy have not been complied with, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the {24th day of July, 2013} 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 that the Town or its contractor remove and as needed continue to remove all garden waste and fallen tree limbs, cut and continue to cut the grass to a height not to exceed 6 inches, and remove and continue to remove all solid waste, debris and litter, all at the above property, so it will not become overgrown and unsightly, the cost of which work shall constitute a lien and charge on the above real property until paid, satisfied or discharged and shall be collected in the same manner as other Town charges.

SO MOVED: A. Shershin/J. Conte

Sarah Davis, Zoning Administrator: Is it not possible to set the date for the next Regular Town Board Meeting? Otherwise, this is going to be really long.

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

Nays: None

CARRIED: 7-0

Motion made to Amend the resolutions 13, 14 AND 15 to set date for {24th day of July, 2013}:AND Item # 16 be REMOVED from the agenda.

SO MOVED: Supervisor Tancredi/S. Eagleton

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

Nays: None

CARRIED: 7-0

**07:10-14 SET DATE FOR
PUBLIC HEARING**

**Property Maintenance of 2
Field Court**

**AMENDED
RESOLUTION**

WHEREAS, Orders to Remedy, copies of which are attached hereto, have been issued for property located at 2 Field Court, Town of Poughkeepsie, State of New York, pursuant to Chapter 159 of the Town of Poughkeepsie Town Code; and

WHEREAS, said Orders to Remedy have not been complied with, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the {24th day of July, 2013} 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 that the Town or its contractor remove and as needed continue to remove all garden waste and fallen tree limbs, cut and continue to cut the grass to a height not to exceed 6 inches, and remove and continue to remove all solid waste, debris and litter, all at the above property, so it will not become overgrown and unsightly, the cost of which work shall constitute a lien and charge on the above real property until paid, satisfied or discharged and shall be collected in the same manner as other Town charges.

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

**07:10-15 SET DATE FOR
PUBLIC HEARING**

**For Property Maintenance of
49 Oakdale Avenue**

**AMENDED
RESOLUTION**

WHEREAS, Orders to Remedy, copies of which are attached hereto, have been issued for property located at 49 Oakdale Avenue, Town of Poughkeepsie, State of New York, pursuant to Chapter 159 of the Town of Poughkeepsie Town Code; and

WHEREAS, said Orders to Remedy have not been complied with, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the {24th day of July, 2013} 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 that the Town or its contractor remove and as needed continue to remove all garden waste and fallen tree limbs, cut and continue to cut the grass to a height not to exceed 6 inches, and remove and continue to remove all solid waste, debris and litter, all at the above property, so it will not become overgrown and unsightly, the cost of which work shall constitute a lien and charge on the above real

property until paid, satisfied or discharged and shall be collected in the same manner as other Town charges.

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

**07:10-16 SET DATE FOR
PUBLIC HEARING**

**For Property Maintenance of
17 DeGarmo Road**

**REMOVED FROM THE AGENDA
DUE TO COMPLIANCE**

07:10-17 WAIVER

**Waiver Of 30 Day Waiting Period
For Renewal Application For
Liquor License For Selim Gashi
D/B/A Good Fella's Restaurant
Located At 47 Vassar Road**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Goodfellas Red Oak Corp., d/b/a Goodfellas Restaurant, 47 Vassar Road, Poughkeepsie, New York, 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. Eagleton/Supervisor Tancredi

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

Nays: None

CARRIED: 7-0

07:10-18 NOTIFICATION

**Notice Form For Providing a 30-Day
Advanced Notice To Town For Renewal
Of Liquor License For:**

**A. Taco Land, Inc. Located at 2585
South Road**

**B. Taft Avenue Lanes, Inc. Located At
47 Taft Avenue**

NOTED BY TOWN BOARD

07:10-19 AUTHORIZE

**Special Consent Items SC 1, SC 2, SC 3,
And SC 4**

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. Discussion

WiFi

SC 2. Approve

Block Party – 29 Orchard Park

SC 3. Authorize

**Tax Certiorari Settlement – Spacken
Partners**

SC 4. Notification

**The following Notice of Claim has been
Referred by the Town Clerk to Legal:
A. Galanos v. Town of Poughkeepsie**

**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. Conte/M. Cifone

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

Nays: None

CARRIED: 7-0

**07:10-SC 1 DISCUSSION
BY MARK FINK**

WIFI

Supervisor Tancredi: The last item here is Mark. As we stated a month ago, we've had WIFI as a test project in this room for a month and he has some info for us and we would like to move forward at a minimum WIFI for this room.

Mark Fink, IT Specialist: We have two options. One to just continue with the single WIFI access point which is in this room here now, the other option is to then also roll that out to cover the entire building and so that would cover all the offices, meeting rooms down stairs. The price difference though, is significant. Just doing this one room comes to \$1,763 and \$20 a month to manage the system, and then doing the entire building is \$9,055.

Councilman Krakower: What company is that with?

Mark Fink: CSI is the one doing the implementation and we are using the "Meraki". That was recently purchased by CISCO, I believe.

Councilman Krakower: I have Cablevision on the other side of Town, for my office, and when they came in and put the Internet hookup into my office and the phones, they also put a WIFI Hot spot in at no charge.

Mark Fink: For home set up---

Councilman Krakower: It's a commercial set up.

Mark Fink: Right. Just getting an access point and plugging it in and getting a WIFI signal is fairly straight forward. I have it set up at home as well. But, what we have here though is quite a bit of security----

Councilman Krakower: It's not connected to my system at all. There are two cable wires coming in. One cable wire connects into my system for my internet connection and a separate cable wire coming in to a separate router for the hot spot.

Mark Fink: So, you have two points of service coming into your building?

Councilman Krakower: Right and they don't charge anything for that. I don't know if FIOS does the same thing or if Time Warner does. Anyone can access it and it's not connected to my system at all. Even if we get it internal, why can't we, off the line feeding into the building, have a separate line that goes to the WIFI so it is not connected into our system at all?

Mark Fink: That's the way it would be set up, if we just went with the one access point here in the meeting room. It would be strictly for public access and it would branch off of the internal Town business side network, it's called a V-lend.

Councilman Krakower: So, we have FIOS here right? (Yes) FIOS wouldn't be charging anything for that correct? (Right) Why can't we just set that up, why is there a charge? Why can't we just set that up? If the only thing connected to it is a cable and if have a separate cable run coming into a separate router, it has nothing to do with our computer system.

Mark Fink. Right, but it's not set up that way. The FIOS service comes into the server room down stairs and goes into our switch system, which provides internet connection to the entire building, that access point there plugs into that network and what we need to do is isolate that access point.

Councilman Krakower: But, it seems over complicated because, if the Cablevision installer can come out and through that in an extra five minutes in my office, I can't imagine that it takes that much longer here for them to do that.

Mark Fink: I would have to check with FIOS to see what would be involved in bringing in a separate access line for internet.

Councilman Krakower: I guess we could, but I don't know we need to do that. Can't the line that comes into the building be split off and come into two separate lines so the line connecting our system is separate from the WIFI.

Mark Fink: Like a signal splitter on a cable coming in. (Yes) With FIOS, the signal splitter is the system in the down stairs network.

Councilman Krakower: Can't we have FIOS drop another line to the building and have a second line which is connected into a router we use for WIFI?

Mark Fink: I would imagine that would incur additional monthly expenses to have a second FIOS implementation for the building.

Councilman Krakower: It didn't with Cablevision.

Mark Fink: I can certainly look into it. My concern is, if we don't have any management whatsoever over it, anybody who has access to it and someone does something that turns out to be illegal, we have the responsibility because we are providing an access point for that person to get on.

Councilman Krakower: I don't think so. At the access point you could have the Town Hall Access Code you need to access it. Only people that check in here. \$20 a month for something we are already paying for doesn't make sense. In all honesty, I believe I could install in about 15 minutes here. It's a separate line and separate router like in my office. It's a WIFI hotspot through Cablevision and anybody can log into that that is a Cablevision customer. I don't think we need to control it or pay more monthly for it. In a hotel that has free WIFI, they don't

worry about who is logging in or anywhere in or around that Hotel, you can access and I don't think that creates liability on the part of the hotel or the mall or airport when you're doing it. At the very least, there may be a disclosure screen, which I skip right through, which says you are on your own for what you are doing and what comes through on this thing. I think there is an easier way to do this.

Supervisor Tancredi: Let's check into that and in terms, if it ends up being two prices so we can cover this now, I'm not a technical person, but, my view was, this room is the room we need the WIFI in for the public and board members, I don't think the added expense for the entire building is worth it. So, let's just look further into it.

07:10-SC 2 APPROVE

Block Party – 29 Orchard Park

RESOLUTION

BE IT RESOLVED, 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 13, 2013 with a rain date of July 14, 2013, 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: M. Cifone/J. Baisley

**ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None**

CARRIED: 7-0

07:10-SC 3 AUTHORIZE

**Tax Certiorari Settlement-
Spacken Partners**

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 Spacken Partners, LLC, for the tax assessment rolls of 2009 through 2013 as shown on the attached Consent Order and Judgment; and

B EIT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize Todd N. Tancredi, Supervisor, Kyle Barnett,

Esq. of Van DeWater & Van DeWater, LLP and Kathleen Taber, Town Assessor to sign such papers as are necessary to effectuate said settlement.

SO MOVED: S. Krakower/J. Conte

Supervisor Tancredi: I would just like to comment that I was discussing this with Legal today and this payment is going to be made in 2014. We have met our \$300,000.00 Tax Cert Budget line and I don't want to go over Budget.

Councilman Krakower: How much is the refund?

Supervisor Tancredi: I think its \$28,783, something like that, so, Kyle I guess spoke to the other side and they have agreed to receive the money in 2014.

Councilman Krakower: Is that for us and the School District, or just us?

Supervisor Tancredi: As far as I know, it's just us.

Councilman Krakower: And this is the old IBM Educational Building?

Supervisor Tancredi: I think it is, right.

Councilwoman Shershin: Yes, right. Building 5.

Supervisor Tancredi: I think it's the one that's empty back there.

Councilman Krakower: It's my understanding they have been actively trying to find tenants, but it requires a lot of rehab and they are not able to get a tenant big enough to cover the rehab costs. "Sign of the Times."

Councilman Eagleton: Is that 2014 pay date part of the agreement? I didn't see that in there.

Supervisor Tancredi: It is, I received that verbally and either we approve it as such or I want to ask that that be removed. That is the confirmation I received from the Legal Department. Adrienne, did you get any word on that? I know the paper work doesn't say that, but the approval will be based on 2014.

Adrienne Odierna, Attorney: No, I would have to ask---

Motion made to amend the Resolution to pay the refund in 2014. Councilman Eagleton/J. Conte

**ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower, Councilwoman Shershin and Supervisor Tancredi
Nays: None**

CARRIED: 7-0

Motion made to approve the Amended Resolution: Supervisor Tancredi/S. Eagleton

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

Nays: None

CARRIED: 7-0

ATTACHMENTS TO FINAL BOOK COPY

07:10-SC 4 NOTIFICATION

**The Following Notice Of Claim
Has Been Referred By The
Town Clerk To Legal
Department From Suzanne &
Louis J. Galanos V. Town**

NOTED BY TOWN BOARD

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

CARRIED: 7-0

**Doreen Tignanelli: Regarding the WIFI discussion. I think I heard the Supervisor
say that we are \$15,000 over the budget for the Tax Certs. I don't know why we
would want to spend \$9,000 on a non-necessary expense.**

**Supervisor Tancred: We do have money set aside from our contracts with the
Cable Company. Money is available we have had whether it would be Town Board
or other Board.**

**Doreen Tignanelli: Well, maybe that money could be put for better use for some
other equipment in the future. The only other thing is the first item about the
lawsuit against the Town for the Planning Board approving the Ambassador Square
on South Road next to the Chestnut Mobile. Personally, I don't know that a
McDonald and a gas station is such a great project, but you voted to go ahead with
it. But, I didn't hear any limits on the amount. You said it would be \$165.00 an
hour for a Van DeWater and Van DeWater partner, but, there was nothing saying
an X amount of dollars.**

**Councilman Krakower: The one thing I would like to suggest is to keep a close
watch on it because the applicant needs to defend this. The Town being part of the
lawsuit, I guess, honestly, we could do nothing and let the applicant deal with it, but
with the Town being part of the lawsuit, I guess we should have Counsel at the table,**

but I don't know that we should be preparing the briefs & researching legal issues. Let the applicant do all that and we should only do what we actually need to do that the applicant hasn't covered. I have a vested interest in this. If we lost this suit, the only thing we get is no McDonalds and no gas station. The applicant has more in this and should be paying for that.

Supervisor Tancredi: We will have to monitor it. It doesn't have a limit stated, I don't know what the limit may be. I actually think it's a frivolous lawsuit and I would prefer to go after the plaintive in this case for a lawsuit that is simply trying to restrict competition in my opinion, but, we just going to have to watch it, monitor it and I think Stephan is right and that that is the intent is to let the applicant's attorney prepare the legal work for it in the defense.

Rob Rubin: Wanted to let the audience to know about the Castle Point VA has a program implemented for their veterans it is called, "NO VET DIES ALONE". Some of us volunteers have been recruited and are being trained for that and it is for veteran's who have no family or friends and in the final stages of life, that they are not alone and some of us going through this training may be called upon to sit with a veteran and I think it's a wonderful program and I would just like to let the community know that this is something new that Castle Point has out there.

Bob Casement: Several weeks ago I brought up to you about a neighbor of mine that had grass 3 feet high on Horseshoe Turn. Well, I got in contact with the Zoning Administration and she turned me over to the Fire Inspector and the grass was cut. Now, this is the first time in a year. We went through this last year. Is this going to happen every year? We've got to bring action against a home owner because of neglect?

Supervisor Tancredi: Unfortunately, if we have a homeowner who refuses to play by the rule that the rest of us play by, I don't know of any other recourse we have but that.

Bob Casement: What's the difference between an occupied house and a non-occupied house? Why shouldn't the same law apply to both?

Supervisor Tancredi: Because, when we discussed it, I remember there was some discussion that some Board members were concerned about occupants in the occupied house and how they were being treated and whether they chose to not cut their lawn ---

Councilman Krakower: One thing was, we didn't want to be over reaching where the government started coming in and cutting your lawn and trimming your hedges, and when someone just walks away from their property and there is no one there to deal with, I think everyone was in agreement that ----When someone is living there, in my opinion, we don't want to be the last straw that breaks their back and make it so they don't want to live there. When we have a private contractor go in there to

cut it, it is over \$100, which can add up to some one who can barely make their mortgage payment, barely paying their taxes, electric bill and etc. and I personally don't want to have the Town to go in and start telling everyone that your lawn is too long and start cutting it and here is your bill and someone who has gone away and comes back to a \$300 bill because we cut it a couple of times. The law we have in place for occupied properties, when it becomes extreme, we can deal with it, but I honestly think there is only so much the government is supposed to do and I don't think we are supposed to cut everyone's lawn through out the Town and tell everyone you lawn just grew above 3" and we now need to trim it for you if you don't.

Bob Casement: I think there should be the same rule for both and no separation whether a person is living in it or not.

Councilman Krakower: We have over 100 vacant properties in the Town and its tough economic times and people have a hard time paying their bills. I don't think we want to pile on at this point, in my honest opinion. In better economic times, we had one now and then, but now it is extreme. I don't see the need to add to the current list. We are paying a lot of money out right now just to deal with vacant ones.

Bob Casement: I just don't see why we need two separate codes, one for persons living there and one for them not.

Neil Armstrong: This Chestnut Mart situation, I believe that area setup is going to be the worst mess of traffic that you ever created on the South Road. There are four or five different exits coming out of that entire property with the Restaurant, and the gas station. I'm under the impression that they can't. When they do that, go through the back of the Mobile gas station and go out through the mall to the traffic light exit, because if you leave it the way it is and with all of the exits there are there now, that's going to be a disaster in my opinion.

Supervisor Tancredi: Those are Planning issues and I would suggest going before the Planning Board and giving them those comments and good suggestions.

Neil Armstrong: What is the situation on the license doing away with the fees for the Oktoberfest there for Germania? Why are those fees being suspended? Has that been past practice?

Councilman Conte: Yes, it has been and it's just been a local little facility that sits off over off of DeGarmo Road and they are good ambassadors to the Town and they bring a lot of residents together and it's a very nice time and I'm glad to have them in my Ward and it is obviously "NOT FOR PROFIT".

Neil Armstrong also spoke about the number of houses going up and up regarding the grass and lawn situations.

Councilwoman Shershin: We may have 100 or so properties, but we are not maintaining all of them, we may maintain maybe 10 or 20 of them. There are about 100 vacant homes. Some Real Estates are maintaining them.

Doreen Tignanelli: I forgot to mention before. I asked at a couple of meetings about the Town's recycling and I see that there is a recycling bin here and I understand there are some others placed around the building and I'm glad to see some positive steps are being taken on recycling. Thank you.

Supervisor Tancredi: I just have one more item. I've been approached. The Cherry Hill Condominium Association sent an e-mail. They had a water bill for the period of 8/20/2012 to 11/19/2012 with payment due on 2/11/13. They said the mailed the check and was postmarked on 2/8/13 and we did not receive it for some reason until that next Tuesday the 9th. Because of the day late, they were assessed a 10% late fee because it is a Condominium Association the late fee amounted to \$3,837 and they show that their records show that they are always on time and believe this amount to be excessive and based on that they have asked us to, not to outright waive the fee, but asking us to work with them in some way to ---

Councilman Krakower: I think there should be a better way to deal with some of these things, like if the check is too much or too little, it gets bounced or things like this. I think there should be a better way to deal with it, the problem is, with the late fee, there should be a postmark on the envelope and that's where the problem comes into play and usually if it is taken out of the bank at a certain time, you don't get that. My biggest concern is how do we do it here and then the guy comes in and says his is a day late also and the 10% is \$20 or \$10 and someone else comes in with a huge \$10,000. I feel for them. I don't disagree they made every effort to get that in on time, but I don't know how we deal with that without creating a bigger problem. We've had this with other similar situations in the past and we've said "no" in the past because it is sort of a hard and fast rule, but, for some reason I want to say there is some way to do it through the County or State where you can accept checks that are more or less, or partial checks. I think we should figure out a way to have more flexibility with it for people. The problem is, if we waive it here you will have a line up of people saying theirs was put in the mail on time but it came up late. I think there should be some flexibility and in this economy I think we should have something where if they want to make a partial payment or this problem occurs, we should have something in place. On the Water bill they can do a partial, but on the Tax bill you can't do a partial.

Councilman Conte: I think you should reflect on the fact that seeing this is a "once in a million" thing and it doesn't happen all the time, it should be taken into consideration when rectifying it. What about a three day grace period?

Councilmen voted majority wise, to let it go the way it is, rather than "open a can of worms."

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. 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/S. Eagleton

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

Nays: None

CARRIED: 7-0

TOWN BOARD MEETING ADJOURNED AT 8:03 PM

TOWN BOARD WENT INTO EXECUTIVE SESSION AT 8:04 PM

TOWN BOARD RETURNED TO TOWN BOARD MEETING AT 8:09 PM

NO ACTION TAKEN IN EXECUTIVE SESSION

TOWN BOARD MEETING CLOSED AT 8:10 PM

SJM:lkm