

**MINUTES OF TOWN BOARD MEETING HELD ON
AUGUST 19, 2009, AT 7:00 PM AT TOWN HALL, ONE
OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

PRESENT: Supervisor Myers
Councilman Baisley
Councilman Seminara
Councilman Conte
Councilman Cifone
Councilman Krakower – Arrived at 7:15 PM
Town Attorney Mahar
Town Clerk Miller

ABSENT: Councilman Tancredi

***NOTE:** Attachments pertaining to a particular Town Board Meeting will be found after the 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

7:00 PM CALL TO ORDER SALUTE THE FLAG

Motion made to suspend the rules for Public Hearing #1: Supervisor Myers/M. Cifone

CARRIED: 5-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 5-0

Town Clerk Miller: I did hereby file the affidavit of posting on July 30th, 2009 and published in the Poughkeepsie Journal on July 3rd, 2009.

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 19th day of August, 2009, 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend Chapter 195 of the Town Code entitled "Vehicle and Traffic" and specifically, Section 195-41, "Schedule VI: Prohibited Turns at Intersections", which amendment is as follows:

ADD:

Name of Street	Direction Of Travel	Prohibited Turn	Hours	At Intersection of
Beck Place	North	Left	2:00 PM – 6:00 PM Monday to Friday	Beck Place and Fulton Street

BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does hereby declare itself as Lead Agency under the New York State Environmental Quality Review Act, and does declare that said action shall constitute a Type II Action and no further involvement or review is required; and

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

SO MOVED: J. Baisley/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, and Supervisor Myers

Nays: None

CARRIED: 5-0

08:19-02 PUBLIC HEARING

Appeal of Lance Pantusco In Regard to Denial of Vehicle For Hire License

Town Attorney Mahar: This gentleman put in an application for Vehicle for Hire permit to the Town Clerk and it was denied. The gentleman is here now appealing that denial to the Town Board as we prescribe in the statute.

Councilman Seminara: On what grounds was it denied?

Town Clerk Miller: If you have a DWI within the last 10 years, then it is denied. The last DWI was about 9 years ago.

Lance Pantusco: Yes, it was July or August of 2000. The actual conviction date, I believe, was January 26th of 2001 and I had come last year for application for Vehicle for Hire License.

Councilman Cifone: Have you had any further infractions at all since that time?

Lance Pantusco: Yes, I had a couple of speeding tickets, and a two or three disobeying of traffic control during the past three or four years. But I have been driving for a year and a half and had to take off 6 months for personal reasons and I started back on January 26 of this year and as of this date, I actually missed one full day of work. I've worked every day including Saturdays. I didn't know I needed a cab license.

Councilman Baisley: Are you driving a cab right now?

Lance Pantusco: My boss let me use the car to come to the hearing.

Councilman Seminara: Is this the first you've driven a cab?

Lance Pantusco: No, I just went back to work in January. I didn't know at that time that I needed a hack license.

Councilman Seminara: Didn't your boss know that?

Lance Pantusco: He didn't explain it to me.

Councilman Semianra: Is this the first time you ever have driven a cab, in January?

Lance Pantusco: In this area, yes.

Councilman Seminara: Where else have you driven?

Lance Pantusco: Middletown back in the early 90's.

Councilman Seminara: Did you need a hack license then?

Lance Pantusco: Yes. I also have a letter of reference here from my boss if you would like to see it. (gave letter to Council)

Councilman Cifone: When was your last traffic infraction?

Lance Pantusco: Just the "No hack license" I'm going to court for next week.

Councilman Seminara: When was the last moving violation you had?

Lance Pantusco: I believe it was for talking on the cell phone to my boss about two or three months ago. We have Nextel walkie talkie phones, we don't have two-way radios.

Councilman Cifone: In the past when we've had people come before us, we've had them take Driver Safety Courses and then when they passed that test, we then come back to us and then we will grant you ---

Lance Pantusco: I took that when I originally got my license three years ago.

Councilman Seminara: You got a speeding ticket since then. Here's my concern, I know you go into some neighborhoods to pick up a fare, and most of these neighborhoods have kids playing in them and so I'm concerned with that with your speeding ticket. A lot of people are real sensitive to speeding. It's something we want to be sensitive to and you want us to say "yes" to giving you a license.

Councilman Krakower: The tickets you got were when you weren't working?

Lance Pantusco: Two were and one was while I was working. I don't speed with people in the car. I've had no traffic infractions while people were in the car.

Councilman Cifone: When did you apply for your hack license.

Lance Pantusco: About a year ago.

Councilman Cifone: You've been driving since then?

Lance Pantusco: For about 6 months, yes.

Councilman Baisley: You shouldn't have been driving at all since you were turned down for a license. Besides the fact that you have seven violations here since 2007. That's not a good track record. I'm not in favor at all for restoring a hack license with this record.

Councilman Krakower: That's not good that you are driving without a hack license now besides the bad track record.

Lance Pantusco: I'd rather do that than sit home on welfare. I can't do any physical work, I have medical records to prove I have a pinched nerve with back problems, arthritis and knee problems.

Councilman Krakower: I don't think we are trying to be unreasonable, but this is serious and there are some basic rules and regulations you have to follow. The fact that you can't do physical work doesn't mean you can disobey the rules and regulations of the road. I give you credit for wanting to work and not wanting to just sit home on welfare, but you shouldn't be driving without a hack license and I appreciate your honesty, but it's not really the right answer to the question. You are asking us to overlook a lot here.

Councilman Seminara: At least if you go and take the Safety Driving Course again, at least you would give us a reason to grant the hack license. But at this time, there is no reason for us to grant that and forgive the past track record.

Councilman Krakower: If we deny it, when can he re-apply?

Supervisor Myers: After the 10 yr DWI is up, about a year.

Councilman Seminara: I think that at the very least, you need to take the Defensive Driving Course again.

Councilman Conte: I think he should also wait until the ten years are up on the DWI offense also. DWI is serious.

Councilman Karakower: The fact that you drive for a living, tickets will probably happen, but yours are a lot in a short time.

Councilman Cifone: The fact that you were driving without a license, also. If you knew you needed one in Middletown, what made you think you didn't need it anywhere else in New York State? It doesn't make any sense.

Councilman Krakower: The DWI was a long time ago and if everything else was clean, I would be willing to go along with giving you a break with a slap on the wrist and make sure you follow the rules. But the DWI hasn't cleared the 10 years and you have gotten 7 tickets in the past couple of years, that's too much.

Councilman Seminara: You have to understand our point here. We would like to see you out there doing your job if you would follow the rules, but public safety is our concern and it is too high of a risk.

Lance Pantusco: How long before I can reapply?

Councilman Cifone: Don't get any more tickets and reapply after the ten year DWI wait.

Supervisor Myers: 2011.

Councilman Seminara: I would say if you wait a year and a half without any more tickets and do the Defensive Driving Course, then come back and reapply.

Motion made to deny the appeal for a hack license: Supervisor Myers/M. Cifone

CARRIED: 6-0

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

CARRIED: 6-0

NO SPEAKERS CAME FORWARD

Motion made to resume the rules: Supervisor Myers/M. Cifone

CARRIED: 6-0

08:19-03 BUDGET
MODIFICATION

Assessing Department For Office
Equipment

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the 2009 Budget, pursuant to the attached Budgetary Transfer Request Form submitted by the Comptroller, to allow for the purchase of a computer in the Assessing Department, as follows:

FROM:

A 1355.421	Schools/Meetings	\$400.00
------------	------------------	----------

TO:

A 1355.204	Office Equipment	\$400.00
------------	------------------	----------

SO MOVED: D. Seminara/M. Conte

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, and
Supervisor Myers
Nays: None CARRIED: 6-0

08:19-04 AUTHORIZE

Waiver of Building Permit Fee

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby grant a waiver of the Building Permit fee to Jan Terpering for property located at 7 Ann Street, Town of Poughkeepsie.

SO MOVED: J. Conte/M. Cifone

Supervisor Myers: This lady evidently is looking for a waiver of her building permit fee for a pool that has already been built. I talked to Tim Sickles today and he wasn't sure how many years the pool was there, evidently there is some neighborhood dispute and the neighbor turned her in. So she thinks she should have the fee waived because she can't afford the fee.

Councilman Cifone: How much is the fee?

Supervisor Myers: \$30 to \$40. Tim is right, if we waive the fee, then we would have to do it for everybody else, because he still has to do the inspection.

ROLL CALL: Ayes: None

Nays: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, and
Supervisor Myers

DENIED: 0-6

08:19-05 BID AWARD

Polyelectrolyte Sludge Conditioner
To Be Used At The Arlington Sewer
Treatment Plant To Atlantic Coast
Polymers, Inc.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the bid Polyelectrolyte Sludge Conditioner to be used at the Arlington Sewer Treatment Plant to Atlantic Coast Polymers, Inc. for the sum of \$0.185 per pound, per the recommendation of CAMO Pollution Control, a copy of which is attached hereto.

SO MOVED: M. Cifone/J. Baisley

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, and
Supervisor Myers
Nays: None CARRIED: 6-0

08:09-06 BID AWARD

Grit, Ash & Sludge Conditioner
Disposal

REMOVED FROM AGENDA

08:09-07 BID AWARD

Buckingham/Inwood Road
Improvements

REMOVED FROM AGENDA

08:09-08 APPROVAL

Fireworks Application For Vassar
College Serenading Event to be Held
On September 5, 2009

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Vassar College to include a fireworks display at their Welcoming Students event to be held on Saturday, September 5, 2009; and

WHEREAS, the applicant has notified the Arlington 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 September 5, 2009 at 9:00 PM on Vassar College property, Raymond Avenue, Poughkeepsie, New York.

SO MOVED: S. Krakower/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, and
Supervisor Myers

Nays: None

CARRIED: 6-0

08:19-09 AUTHORIZE

Liquor License Waiver For Banta
Properties, Inc. D/B/A UNO Chicago Grill
Located At 1794 South Road

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Banta Properties, Inc. d/b/a UNO Chicago Grill, 1794 South Road, Poughkeepsie, NY for a waiver of the 30 day review period for renewal of liquor license; 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: Supervisor Myers/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, and
Supervisor Myers

Nays: None

CARRIED: 6-0

08:19-10 AUTHORIZE

Liquor License Waiver For Banta
Properties, Inc. D/B/A UNO Chicago Grill
Located At 842 Main Street

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Banta Properties, Inc. d/b/a UNO Chicago Grill, 842 Main Street, Poughkeepsie, NY for a waiver of the 30 day review period for renewal of liquor license; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waiver 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: J. Baisley/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, and
Supervisor Myers
Nays: None CARRIED: 6-0

08:19-11 AUTHORIZE William Donohue To Post Signs For
Mid Hudson Model Plane & Car Show on
October 24, 2009 At The Poughkeepsie
Elks Club

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize William Donohue, on behalf of the Mid Hudson Model Plane & Car Show, to post ten (10) signs fourteen (14) days prior to the event on October 24, 2009 at the Poughkeepsie Elks Club, and to set up two (2) directional signs on the day of the event, provide they are not sandwich board signs.

SO MOVED: D. Seminara/S. Krakower

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, and
Supervisor Myers
Nays: None CARRIED: 6-0

08:19-12 AUTHORIZE Agreement Extension With
Marist College
For Traffic Control

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby extend the current agreement with Dutchess Community College in regard to traffic control as outlined in the August 11, 2009 memorandum from Police Chief Mauro, a copy of which is attached.

SO MOVED: J. Conte/S. Krakower

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, and
Supervisor Myers
Nays: None CARRIED: 6-0

08:19-13 AUTHORIZE Agreement Extension With
Dutchess Community College For
Traffic Control

RESOLUTION

WHEREAS, Marist College is an educational facility located on Route 9 in the Town of Poughkeepsie, County of Dutchess, State of New York; and

WHEREAS, Marist College sponsors various activities including inter-collegiate basketball; and

WHEREAS, Marist College has requested assistance with traffic control from the Town of Poughkeepsie as outlined in the letter from John T. Gildard dated August 11, 2009, a copy of which is attached and incorporated herein; and

WHEREAS, the Town of Poughkeepsie is willing to supply police officers for traffic duty in cooperation with Marist College of Safety and Security; and

WHEREAS, said police officers from the Town of Poughkeepsie would be reimbursed by Marist College for the salary of said officers at the rate of time and one half, if applicable, but would not pay any fringe benefits; and

WHEREAS, the Town of Poughkeepsie Police Officers would function as police officers on public property when assisting with the safety and security; and

WHEREAS, the Town of Poughkeepsie and the Marist College will establish a billing system; now therefore

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize and approve the utilization of Town of Poughkeepsie Police Officers in conjunction with the Office of Safety and Security of Marist College for the men's and women's basketball games and other special events as sponsored by Marist College and the items set forth in the above cited letter upon notice to the Town of Poughkeepsie and Town of Poughkeepsie Police Department; and

BE IT FURTHER RESOLVED, this resolution shall become effective on the date of adoption and shall expire on May 31, 2010.

SO MOVED: M. Cifone/S. Krakower

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, and
Supervisor Myers

Nays: None

CARRIED: 6-0

08:19-14 ASSIGN Recently Filed Tax Certioraris
Proceedings To David Hagstrom, Esq.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby assign the tax certioraris recently filed, as set forth on the attached list, to David Hagstrom, Esq., who will represent the Town in said cases.

SO MOVED: S. Krakower/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, and
Supervisor Myers

Nays: None

CARRIED: 6-0

TAX CERTIORARIS LIST ATTACHED TO FINAL BOOK COPY

08:19-15 ASSIGN Recently Filed Tax Certioraris
Proceedings to Scott Volkman, Esq.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby assign the tax certioraris recently filed, as set forth on the attached list, to Scott Volkman, Esq., who will represent the Town in said cases.

SO MOVED: Supervisor Myers/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, and
Supervisor Myers
Nays: None CARRIED: 6-0

TAX CERTIORARIS LIST ATTACHED TO FINAL BOOK COPY

08:19-16 AUTHORIZE KABOOM Agreement
SUPERVISOR
TO SIGN

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute an agreement with KABOOM, {not to exceed \$7,500.00} {and upon receipt of a contract acceptable to the Town Board.}

SO MOVED: J. Baisley/M. Cifone

Motion made to add an amendment to {not to exceed \$7,500.00}: D. Seminara/S. Krakower

ROLL CALL ON AMENDMENT # 1: ROLL CALL: Ayes: Councilmen
Baisley, Seminara, Conte, Cifone,
Krakower, and Supervisor Myers
Nays: None CARRIED: 6-0

Motion made to add a second amendment {and upon receipt of a contract acceptable to the Town Board}: D. Seminara/S. Krakower

ROLL CALL ON AMENDMENT #2: ROLL CALL: Ayes: Councilmen Baisley
Seminara, Conte, Cifone, Krakower
And Supervisor Myers
Nays: None CARRIED: 6-0

ROLL CALL ON RESOLUTION: Ayes: Councilmen Baisley, Seminara, Conte,
Cifone, Krakower, and Supervisor Myers
Nays: None CARRIED: 6-0

08:19-17 AUTHORIZE Tax Certiorari Proceedings
Involving The Fulton Avenue
Professional Building, Located At
104-109 Fulton Avenue

RESOLUTION

BE IT RESOLVED, that the tax review proceedings instituted by Fulton Avenue Professional Building against the Town of Poughkeepsie, for the assessment rolls of 2005 through 2009 be settled as shown on the attached Consent Judgment and that David D. Hagstrom, Esq., Van DeWater & Van DeWater, LLP and Kathleen Taber, Town Assessor, are authorize to sign such papers as are necessary to effectuate the said settlement, refunds to be without interest if paid within sixty (60) days from the date of service of a copy of the Consent Judgment with Notice of Entry.

SO MOVED: D. Seminara/J. Conte

Councilman Baisley: Does it tell how much they are getting refunded?

Supervisor Myers: They are getting back from the Town \$7,916.00.

Councilman Seminara: How much is Arlington School District giving them back?

Supervisor Myers: \$25,000.00 approximately.

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, and
Supervisor Myers

Nays: None

CARRIED: 6-0

CONSENT JUDGMENT ATTACHED TO FINAL BOOK COPY

08:19-18 SUMMONS &
COMPLAINT

Robert Kverek V Town of
Poughkeepsie & Police Department
To Repossess Firearms

REFERRED TO LEGAL DEPARTMENT

08:19-19 APPOINT

Kyle Barnett, Esq. To Represent The
Town of Poughkeepsie In Kverek V
Town of Poughkeepsie

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize Kyle Barnett of Van DeWater & Van DeWater to represent the Town in regard to the case of KVEREK V. THE TOWN OF POUGHKEEPSIE AND THE TOWN POLICE DEPARTMENT, Index No. 2009/6335, which action was initiated by a Summons and Complaint served on or about August 11, 2009.

SO MOVED: J. Conte/M. Cifone

Councilman Seminara: I want to say, my understanding in talking with the Chief, what happens in certain cases is at times people can go to family court in a divorce proceeding and there can be an order that the firearms be removed from the home because there is good reason to do that, of course. But, also, it is my understanding is not necessarily without immediate cause. In any event, this leaves a little bit of a legal problem when the order expires, the Judge doesn't really want to tell the Police Department to give the firearms back. So, we have legal quagmire going on. I don't like it, it's wrong and I think that they need to work this out and I know that the Chief has been working with Tom Mahar and the District Attorney and feels he has to protect the interest of the Town, and I commend him for that, but I'm not happy with the situation the State has put these individuals in. I just want to make my objection to that piece of it known.

Town Attorney Mahar: There is a second part of the problem, also. The issue of whether or not Family Court, who initiated the original order, has the judicial authority under the statute, to order the return of the weapon or does it have to be ordered by a Supreme Court Judge. That's unsettled, also.

Councillman Cifone: Part 3 is that we don't even have the guns, they are in Putnam County.

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, and
Supervisor Myers

Nays: None

CARRIED: 6-0

08:19-20 SUMMONS &
COMPLAINT

United Federation of Police Officers, Inc.
V. City of Poughkeepsie, Town of
Poughkeepsie/Poughkeepsie City/Town
Joint Water Board

REFERRED TO LEGAL DEPARTMENT

08:19-21 APPROVE

Special Consent Items SC 1, SC 2, SC 3,
SC 4, SC 5, SC 6, and SC 7

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. Budget Modification | Central Data Processing |
| SC 2. Tax Certiorari Proceedings | |
| (ATTACHED) | |
| SC 3. Approve | Block Party – Scott Terrace |
| SC 4. Notice of Public Hearing | Village of Wappingers |
| SC 5. Authorize | Pat Decina to perform electrical
Inspections in the Town |
| SC 6. Summons and Complaint | NY Central Mutual Fire Insurance
Company as Subrogee of Katie Peek
And William Peek V. Town |
| SC 7. Notification | Liquor License Renewal |
| | A. New Hamburg Yacht Club
B. Kabab-Palace, Inc. |

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/S. Krakower

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, and
Supervisor Myers

Nays: None

CARRIED: 6-0

James Kitchner: (He passed out a paper re: timeline with situation to do with Germano property on Van Sickle Drive) – I am here today because I have been talking with Neil Wilson and he has been working with Germano trying to negotiate an agreement. We were here in April and I talked to him in July and the target date was August. So, the target date for finishing this thing is slipping and in my mind it seems like now, because of all of the confusion, negotiating with the guy who originally was called before the Zoning Board of Appeals two years ago because he was violating the Special Use Permit to use the property. Parking cars where he shouldn't and having built a fence that did not align with the Special Use Permit. The thing that happened after that is that we discovered there was a license agreement, also, where theoretically he was supposed to be paying \$1,000.00 a year and so was the guy before him and no one did it and now

some how, two wrongs make a right and he hasn't done anything for a couple of years. Well, he did a few things, the corner we don't have it opened. He did fix one hole in the fence. But, we continue to have essentially parking right in front on our street so he can kind of pull cars directly into his bays and not use the Town property as a drive way the way he was supposed to. He is kind of using it as part of his business to make it easier for him. So, I can see his point, but he really should have his cars that aren't in the bays, behind the fence somewhere and we shouldn't be looking at the cars in the bays all the time. If you go through this thing, there was a special permit saying that he shouldn't use the Town Property. If you look at this drawing here (showed a drawing) we are talking about the driveway that goes here. Essentially the driveway, if you look at it, half of it belongs to the Town, the left hand part of this picture, and the right hand part of the driveway is part of the property on the building. This driveway, if you look at it here, that is where the fence originally was before he took it down, it's got like 24' of space. My street has 16'. I have to pull into my driveway all the time, and some have to back out of their driveway using 16' of space. He has 24' with the original fence. So, there was plenty of room for him to do his normal business before, and if he goes back to the original location of the fence, we are not asking him to do anything he didn't do originally but during the about the last three years he has had a free rein to use an extra 10, 15 or 20 feet parking cars almost on our street during that time. So, I am only arguing, and I don't know what Neil Wilson is going to come up with. If you go back to this thing again, the fence is taken down, the new fence is put up, the Town property uses the parking lot, we got eventually to November 2007 and met with Laura Wojtowicz and she came up with a plan for how he should landscape the property and where he should put the fence and we had this beautiful plan which is drawn out here. (Showed a plan) It included, not just the original fence, but a fence that extended further down the building, covering more of the building than the original fence. When he put the fence up, he cut down a whole 30' section of the fence, but now Laura's Plan says to put that 30' back and put another 20 something on there. Now, Neil Wilson, indicated that maybe we weren't even going to get the original fence back because the trees are in the way. When he moved the fence out 5' to get himself 5 more feet, it violated the set back requirements. The line now runs into the trees and so he stopped at that point and now I would like to see him jog back to the original line and continue the fence per Laura's proposal. I don't know what's going to happen now. So, I'm kind of here trying to give you guys a heads up as to what's been going on and Neil is coming back from vacation tomorrow. I and Stephan both asked him three weeks ago for copies of the new proposal, which I don't even know if he got back from Germano's people or whether he just didn't get it to us. So, I don't know what's – and I'm here to argue for Laura's proposal in terms of at least the fence. I know if we put a fence up all along the way, he's got to put the cars behind the fence, he can't park them the way he does right now, so – It may be that Neil has another alternative that has some beautiful landscaping and does the same job as the fence, but I don't really know right now and I don't have a lot of confidence in what Mr. Germano will do.

Councilman Krakower: This has been going on way too long and there was a license agreement in place to pay \$1,000.00 a year and that just stopped evidently when Germano bought the property. Nothing has come in. There has been no payment or license agreement and he continues to use it. He has been in front of this Board. I've gone out there and talked to him at the property. He's a very nice guy. The last time he was here in front of the Board, we looked at selling him the property for, I think, \$25,000 because he has a business and if he doesn't own that little strip of land, he has a very difficult time in operating auto repair business without access to the back end of the building. So, at the time, we thought it to be a very reasonable and rational approach. Laura looked at it and came up with a plan for the landscaping and nothing happened on Germano's part. He then came in front of the Board and said he couldn't afford to do the landscaping and to buy the land. So, at that time we talked about it and my suggestion was to go with a license agreement that gives him an option to purchase the land at a set price and we take a second look at the landscaping and rather than have him spend the money up front on purchasing the land, he spend it on the landscaping. I think that's what the Board was leaning in the direction of. When Mr. Germano was in here at that time, indicated to him that I was upset that he has done nothing to correct any of these problems for a number of years, knowing it was a problem, knowing he was going to

have to address it and then he comes up and asks up to sell him the land at a reasonable price and be reasonable on the landscaping and now we are fast forward a couple more years and nothing has been done. The Town has done nothing to enforce it. We were going to pull the Special Use Permit and it was pulled off the agenda. He hasn't paid a penny to the Town on the license fee. He hasn't paid a penny for the land and he hasn't done any landscaping and there is nothing different there since 2006.

James Kitchner: Well, at the end of the street, where you have to (inaudible) he kind of, instead of 3 6 X 6 railroad ties piled on top of one another, he has 2 6 X 6 separated by a little bit of mulch in between so that actually stops people from driving out on to our street directly at the corner.

Councilman Krakower: But they are still parked there. Nothing has been done at all. My suggestion at this point is that we give them a 5 year license agreement, which is what Neil was negotiating with him. He pays us \$1,000 a year for that. We no longer offer the option to purchase the property and we require that he has a plan for the landscaping that is accepted by the Town Board. I would give him a month to either accept this or we have him cease using the Town property for his business purposes. This is nuts, it just goes on and on. Nothing changes. We did everything we could to make it easy and reasonable for him without breaking his back. But, you just can't just disregard this.

Councilman Seminara: We have to do something, even if it's to park our Town trucks down there on that land to prevent him from using it. There has got to be some teeth into it. We have to let him know somehow we are serious. Let's get an agreement and an escrow check and maybe if the fence is not up in 30 days, we will put it up. But, we have to let him know that we are serious and we will put some sort of a legal barrier there to prevent him from using that land.

Councilman Krakower: I would like a resolution on the agenda by the third meeting in September. Either we are approving the agreement or send him a letter saying he no longer has a right to use that property.

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

CARRIED: 6-0

Councilman Cifone: I would like to get a resolution together so we could have the Town Highway Department at the next few transportation collections, Aug. 1st, 22nd, and Sept. 12th and 26th. I talked to Marc. Several parents of the Hudson Valley contacted me earlier in the week and I was trying to find out from Marc to see if we could use one of the bays of the collection sight at the center for the organization and they collect dry food, clothing, etc. for military vets overseas. (Read off a list of things needed)
Councilman Cifone also asked that we might collect here at the Town for it.

The Board thought it to be a great idea.

Motion made to allow us to collect donations for the vets parents of the Hudson Valley:
M. Cifone/Supervisor Myers

CARRIED: 6-0

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby adjourn to Executive Session to consider the following matters, to wit:

1. Litigation, to discuss litigation strategy of the case known as United Federation of Police vs. City/Town Joint Water Board
2. Contract Negotiations.
3. Personnel matters, to wit: A meeting to discuss the employment history of particular individuals who need not be identified at this time.

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

and,

BE IT FURTHER RESOLVED, there will be no action to appropriate money.

SO MOVED: J. Baisley/ D. Seminara

CARRIED: 6-0

BOARD INTO EXECUTIVE SESSION AT 8:15 PM

BACK FROM EXECUTIVE SESSION AT 8:40 PM

NO ACTION WAS TAKEN

Motion made to close the meeting: Supervisor Myers/T. Tancredi

CARRIED: 6-0

MEETING CLOSED AT 8:41 PM

SJM:lkm