



Kurt Kuehner: Just wanted to reiterate the previous speakers comments and he stated that they no longer are able to enjoy their home that they have put much time and money in now that Tilcon is there and because of the larger upgrade of their plant now going in and because of the 24/7 plant.

Doreen Tignanelli: She said she supported this law and was glad to see that the Town Board was looking out for the quality of life for residents on Sheaf Road.

Motion made to resume the rules: Supervisor Myers/T. Tancredi

CARRIED: 5-0

03:18-01 PUBLIC HEARING

Amend Town Code, Chapter 195, Entitled "Vehicles and Traffic" for Specifically Section 195-46 Entitled "Schedule XI: Trucks Over Certain Weight Limits Excluded" On Sheafe Road

#### RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 18<sup>th</sup> day of March, 2009 at 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", specifically Section 195-46, entitled "Schedule XI: Trucks Over Certain Weights Excluded", which amend is as follows:

ADD:

<b>Name of Street</b>	<b>Weight Limit (Ton)</b>	<b>Location</b>
Sheafe Road	5	From Intersection of Sheafe Road and Rt. 9 to entrance of Tilcon New York, Inc. on Sheafe Road – from 10:00 PM to 5:00 AM Sunday Through Saturday Inclusive

AND BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does declare that it is Lead Agency under the New York State Environmental Quality Review Act; and

BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does hereby declare that said action is a Type II Action, pursuant of 6 NYCRR 617.5(20) and (27) of the SEQRA regulations and that no environmental review is required; and

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

SO MOVED: J. Baisley/T. Tancredi

Councilman Seminara: I want to make sure that the entire length, or both parts, are identified and marked and do we have the existing part that is prohibited, is it already marked? Answer was "Yes" by Councilman Baisley.

Councilman Tancredi thanked the residents who came in to the meeting to show their support of this resolution. He wanted to express that the Council is giving their support on this resolution and he was sure the police would be out there enforcing it.

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

Nays: None

CARRIED: 5-0

Town Clerk Miller: The affidavit of posting was on March 5<sup>th</sup> and published in the Poughkeepsie on March 7, 2009.

Motion made to suspend the rules for public hearing #2: Supervisor Myers/T. Tancredi

CARRIED: 5-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 5-0

03:18-02 PUBLIC HEARING

Amend Town Code, Chapter 195, Entitled "Vehicle and Traffic", Section 195-51, "Schedule XVI: Parking Prohibited Certain Hours" For Raymond Avenue

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 18<sup>th</sup> day of March, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend Chapter 195, entitled "Vehicle and Traffic", specifically Section 195-51, "Schedule XVI: Parking Prohibited Certain Hours", which amendments would add the following provision:

ADD:

<b>Name of Street</b>	<b>Side</b>	<b>Hours/Days</b>	<b>Location</b>
Raymond Avenue	Both	12:00 AM to 5:00 AM From September 1 <sup>st</sup> to May 1 <sup>st</sup>	From the intersection of Collegeview Avenue and Raymond Avenue south to the Main Gate of Vassar College located on Raymond Avenue

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

SO MOVED: D. Seminara/T. Tancredi

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

Nays: None

CARRIED: 5-0

Town Clerk Miller: The affidavit of posting was on March 5<sup>th</sup> and was published in the Poughkeepsie Journal on March 7<sup>th</sup>.

Motion made to suspend the rules for public to speak on public hearing #3: Supervisor Myers/T. Tancredi

CARRIED: 5-0

NO SPEAKERS CAME FORWARD

Motion made to resume the rules: Supervisor Myers/T. Tancredi CARRIED: 5-0

Town Clerk Miller: The affidavit of posting was on March 5<sup>th</sup> and it was published in the Poughkeepsie Journal on March 7<sup>th</sup>, 2009.

03:18-03 PUBLIC HEARING

Amend Town Code, Chapter 57,  
Entitled "Animals", Section 57-2,  
"Unlawful Acts" & Section 57-5,  
Enforcement"

### RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 18<sup>th</sup> day of march, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend Chapter 57, entitled "Animals", specifically Section 57-2, "Unlawful Acts" and Section 57-5, "Enforcement", which amendments would add the following provision:

ADD to Section 57-2:

F. Nuisances prohibited. No person owning, harboring, keeping or in charge of any dog shall cause, suffer or allow such dog to soil, defile, defecate or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk, or on any public property whatsoever, or on any private property. The restriction in this section shall not apply to that portion of the street lying between the curb lines, which shall be used to curb dog under the following conditions:

- (1) The person who so curbs such dog shall immediately remove, in a sanitary method, all feces deposited by such dog.
  - (2) The feces removed from the aforementioned designated areas shall Be disposed of in a sanitary manner by the person owning, harboring, and keeping or in charge of any dog curbed in accordance with the provisions of this Chapter.
- And

ADD to Section 57-5:

The provisions of paragraph F of Section 57-2 shall be enforced by the Town of Poughkeepsie Animal Control Officer.

AND BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does hereby declare itself to be Lead Agency under the New York State Environmental Quality Review Act and does declare that said action is a Type II Action;  
And

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

SO MOVED: J. Conte/Supervisor Myers

Councilman Baisley: Is private property a part of this?

Town Attorney Mahar: Yes, "to be a nuisance on private property".

Councilman Baisley: It's our call and not the Department of Health's call?

Town Attorney Mahar: We have simultaneous jurisdiction with the Health Department on it.

Councilman Seminara: I observed, basically what we are saying is the dog has to defecate in the street and then has to be removed, which I don't have any problem with the removal part, but sometimes it defecates in the grass and remove it. I don't go along with the "curb to curb" part of it. Councilman Tancredi agreed. He felt it was

unrealistic to make the dog go in the road. He thought the point of the resolution was simply to pick it up afterwards. Councilmen felt the resolution needed to be rephrased.

Motion made to Table until April 22, 2009 Board meeting: Supervisor Myers/T. Tancredi

CARRIED: 5-0

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

CARRIED: 5-0

Doreen Tignanelli: I'm confused about #23. Asked for clarification of percentage of ratio for former IBM Conference Center.

Supervisor Myers: This is the determination for SEI that off that portion of the property that they are looking at right now. 72% of it would be Recreational use and 28% for non-recreational. We need those percentages to determine how much of the money we are going to be expending, could come out of the Recreational Trust Fund and how much would have to come out of the General.

Nancy Kverev: #7, the creation of the position of Director of Municipal Development. Is that a new position?

Supervisor Myers: No. It's the one Mr. Wilson has now. This is a formality for the Dutchess County Personnel.

Virginia Buechele: Item #20. I'm please to know a fund has been established to refurbish the Fairview Veterans Service Memorial. She noted at least two outstanding local people on that memorial, the Mahar's and the Veletre and several notes on veterans in the area.

Motion made to resume the rules: Supervisor Myers/T. Tancredi

CARRIED: 6-0

03:18-04 APPOINTMENT

Sewer Department of Glen Robison as  
Sewer Maintenance Mechanic

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Glen Robison to the position of Sewer Maintenance Mechanic, effective immediately, at the Grade 6, Step 1 hourly rate of \$18.79, subject to a probationary period of not less than 8 nor more than 26 weeks, per Civil Service Law.

SO MOVED: T. Tancredi/Supervisor Myers

Councilman Krakower : I think we should Table this item again as there are a lot of issues and questions regarding the department and the staffing needs, which to date have not been fully resolved or fully answered. So, I think it premature to add someone else to the mix right now.

Motion made to Table this item until April 22, 2009 Board Meeting: S. Krakower/D. Seminara

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Krakower, Tancredi  
Nays: Supervisor Myers

CARRIED: 5-1

03:18-05 AUTHORIZE  
SUPERVISOR  
TO SIGN

Letter on Behalf of Town Board to be  
Sent to New York State Officials  
Requesting Funding in 2009 Budget for  
4,500 Sets of Code Books

RESOLUTION

BE IT RESOLVED, that at the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a letter on behalf of the Town Board of the Town of Poughkeepsie, which letter will be sent to Governor David Paterson, Secretary of State Lorraine A. Cortes-Vazquez, Senator Saland and Assemblyman Joel Miller, requesting the funding in the 2009 Budget for 4500 sets of Code Books to enable code enforcement officials in New York State to do their job effectively and safely.

SO MOVED: Supervisor Myers/J. Conte

Wayne Cichon, Deputy Town Building Inspector: I also serve as First Vice-President of NYS Building Officials Conference and there is no current Department of Codes Budget when it comes to buying Code books. There are definite problems with not having Code books. Right now, we are going to get the next set of Codes toward the end of this year and we need some support letters to go out to these different individuals in our area while these same actions are happening by many municipalities out there.

Councilman Seminara: So this is the NYS Building Code?

Wayne Cichon: Yes.

Councilman Seminara: How much do you estimate these books cost?

Wayne Cichon: Currently they are like \$495 per set.

Councilman Seminara: How many sets would the Town need, just the Town?

Wayne Cichon: One per Code Official. We have 8 Code Officials in the Town. So we are looking at \$4,160.00. It's a three year process.

The Board felt that the State is asking the Town's to enforce their Building Codes and so they should provide the Code Books to the officials and not push the cost on us.

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

Nays: None

CARRIED: 6-0

03:18-06 AUTHORIZE  
SUPERVISOR

Canine Officer Agreement Between  
Town & Police Officer Eric Soltys

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does Hereby authorize the Supervisor to execute a Canine Officer Agreement between the Town of Poughkeepsie and Police Officer Eric Soltys, which agreement is attached hereto.

SO MOVED: J. Baisley/T. Tancredi

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

Nays: None

CARRIED: 6-0

AGREEMENT ATTACHED TO FINAL BOOK COPY

03:18-07 AUTHORIZE

Creation of Position of Director of  
Municipal Development, Exempt  
Class Of Civil Service

RESOLUION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby create the position of Director of Municipal Development consistent with the attached statement of duties and qualifications, subject to approval of the Town's application to have said position classified as in the Exempt Class of Civil Service by the Dutchess County Department of Personnel; and

BE IT FURTHER RESOLVED, that the duties and responsibilities of said position are described in accordance with the additional documents attached hereto that were previously submitted to the Dutchess County Department of Personnel in connection with the Town's application for the Exempt Classification.

SO MOVED: D. Seminara/S. Krakower

Town Attorney Mahar: The County Personnel Department asked for the budgets and table of organization, statement of the duties and the job description and they submitted it to the Town Board through my office, a proposed duty description and I reviewed that with the Personnel Officer and Neil Wilson and made major changes to it and we are sending it back to them.

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Krakower, Tancredi  
Nays: Supervisor Myers

CARRIED: 5-1

JOB DESCRIPTION AND DUTIES ATTACHED TO FINAL BOOK COPY

03:18-08 AUTHORIZE

Ratification of Resolution 03:04-16 of March 4, 2009 in Regard to its Pending Application with the New York State Comptroller's Office for Approval of The Creation & Bonding of the Arlington Sewer Service Area 1

RESOLUTION

WHEREAS, that the Town Board of the Town of Poughkeepsie has heretofore Filed an application with the New York State Comptroller's Office for approval of the creation of the Arlington Sewer Service Area I and the borrowing of \$16,000,000.00 for the upgrade of the Arlington Sewer Treatment Plant; and

WHEREAS, a Resolution adopted by the Town Board on March 4, 2009 may be insufficient to satisfy the requirements of the New York State Comptroller's Office in that it failed to identify the project, notwithstanding it is being submitted with the application for the project, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby ratify the Resolution adopted on March 4, 2009, a copy of which is attached, in regard to its pending application with the New York State Comptroller's Office for the approval of the creation and bonding of the Arlington Sewer Service Area 1.

SO MOVED: J. Conte/Supervisor Myers

Town Attorney Mahar: Councilman Krakower raised the issue that the resolution at the time of the adoption really didn't identify that it was the Arlington Sewer Service Area #1. I responded and thought that by virtue of the fact that it was in the application that they had requested it would be sufficient. Upon further review, I thought it would be safer to do it this way.

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Tancredi, and Supervisor Myers  
Nays: Councilman Krakower

CARRIED: 5-1

03:18-09 RETAIN

Kyle Barnett, Esq. To Initiate Litigation  
Against City of Kingston to Collect  
Monies Paid to a Police Officer

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby retain Kyle Barnett, Esq. of Van DeWater & Van DeWater, at the rate of \$165.00 per hour, to initiate litigation against the City of Kingston to collect monies paid by the Town of Poughkeepsie to a former police officer of the City of Kingston who is now working for the Town of Poughkeepsie.

SO MOVED: S. Krakower/T. Tancredi

Town Attorney Mahar: I received a telephone call from the lawyer we retained in regard to the appeal at the Workman's Compensation Board level and that appeal has not taken place or gone forward. He managed to resolve it and we are going to get paid \$19,000.

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

Nays: None

CARRIED: 6-0

03:18-10 APPROVE

Request of Town Clerk Miller to Attend  
NY State Town Clerk's Association  
Conference From April 26, 2009 to  
April 29, 2009 in Rochester, NY

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the request of the Town Clerk to attend the New York State Town Clerk's Association Conference from April 26, 2009 to April 29, 2009 in Rochester, New York, and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to drive a Town of Poughkeepsie vehicle for transportation to and from said conference, and

BE IT FURTHER RESOLVED, that the Town Board does hereby congratulate the Town Clerk on her nomination for a District Director position for the Town Clerk's Association for New York State.

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

03:18-11 ACCEPT/RELEASE

Transfer of the Water & Wastewater  
Pump Station, Release of the Performance  
Bond & Acceptance & Retention of the  
Maintenance Bond for Arlington Hunt

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie upon the recommendation of Sewer Department and Engineering Department does hereby accept the transfer of the water and wastewater pump station in regard to Arlington Hunt; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie, upon the recommendation of all the department heads involved, does hereby authorize the release of the Performance Bond currently held by the Town in regard to this project; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does reiterate the acceptance and retention of the Maintenance Bond for this project.

SO MOVED: Supervisor Myers/J. Conte

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

Nays: None

CARRIED: 6-0

03:18-12 AUTHORIZE  
SUPERVISOR

Maintenance Agreement with BIO-KEY International, Inc. for Maintenance Service for Police Department's Server & Mobile Data Terminals

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a Maintenance Agreement with BIO-KEY International, Inc. for maintenance service for the Police Department's server and Mobile Data Terminals for the coverage period of July 1, 2009 through June 30, 2010 at the total cost of \$7,578.00.

SO MOVED: J. Baisley/S. Krakower

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Krakower, Tancredi, And Supervisor Myers

Nays: None

CARRIED: 6-0

03:18-13 AUTHORIZE  
SUPERVISOR  
TO SIGN

Phone System Maintenance Agreement With TECH II Business Services, Inc. For Town Police Department

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a phone system Maintenance Agreement with TECH II Business Services, Inc. for the Town of Poughkeepsie Police Department for the coverage period of April 21, 2009 through April 20, 2010 at the total cost of \$2,509.76.

SO MOVED: D. Seminara/S. Krakower

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

Nays: None

CARRIED: 6-0

03:18-14 AUTHORIZE  
SUPERVISOR  
TO SIGN

Phone System Maintenance Agreement With TECH II Business Services, Inc. For Town Hall

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a phone system Maintenance Agreement with TECH II Business Services, Inc. for the Town of Poughkeepsie Town Hall for the coverage period of April 21, 2009 through April 20, 2010 at the total cost of \$4,656.64.

SO MOVED: J. Conte/D. Seminara

Councilman Krakower: How often do they service Town Hall at one site?

Supervisor Myers: Whenever a phone has to be moved, they do it because it all has to be changed in their boards.

Councilman Krakower: If they are only coming out to move a phone at Town Hall, how often do we do that? Wouldn't it make sense to pay as we go than to have a contract on this. I think we ought to know what this is before voting on it.

Councilman Seminara: I wouldn't mind approving it with the provision that, let's have somebody keep track as to how many hours they are here this year.

Motion made to Table Until the April 1, 2009 Town Board Meeting: S. Krakower/  
T. Tancredi

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

03:18-15 AUTHORIZE Discontinuance of Water Service to  
6 Maisie Court For Outstanding  
Water Charge

#### RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie is authorized pursuant to the Town Law, Section 198 (3)(d) to provide by resolution that unpaid water charges in arrears for thirty (30) days or long shall be subject to a penalty not exceeding ten percent (10%) of the amount due; and

WHEREAS, the Town Board of the Town of Poughkeepsie is also authorized pursuant to Town Law Section 198 (3)(d) and Section 89b of the Public Service Law to discontinue the water supply if such water charges are not paid within sixty (60) days from the date due; and

WHEREAS, the Town Board of the Town of Poughkeepsie has adopted Section 203-8 F of the Town Code of the Town of Poughkeepsie, which reads as follows:

“If all such water rents, charges and penalties shall not be paid within sixty (60) days after the date due, the Town Clerk shall mail to the owner, or if previously directed to send bills, notices, etc., to an agent or tenants, then to such agent or tenant, a notice of arrearage, containing the total amount then due with notice that, unless paid within five (5) days after date of mailing such notice, service will be discontinued unless such bill and the whole thereof shall be paid within said five (5) days or the next business day after the expiration of said five-day period, and such service shall not be restored until all charges and penalties shall have been paid and the further sum of twenty dollars (\$20.00) shall have been paid for the restoration of service.”

AND WHEREAS, the owner of 6 Maisie Court, Poughkeepsie, New York was notified on the December 3, 2009 and January 20, 2009 of an outstanding water charge for said premises; and

WHEREAS, a payment dated February 17, 2009 was tendered but rejected since it did not constitute the full amount due or admit liability for the balance due; and

WHEREAS, of March 18, 2009 the owner has not paid said bill, now therefore

BE IT RESOLVED, pursuant to Section 198 (3)(d) of the Town Law, Section 89b of the Public Service Law and Section 203-8 F of the Town Code of the Town of Poughkeepsie, entitled "Water", said service will be discontinued as of the 20<sup>th</sup> day of May, 2009; and

BE IT FURTHER RESOLVED, said service shall not be restored until all charges and penalties have been paid in the sum of \$1,003.75 plus interest and the further sum of \$20.00 shall have been paid for restoration of services.

Motion made to Table until April 1, 2009 Town Board Meeting: Supervisor Myers/  
T. Tancredi CARRIED: 6-0

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

03:18-16 AUTHORIZE Amend Employee Handbook To Provide  
For Medical Insurance Buy-Out For  
Retirees

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the town of Poughkeepsie does hereby adopt Section 809a of the Employee Handbook entitled, "Medical Insurance Buy-out for Retirees", as set forth in the attached exhibit, prepared by the Comptroller and the Human Resource Representative at the request of Councilman Baisley.

SO MOVED: S. Krakower/J. Baisley

#### TAPE HUMMING – INAUDIBLE

Councilman expressed the feeling to explore this a bit further before voting on it.

Motion made to Table until April 1<sup>st</sup>, 2009 Board Meeting: Supervisor Myers/T.  
Tancredi

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

03:18-17 AUTHORIZE Chief of Police Mauro to Execute  
Memorandum of Understanding on  
Behalf of Town Police Department With  
Various Victim Services to Develop &  
Strengthen Victim Services in Cases  
Involving Domestic Violence, Dating  
Violence, Sexual Assault & Stalking

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Chief of Police to execute a Memorandum of Understanding on behalf of the Town of Poughkeepsie Police Department with Vassar College, Family Services, Inc., Battered Women's Services, the Grace Smith House, The D.C. Coalition against Domestic Violence and Sexual Assault, and the D.C. District Attorney's Office to

develop and strengthen victim services in cases involving domestic violence, dating violence, sexual assault and stalking, a copy of which is attached hereto.

SO MOVED: T. Tancredi/S. Krakower

(TAPE HUMMING – INAUDIBLE)

Councilman Seminara: Who is Vassar College asking for the money from?

Unidentified speaker: The Federal Government.

ROLL CALL: Ayes: Councilman Baisley, Conte, Krakower, Tancredi, and Supervisor Myers

Nays: None

Abstain: Councilman Seminara

CARRIED: 5-0-1

03:18-18 AUTHORIZE TO  
GO TO BID

Town Clerk to Advertise for Bids for  
“Schoolhouse Lane Road Improvements”

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Town Clerk to advertise for bids for “SCHOOLHOUSE LANE ROAD IMPROVEMENTS”, pursuant to plans and specifications to be prepared by the Town Engineer, which plans and specifications will be available on March 23, 2009 in the Office of the Town Clerk, with a bid opening to be held on April 15, 2009 at 11:00 AM; 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: J. Baisley/J. Conte

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

Nays: None

CARRIED: 6-0

03:18-19 ESTABLISH

Sewer Boundary Policy Dealing With  
Properties That Are Partially in a Sewer  
District & Partially Outside a Sewer District

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby establish the policy dealing with properties that are partially in a sewer district and partially outside a sewer district to provide that unless the property is 95% within the boundaries of the sewer district, the property owner is not entitled to be included in the sewer district and not entitled to any sewer hookup or discharge into the sewer system; and

BE IT FURTHER RESOLVED, that said policy is town wide and takes effect immediately.

Motion made to table this item to April 1, 2009 at the request of the attorneys:  
Supervisor Myers/J. Conte

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

Nays: None

CARRIED: 6-0

03:18-20 ACCEPT

With Gratitude, Donations Made to  
Refurbish The Veteran's Memorial  
Located in Fairview Park

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby accept, with gratitude, the donations made by the following individuals to refurbish the Veteran's memorial located in the Fairview Park, to wit:

- a. Steve Sansola - \$184.00
- b. Bob Gephard - \$100.00
- c. Bob Gephard - \$200.00 Pledged
- d. Virginia Buechele - \$185.00  
(In Memory of Arthur C. Miller)

SO MOVED: D. Seminara/T. Tancredi

Councilman Seminara: This is the right way to fund something and I want to commend you. People deserve credit for being willing to do that. Thank you.

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

Nays: None

CARRIED: 6-0

03:18-21 SET DATE FOR  
PUBLIC HEARING

April 22, 2009 to Amend Town Code,  
Chapter 210, Entitled "Zoning",  
Specifically Article V, Section 210-22  
Entitled "Arlington Town Center (ATC)  
District

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 22<sup>nd</sup> day of April, 2009 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 an amendment to Chapter 210, entitled "Zoning", specifically Article V, Section 210-22, "Arlington Town Center (ATC) District", which amendment would be as follows:

ADD:

Section 210-22(G) Main Street Drive-In Overlay District (MSDOD) more fully set forth in the attached document, the application of which may be permitted at the sole discretion of the Town Board as a Zoning Map amendment subject to such additional terms and conditions as the Town Board may require at locations within the Arlington Town Center (ATC) District which meets the specific requirements set forth herein.

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby declare itself as lead agency and that the proposed action is an unlisted action; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize and direct the Town Clerk to send a copy of the proposed local law to Dutchess County Planning and the Town of Poughkeepsie Planning Board as required by General Municipal Law and the Town's local law; 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/T. Tancredi

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

Nays: None

CARRIED: 6-0

PROPOSED LOCAL LAW ATTACHED TO FINAL BOOK COPY

03:18-22 AUTHORIZE

Project For Sidewalk Construction at  
Violet Avenue Elementary School is  
Approved by Town Board & Board  
Authorizes Town Expenditures

RESOLUTION

Authorizing the implementation, and funding in the first instance, 100% of the federal-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the Construction of Sidewalks at Violet Avenue Elementary School, in the Town of Poughkeepsie, Dutchess County, PIN 8760.3 (the "Project") is eligible for funding under Title 23 US. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds; and

WHEREAS, the Town Board of the Town of Poughkeepsie on February 18, 2009, authorized the Supervisor to execute the agreements herein which resolution was in a slightly different form than the resolutions submitted herewith; and

WHEREAS, the Town of Poughkeepsie desires to advance the Project by making available 100% of the federal share of the costs of preliminary engineering anticipated to be \$60,000 of the total federal share; and

WHEREAS, the Town of Poughkeepsie desires to advance the Project by making a commitment of 100% of the federal share of the costs of construction, construction inspection, and construction supervision and non-infrastructure activities; and now therefore

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby ratify the resolution of February 18, 2009, a copy of which is attached and rescinds the resolution of March 4, 2009; and

BE IT FURTHER RESOLVED, the Town Board of the Town of Poughkeepsie does hereby ratify the approval of the above-cited project; and

BE IT FURTHER RESOLVED, that the Poughkeepsie Town Board hereby approves the above-subject project; and

BE IT FURTHER RESOLVED, that the Poughkeepsie Town Board hereby authorizes the Town of Poughkeepsie to pay in the first instance 100% of the federal share of the cost of preliminary engineering, construction, construction inspection, and construction supervision work for the Project or portions thereof; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appropriate the sum of \$575,000.00 from the General Fund and said sum is made available to cover the cost of the participation in the above-phase of the project; and

BE IT FURTHER RESOLVED, that in the event the full federal share costs of the project exceeds the amount appropriated above, the Poughkeepsie Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Supervisor thereof; and

BE IT FURTHER RESOLVED, that the Supervisor of the Town of Poughkeepsie be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the Town of Poughkeepsie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and all Project costs within appropriations therefore that are not so eligible; and

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

BE IT FURTHER RESOLVED, this Resolution shall take effect immediately.

SO MOVED: S. Krakower/T. Tancredi

Councilman Krakower: We're going to front all the money for this project cross our fingers and wait for the money to trickle down?

Town Attorney Mahar: No, we are requesting the money for Engineering and that's it.

Councilman Krakower: But it says we are taking \$575,000 out of General Fund.

Town Attorney Mahar: That's what we put in our first two resolutions and they did not like the format of our resolution and so they sent us back this resolution (Inaudible).

Councilman Krakower: Here's my concern, every time we get money from Federal or State Government, we never get the money and there are road projects and the salt shed and all kind of projects that don't exist here because the money has never come done. Sue Kelly before and John Hall, now, there is no money coming through that Congressional Office that was supposed to come in through a number of different projects. The way it reads, we are taking \$575,000 out of general funds and that may be how the State or whoever wants us to put it, but, unless I'm reading it wrong, it seems like we are fronting the money and we have to wait for the State to pay us back.

Town Attorney Mahar: That's not the case. (Inaudible)

Councilmen were not in favor of this as they didn't trust the State to return the money.

Motion was made to Table this until April 1, 2009 Board Meeting: Supervisor Myers/  
T. Tancredi

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

Nays: Councilman Seminara

CARRIED: 5-1

03:18-23 DETERMINATION

Acquisition of Former IBM Conference  
Center – 72% Recreational & 28%  
Non-Recreational

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby determine that the acquisition of the former IBM Conference Center is partially for recreational purposes and partially for non-recreational activities; and

BE IT FURTHER RESOLVED, that the ratio determined, by our consultants, is 72% recreational and 28% non-recreational; and

BE IT FURTHER RESOLVED, that this ratio will be used for determining the amount of monies to be expended from the recreation trust fund and the amount of monies to be spent from the general fund; and

BE IT FURTHER RESOLVED, that the ratio is predicated upon material submitted by our consultants outlining the proposed utilization of said property.

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 6-0

03:18-24 NOTIFICATION

Liquor License Renewals For:  
A. ADF Dutchess LLC D/B/A  
Pizza Hut Located at 2585  
South Road  
B. CEC Entertainment D/B/A  
Chuck E. Cheese's #505 Located  
At 838 South Road

NOTED BY TOWN BOARD

03:18-25 NOTICE OF  
PUBLIC HEARING

Town of Lloyd Town Board will Hold a  
Public Hearing on April 8, 2009 at 7:30  
PM in the Town Hall in Highland to Adopt  
Local Law #A-2009, Amendment of  
Planned Unit Development District  
Requirements Set Forth Under the Town of  
Lloyd Zoning Ordinance

NOTED BY TOWN BOARD

03:18-26 NOTICE OF  
PUBLIC HEARING

Town of Lloyd Town Board Will Hold a  
Public Hearing on April 8, 2009 at 7:30  
PM in the Town Hall in Highland to  
Adopt Local Law #C-2009, to Amend  
Section 100-5 in Official Map of Town of  
Lloyd Zoning Code to Provide for a  
Change From Residential to General  
Business For the Olson Property Located  
On Route 299

NOTED BY TOWN BOARD

03:18-27 AUTHORIZE

Special Consents 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 Authorize

Street Light Upgrade – Vassar Road  
At Hillis Terrace

SC 2 Notification

Liquor License Waiver  
Cosimo's Trattoria

SC 3 Authorize

Fee of \$18.00 per occasion for the  
Use of Town Ball Fields by the  
Poughkeepsie Senior Softball League

SC 4	Authorize	Sign Ordinance Adjournment
SC 5	Notification	Town of Wappinger Public Hearing
SC 6	Set Date for Public Hearing	First Columbia, LLC-RestoreNY Program
SC 7	Discussion	Alternate Site for proposed group Home on Sterling Place in Ward 1

AND BE IT FURTHER RESOLVED, that upon the objection of any member of the Town Board, an item may be removed from the list and voted on separately.

SO MOVED: J. Baisley/

ROLL CALL: Ayes: Councilmen Baisley, Conte, Krakower, Tancredi, and Supervisor Myers  
 Nays: None  
 Abstain: Councilman Seminara CARRIED 5-0-1

03:18-SC 1	AUTHORIZE SUPERVISOR TO SIGN	Central Hudson Gas & Electric Corporation Street Lighting Authority Order For Upgrade of Street Light on Vassar Road at Hillis Terrace
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RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a Central Hudson Gas & Electric Corporation Street Lighting Authority Order for the upgrade of street lights on Vassar Road at Hillis Terrace, Pole No. 13378 and {Cardinal Drive, Pole No. 170361.}

SO MOVED: D. Seminara/S. Krakower

ROLL CALL ON AMENDMENT: Ayes: Councilman Baisley, Seminara, Conte, Krakower, Tancredi, and Supervisor Myers  
 Nays: None CARRIED: 6-0

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

03:18-SC 2	APPROVAL	Waive Liquor License Renewal 30 Day Waiting Period for Cosimo's Brick Oven Of Poughkeepsie, Inc. D/B/A/ Cosimo's Trattoria Located at 120 Delafield {Street}
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RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Cosimo's Brick Oven of Poughkeepsie, Inc. D/B/A Cosimo's Trattoria, 120 Delafield Street, Poughkeepsie, NY 12601 for a waiver of the 30 day review for a liquor license renewal 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: J. Conte/S. Krakower

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

03:18-SC 3 AUTHORIZE Park Facilities & Program Director to  
Issue a Permit to the Poughkeepsie  
Senior Softball League for Utilization  
Of Town Ball Fields

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Park Facilities & Program to issue a permit to the Poughkeepsie Senior Softball League for utilization of Town ball fields consistent with the directions of the Park Facilities & Program Director at a price of \$18.00 per game, effective immediately.

SO MOVED: S. Krakower/T. Tancredi

Councilman Seminara: Are we giving a Senior discount?

Supervisor Myers: Yes, we are.

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

03:18-SC 4 ADJOURN Public Hearing in Regard to Proposed  
Sign Ordinance Until May 6, 2009 Town  
Board Meeting by Request of the  
Dutchess County Planning Department  
& the Town Planning Board

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby adjourn the Public Hearing in regard to the proposed sign ordinance until May 6, 2009 at the request of the Dutchess County Planning Department and the Town of Poughkeepsie Planning Board.

SO MOVED: T. Tancredi/S. Krakower

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

03:18-SC 5 NOTIFICATION Town of Wappinger Town Board to  
Hold a Public Hearing at Wappinger  
Town Hall on May 11, 2009 Concerning  
The Town Comprehensive Plan and  
Associated Zoning Amendments

NOTED BY TOWN BOARD

03:18-SC 6 SET DATE PUBLIC HEARING Public Hearing for April 22, 2009 at  
Town Board Meeting for the Purpose  
Of Application Under the "RestoreNY  
Communities Initiative"

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has received a request from First Columbia, LLC of Latham, New York to sponsor an application for funding from the Empire State Development Corporation under the “RestoreNY Communities Initiative” to finance the rehabilitation and reuse of Building 708 at the IBM Poughkeepsie Campus for use as a data center; and

WHEREAS, First Columbia would lease Building 708 from IBM Corporation and would be responsible for the rehabilitation, replacement, renovation, and operation of the building for use as a data center at no cost to the Town of Poughkeepsie; and

WHEREAS, under the State’s “RestoreNY” program the project is eligible for up to \$2.5 million to fund the demolition, rehabilitation, and reconstruction of vacant abandoned, condemned and surplus properties; and

WHEREAS, the Town is required to convene a public hearing on the proposed application for RestoreNY funding.

THEREFORE BE IT RESOLVED, the Town Board of the Town of Poughkeepsie sets April 22, 2009 at 7:00 PM, or as soon thereafter as the matter may come to be heard, in the Town Hall, One Overocker Road, Poughkeepsie, New York as the time and place for a public hearing on the proposed application under the “RestoreNY Communities Initiative” as set forth herein.

SO MOVED: Supervisor Myers/J. Conte

Supervisor Myers: As an IBM Employee, to avoid an appearance of a conflict of interest, I abstain.

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

Nays: None

Abstain: Councilman Seminara

CARRIED: 5-0-1

03:18-SC 7 DISCUSSION

Alternate Site for Proposed Group Home on Sterling Place in Ward One

Councilman Baisley: After last week’s meeting in reference to this item, the residents offered up about 7 or 8 houses as potential sites to establish a group home. A couple of the houses were definitely out of the Town of Poughkeepsie. One house on Vassar Road, but there is one already on Vassar Road. Round Hill was offered as a site, but there is one on Creek Bend which is just around the Corner from Round Hill from the back, so that one is not feasible either and they came up with three other ones today. One was One Marwood Drive, which is a rather large ranch. One on 39 Nassau Road, a raised ranch and the other was on 118 Kingwood Park and one on Scenic Drive, which was very expensive and none of these were in my Ward. (Humming made it very difficult to understand Councilman Baisley)

Councilman Seminara: There is approximately, in excess, 170 homes in Dutchess County and about 20 or so in the Town of Poughkeepsie, which are scattered pretty evenly throughout the Town and so I don’t think there is any case to be made.

Town Attorney Mahar: (Inaudible)

Councilman Baisley is going to call John and discuss this further with him.

Motion made to suspend the rules for public speaking: Supervisor Myers/T. Tancredi

CARRIED: 6-0

Virginia Buechele spoke about how this Board passed a nine month moratorium on residential development in the Industrial Zone, which appeared to her would expire on April 9<sup>th</sup>, 2009 and she said if she was recalling correctly, in that original resolution it talked about one of the reasons that you were doing this moratorium was so that there

could be a build-out analysis. She wondered if that build-out analysis was done and why she doesn't see anything on the agenda to renew the moratorium for another nine months.

Councilman Seminara: There was a build out analysis done in the Town, (inaudible)

Virginia Buechele: Has that additional build out analysis been done and if not, why aren't we renewing the moratorium in the Institutional Zone that expires on April 9<sup>th</sup>?

Town Attorney Mahar: As I recollect, the Municipal Director of Development did do the analysis and did indicate to us that the cost of going further with the preliminary analysis was going to be extreme excessive and recommended that in lieu of the complete analysis, we take it on a case by case basis. So, the moratorium will probably expire, however, the criteria developed in the preliminary analysis by the Director will be applied to each case.

Virginia Buechele: When was that that he addressed you?

Town Attorney Mahar: I believe it was in an In-House Report.

Virginia Buechele: Is that In-House Report FOILable? I would also like to know "How Costly was Too Costly and just what his analysis was? I think it's an important issue in our community.

Town Attorney Mahar: I don't think it is.

Victor Gennodi talked about a neighbor having 5 dogs at their house and they have a spot that the dogs go which is right next to the people's swimming pool and there is always a fight because the odor is terrible, hopefully this law will have some teeth for these people. About the first public hearing you had, how is this going to be enforced. Are there fines?

Town Attorney Mahar (Inaudible)

Victor Gennodi: Ok, so there will be fines. What are the time frames?

Supervisor Myers: 10 PM to 5 AM Prohibited.

Victor Gennodi: 5 AM in the morning having 40 trailers coming by your home, your house becomes like a heavy thunderstorm when each truck goes by. I would have been a lot happier with 6 AM.

Nancy Kverev : #23 – 72% recreational and 28 % IBM Conference Center. Is this partially paid from the Recreational Funds for the Casperkill due-diligents?

Councilman Seminara: Point of order – this is not an IBM Conference Center. We are considering purchasing this from Bright Horizons.

Supervisor Myers: Yes, it is Nancy.

Nancy Kverev: Right, it just appears to me it was not accurately shown on the memo here, on the web. Then a couple weeks ago, going over the Greenvale and getting \$90,000 or for their creek erosion out of the Recreation fund, can I just ask, what are the criteria?

Councilman Seminara: It was \$20,000.

Supervisor Myers: It has to be a capitol improvement, it can't be for basic repair, like playground dirt or something like that. It could be playground equipment. He has done a very good job in trying to space out a lot of playground equipment. He tried to share it equally through out the Wards when they need the money. It is thought out and tried to be divided up fairly.

Nancy Kverev: Also, concerning the Rochdale petitions, when Councilman Conte comes up with whatever you are going to do, if something is on those petitions, can I know if things could be done in a volunteer method?

Supervisor Myers: Ok course, we'll let you know. It would need Town Board approval, but, yes, volunteers are welcome.

Doreen Tignanelli: I would like to ask the Town Board to take up the issue of the tree ordinance again. The site next to Raia Self Storage on Route 9.

Councilman Baisley: Councilman Krakower and I discussed that a couple of weeks ago and we would like to readdress it. We are going to pull back even if we have to do a commercial piece first because that is something he shouldn't have been allowed to do.

Motion made to resume the rules: Supervisor Myers/T. Tancredi

CARRIED: 6-0

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

CARRIED: 6-0

NO EXECUTIVE SESSION  
TOWN BOARD MEETING CLOSED AT 9:15 PM

SJM:lkm