



Motion made to suspend the rules for public speaking on Public Hearing #2: Supervisor Myers/J. Conte

CARRIED: 6-0

Victor Gennodi: Thanked the Board for this resolution.

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

CARRIED: 6-0

05:20-2 PUBLIC HEARING

To Amend Local Law, Chapter 195, Entitled “Vehicles & Traffic”, Specifically Section 195-46A Entitled “Schedule XI: Trucks Over Certain Weights Excluded” Pertaining to Sheafe Road

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 20<sup>th</sup> day of May, 2009, at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, New York, does hereby amend the Town of Poughkeepsie Code, Chapter 195, entitled “Vehicle and Traffic”, to create Section 195-46(A), entitled “Schedule XI, Trucks Over Certain Weights Excluded”, pertaining to Sheafe Road, as follows:

ADD: Section 195-46(A)

In accordance with the provision of 195-14, “Trucks in Excess of the Weights Indicated”, are hereby excluded from the following streets or parts thereof, which restriction includes a prohibition against the pick up and delivery of material on said streets during the hours set forth herein:

ADD:

SECTION 195-46(A)

<b>Name of Street</b>	<b>Weight Limit (Ton)</b>	<b>Location</b>
Sheafe Road	5	Sheafe Road, Route 9 To Intersection of Entrance to Tilcon New York, Inc. also known as 461 Sheafe Road – From 10:00 PM to 6:00 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 to 6 NYCRR 617.5(20) and (27) of the SEQRA regulations and that no further 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. Conte/T. Tancredi

Town Clerk Miller: Posting of this Public Hearing #2 resolution was on May 7, 2009 and published in the Poughkeepsie Journal on May 9, 2009.

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

Nays: None

CARRIED: 6-0

Motion made to suspend the rules for Public Hearing #3: Supervisor Myers/T. Tancredi

CARRIED: 6-0

**NO SPEAKERS CAME FORWARD**

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

CARRIED: 6-0

Town Clerk Miller: The Affidavit of posting of Public Hearing #3 was on May 7, 2009 and published in the Poughkeepsie Journal on May 9, 2009.

05:20-03 PUBLIC HEARING

To Amend Local Law, Chapter 195, Entitled "Vehicles & Traffic", Specifically Section 195-51, Entitled "Schedule XVI: Parking Prohibited Certain Hours" To Add Raymond Avenue – West Side- From Fulton Avenue to College Avenue

**RESOLUTION**

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 20<sup>th</sup> day of May, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Poughkeepsie Town Code, Chapter 195, entitled "Vehicle and Traffic", specifically Section 195-51, Schedule XVI entitled "Parking Prohibited at Certain Hours" which amendment is as follows:

ADD:

<b>Name of Street</b>	<b>Side</b>	<b>Hours/Days</b>	<b>Location</b>
Raymond Avenue	West	Midnight to 6:00 AM Sunday through Saturday	From Fulton Avenue to College Avenue

AND BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does declare itself as Lead Agency under the New York State Environmental Quality Review Act, and does determine that this action is an Exempt Action; and

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

SO MOVED: M. Cifone/T. Tancredi

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

Nays: None

CARRIED: 6-0

Motion made to suspend the rules for public speaking on Public Hearing #4: Supervisor Myers/M. Cifone

CARRIED: 6-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 6-0

Town Clerk Miller: The Affidavit of Posting of Public Hearing #4 was on May 7, 2009 and Published in the Poughkeepsie Journal on May 9, 2009

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 20<sup>th</sup> day of May, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Poughkeepsie Town Code, Chapter 195, entitled "Vehicle and Traffic", specifically Section 195-54, Schedule XIX entitled "Time Limit Parking" which amendment is as follows:

REPEAL/ELIMINATE:

Name of Street	Side	Time Limit Hours/Days	Location
Collegeview Avenue	North	All hours	From Raymond Avenue to dead end

AND BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does declare itself as Lead Agency under the New York State Environmental Quality Review Act, and does determine that this action is an Exempt Action; and

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

SO MOVED: S. Krakower/T. Tancredi

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

Motion made to suspend the rules for public speaking on Public Hearing #5: Supervisor Myers/S. Krakower

CARRIED: 6-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 6-0

Town Clerk Miller: Affidavit of posting of Public Hearing #5 was on May 7, 2009 and published in the Poughkeepsie Journal on May 9, 2009.

05:20-05 PUBLIC HEARING To Amend Local Law, Chapter 195, Entitled "Vehicles & Traffic" Specifically Section 195-54, Entitled "Schedule XIX: Time Limit Parking" To Add Collegeview Avenue – North Side – For 2 Hour Limit From Raymond Avenue To Fairmont Avenue

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 20<sup>th</sup> day of May, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Poughkeepsie Town Code, Chapter 195, entitled "Vehicle and Traffic", specifically Section 195-54, Schedule XIX entitled "Time Limit Parking" which amendment is as follows:

ADD:

<b>Name of Street</b>	<b>Side</b>	<b>Time Limit Hours/Days</b>	<b>Location</b>
Collegeview Avenue	North	2 hours limit	From Raymond Avenue to Fairmont Avenue

AND BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does declare itself as Lead Agency under the New York State Environmental Quality Review Act, and does determine that this action is an Exempt Action; and

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

SO MOVED: T. Tancredi/M. Cifone

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

Nays: None

CARRIED: 6-0

Supervisor Myers: Mr. Hagstrom, is it possible for us to open all of the rest of these public hearings up through #9 at one time, or do we have to do them individually?

Deputy Town Attorney Hagstrom: I prefer that you do them individually for the simple reason, we advertise them that way and then there is no questions or public participation after each one.

Motion made to suspend the rules for public speaking on Public Hearing #6: Supervisor Myers/S. Krakower

NO SPEAKERS CAME FORWARD

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

CARRIED: 6-0

Town Clerk Miller: Affidavit of posting for Public Hearing # 6 was on May 7, 2009 and published in Poughkeepsie Journal on May 9, 2009.

05:20-06 PUBLIC HEARING

To Amend Local Law, Chapter 195, Entitled Vehicles & Traffic" Specifically Section 195-59, Entitled "Schedule XXIV: Handicapped Parking" To Repeal/Eliminate Collegeview Avenue – South Side – From East of Raymond Avenue (2 spaces) & South Side West of Fairmont Avenue (2 spaces)

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 20<sup>th</sup> day of May, 2009 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Poughkeepsie Town Code, Chapter 195, entitled "Vehicle and Traffic", specifically §195-59, Schedule XXIV entitled "Handicapped Parking" which amendment is as follows:

REPEAL/ELIMINATE:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Collegeview Avenue	South	East of Raymond Avenue (2 spaces)
Collegeview Avenue	South	West of Fairmont Avenue (2 spaces)

BE IF FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does declare itself as Lead Agency under the New York State Environmental Quality Review Act, and does determine that this action is an Exempt Action; and

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

SO MOVED: Supervisor Myers/M. Cifone

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

Motion made to suspend the rules for public speaking on Public Hearing #7: Supervisor Myers/T. Tancredi  
CARRIED: 6-0

NO SPEAKERS CAME FORWARD

Motion made to resume the rules: Supervisor Myers/ M. Cifone  
CARRIED: 6-0

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 20<sup>th</sup> day of May, 2009 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Poughkeepsie Town Code, Chapter 195, entitled "Vehicle and Traffic", specifically §195-59, Schedule XXIV entitled "Handicapped Parking" which amendment is as follows:

ADD:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Collegview Avenue	North	first spot West of the intersection of Fairmont Avenue and Collegeview Avenue

BE IF FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does declare itself as Lead Agency under the New York State Environmental Quality Review Act, and does determine that this action is an Exempt Action; and

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

SO MOVED: J. Baisley/M. Cifone

Town Clerk Miller: Affidavit of Posting of Public Hearing #7 was on May 7, 2009 and published in Poughkeepsie Journal on May 9, 2009.

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

Motion made to suspend the rules for public speaking on Public Hearing # 8: Supervisor Myers/S. Krakower  
CARRIED: 6-0

NO SPEAKERS CAME FORWARD

Motion made to resume the rules: Supervisor Myers/M. Cifone  
CARRIED: 6-0

Town Clerk Miller: Affidavit of posting of Public Hearing #8 was on May 7, 2009 and published in Poughkeepsie Journal on May 9, 2009.

05:20-08 PUBLIC HEARING To Amend Local Law, Chapter 195, Entitled "Vehicles & Traffic" Schedule XXIV: "Handicapped Parking" To Add Collegeview Avenue – South Side – First Spot West of Intersection of Fairmont Avenue & Collegeview Avenue

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie pursuant to a public hearing held on the does 20<sup>th</sup> day of May, 2009 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY does hereby amend the Poughkeepsie Town Code, Chapter 195, entitled "Vehicle and Traffic", specifically §195-59, Schedule XXIV entitled "Handicapped Parking" which amendment is be as follows:

ADD:

Name of Street	Side	Location
Collegeview Avenue	South	first spot West of the intersection of Fairmont Avenue and Collegeview Avenue

BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does declare itself as Lead Agency under the New York State Environmental Quality Review Act, and does determine that this action is an Exempt Action; and

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

SO MOVED: J. Conte/J. Baisley

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

Motion made to suspend the rules for public speaking on Public Hearing #9: Supervisor Myers/J. Conte  
CARRIED: 6-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 6-0

Town Clerk Miller: Affidavit of posting of Public Hearing #9 was on May 7, 2009 and published in the Poughkeepsie Journal on May 9, 2009.

#### RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 20<sup>th</sup> day of May, 2009 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Poughkeepsie Town Code, Chapter 195, entitled "Vehicle and Traffic", specifically §195-59, Schedule XXIV entitled "Handicapped Parking" which amendment is as follows:

ADD:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Collegview Avenue	South	first spot East of Raymond Avenue

BE IF FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does declare itself as Lead Agency under the New York State Environmental Quality Review Act, and does determine that this action is an Exempt Action; and

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

SO MOVED: M. Cifone/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Conte, Cifone, Krakower, Tancredi, and  
Supervisor Myers  
Nays: None

CARRIED: 6-0

Motion made to suspend the rules for public speaking on Public Hearing # 10: Supervisor Myers/T. Tancredi

CARRIED: 6-0

Victor Gennodi: Does this mean the end of the guy standing on the corner with the sign, "We're going out of business" one more time?

Supervisor Myers: Yes. That's the object of this that if they are going out of business, they are REALLY going out of business and not going to just be bringing in merchandise from other stores to go out of business with, also.

Victor Gennodi: They were plastering the signs all over and I drove around and actually got 145 signs and put them in the dumpster. They were on every intersection. It was a disgrace. Thank you, thank you.

John Rautenstrauch: I have a question on this distress sales. The other gentleman said you could not bring in merchandise from other stores. Is that my understanding?

Supervisor Myers: You have to give an inventory of what it is you are liquidating and it's a serious liquidation. Not just a big sale.

John Rautenstrauch: But if it's a real liquidation, can they bring in stuff from other stores without an inventory?

Supervisor Myers: No, it's got to be a liquidation of this property only.

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

CARRIED: 6-0

05:20-10 PUBLIC HEARING

Adoption of Local Law Entitled  
"Distress Sales & Similar Sales"

#### RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 20<sup>th</sup> day of May, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby adopt a local law entitled "Distress Sales and Similar Sales", a copy of which is attached hereto; and

BE IT FURTHER ENACTED, that said Town Board does hereby waive the verbatim reading of the proposed local law and does hereby authorize that said proposed local law be spread across the record as if, in fact, read verbatim; and

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

SO MOVED: S. Krakower/M. Cifone

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

Nays: None

CARRIED: 6-0

Town Clerk Miller: Affidavit of posting of Public Hearing #10 on May 1, 2009 and published in the Poughkeepsie Journal on May 4, 2009

#### LOCAL LAW ATTACHED TO FINAL BOOK COPY

Motion made to suspend the rules for public speaking on Public Hearing # 11: Supervisor Myers/T. Tancredi

CARRIED: 6-0

#### NO SPEAKERS CAME FORWARD

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

CARRIED: 6-0

05:20-11 PUBLIC HEARING

To Amend Town Code, Chapter 148,  
Entitled "Parks & Recreation",  
Specifically Section 148-4  
Entitled "Recreation Park Usage  
Guidelines; Prohibited Uses;  
Hours of Operation"

#### RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on 20<sup>th</sup> day of May, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Poughkeepsie Town Code, Chapter 148, entitled "Parks and Recreation", specifically Section 148-4, which amendment would be as follows:

ADD: Section 148-4A

A permit issued under this section shall entitle the holder thereof to the exclusive use of the area covered by the permit, subject to the terms and conditions of use set forth on the permit.

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

SO MOVED: T. Tancredi/M. Cifone

Town Clerk Miller: Affidavit of posting of Public Hearing #10 was on May 1, 2009 and published in the Poughkeepsie Journal on May 4, 2009.

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

Nays: None

CARRIED: 6-0

Motion made to suspend the rules for public speaking on Public Hearing #12: Supervisor Myers/J. Conte.

CARRIED: 6-0

Larry Wolinsky on Behalf of EBS Poughkeepsie, LLC: This is for 120 unit assisted living facility proposed at the Econo Lodge site on Route 9. I would just like to bring you up to speed on the Planning Board's Review. We have been before them now for the past seven months and on May 7<sup>th</sup> the Planning Board issued a SEQRA Negative Declaration and also made a favorable recommendation to the Town Board that the property, in fact, be designated as a Senior Housing Overlay District. What we are hoping will happen tonight is that the public hearing can be held and comments made on the record and then closed. We are still working out some conditions and details on the rezoning, which will be embodied in a developer's agreement. So, we are hoping we can get that wrapped up within the next several weeks and be back before you on the June meeting. In addition to the Overlay designation, just to refresh the Board's recollection, we are also requesting a few design waivers and the legislation that was enacted gives the Town Board specific authority to grant those design waivers. These are fairly minimal. One has to do with frontage and relates to how the existing configuration of the lot and that we are dividing the overall Econo Lodge property into two lots. So, we will need a waiver frontage on that and there is a landscape buffer waiver that will be required which is to essentially not to duplicate one that is already on the land. So, we are going to ask for a waiver of that second buffer. It is between two commercial pieces. Finally, there is an encroachment of a canopy from the building into the required front yard setbacks and there is a small waiver with respect to that.

Supervisor Myers: Is it my understanding that you want this public hearing closed but that you want the action adjourned until the first meeting in June?

Larry Wolinsky: Correct.

Motion made to close the public hearing and defer any action until June 3<sup>rd</sup> Meeting:  
Supervisor Myers/M. Cifone

CARRIED: 6-0

Town Clerk Miller: Affidavit of posting was filed on May 1, 2009 and published in the Poughkeepsie Journal on May 4, 2009.

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

CARRIED: 6-0

05:20-12 PUBLIC HEARING

Amend Town Code, Chapter 210,  
Entitled "Zoning", Specifically  
Section 210-11, Entitled "Zoning  
Map & Planning Board Declares

Itself Lead Agency for Senior  
Housing Overlay District

AMENDED  
RESOLUTION

**WHEREAS**, on or about September 25, 2008, EBS Poughkeepsie, LLC submitted to the Town Board an Application for a Senior Housing Overlay District designation of a proposed ±14.51 acre parcel (the “Site”) located at 2611-2629 South Road (Route 9), Poughkeepsie, New York also presently identified as tax parcel number 6060-02-950800-0000 for a project known as “The Seasons Assisted Living at Poughkeepsie” (the “Application”); and

**WHEREAS**, approval of the Application for Senior Housing Overlay District designation by the Town Board would, after receipt of site plan and subdivision approvals from the Town of Poughkeepsie Planning Board, and receipt of all other required approvals and permits from the involved agencies, allow the redevelopment of the Site as follows:

1. The subdivision of the property into lots of ±14.51 acres (proposed “Lot 1”) and ±2.9 acres (proposed “Lot 2”); and
2. The demolition of an existing 200-bed motel; and
3. The redevelopment of proposed Lot 1 as a three story, 120 unit assisted living complex; and
4. The redevelopment of proposed Lot 2 for a limited number of uses allowed within the Highway Business (B-H) District.

**WHEREAS**, the Site is located in the Highway Business (B-H) District as depicted on the Town of Poughkeepsie Zoning Map; and

**WHEREAS**, pursuant to Local Law #20 of 2008 the Site qualifies for designation as a Senior Housing Overlay District by virtue of its size and access to a state highway, its location in relation to retail, medical and public transportation services, and the availability of town central sewage disposal and water supply facilities; and

**WHEREAS**, the Planning Board of the Town of Poughkeepsie, as the Lead Agency, classified the action (i.e. the zoning amendment approval, the site plan approval, the subdivision approval, and all other permits and approvals from other local, county, and state agencies) as an Unlisted Action under the New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617, (“SEQRA”); and

**WHEREAS**, by resolution dated May 7, 2009 the Lead Agency issued a Negative Declaration for the project; and

**WHEREAS**, by resolution dated May 7, 2009 and pursuant to §210-154 of the Town Code, the Planning Board recommended to the Town Board that the Site be designated as a Senior Housing Overlay District; and

**WHEREAS**, on April 22, 2009 the Town Board referred the Zoning Amendment to the Dutchess County Department of Planning and Economic Development for review and recommendation pursuant to General Municipal Law §239-m.

**NOW THEREFORE BE IT ENACTED**, pursuant to a public hearing held on May 20, 2009 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, that

1. The Town Board hereby conditionally approves the Senior Housing Overlay District designation for proposed Lot 1 of the Seasons Assisted Living at Poughkeepsie project as depicted on a proposed Subdivision Plat Map entitled “The Seasons Assisted Living at Poughkeepsie Subdivision Plat”, further identified as Sheet “SB1”, dated September 22, 2008 and

bearing a latest revision date of March 20, 2009 prepared by Chazen Engineering, Land Surveying, and Landscape Architecture Co., P.C.; and

2. The Applicant shall prepare for Town Attorney review and approval as to form a Deed Restriction or a Declaration of Restrictive Covenant for proposed Lot 1 and proposed Lot 2 of the proposed Subdivision that would prohibit the further subdivision of proposed Lot 1 and proposed Lot 2; and
3. The Applicant shall prepare for Town Attorney review and approval as to form a Deed Restriction or a Declaration of Restrictive Covenant for proposed Lot 2 that would limit the types of uses on proposed Lot 2 as follows:
  - a. Retail bakeries;
  - b. Banks or financial services with or without drive-in/drive-thru facilities;
  - c. Health and fitness clubs;
  - d. Delicatessens;
  - e. Restaurant, without drive-in/drive-thru facilities;
  - f. Museum;
  - g. Offices;
  - h. Personal service businesses, without drive-in or drive-thru facilities;
  - i. Retail businesses, without drive-in or drive-thru facilities, except pharmacies;
  - j. Veterinary offices;
  - k. Animal hospital;
  - l. Bars, taverns;
  - m. Day care center;
  - n. Nursery school;
  - o. School aged child care facilities.
4. The Applicant shall prepare for Town Attorney review and approval as to form an Agreement under which the owner of the Site shall commit to the full payment of real property taxes by the Seasons Assisted Living at Poughkeepsie project, or in the alternative that the owner shall agree to a payment-in-lieu-of-taxes ("PILOT") in an amount equal to the full amount of real property taxes for the Site in the event the facility is owned and/or operated by a not-for-profit entity.
5. The Town Board's approval of the Senior Housing Overlay District designation for proposed Lot 1 is specifically conditioned on completion of the following:
  - a. Execution by the Applicant and the Town of the Agreement set forth in paragraph 4 above; and
  - b. Receipt of Final Subdivision Approval from the Planning Board and completion of any conditions of said Final Subdivision Approval; and
  - c. Receipt of Site Plan Approval from the Town Planning Board for the Seasons Assisted Living at Poughkeepsie project and completion of any conditions of said Site Plan Approval; and
  - d. Payment by the applicant of any fees, including consultant fees, accrued by the Town Board and the Planning Board during the review of the application; and

- e. Filing of the Final Subdivision Plat Map with the Office of the Dutchess County Clerk; and
- f. Recording of the executed Agreement as set forth in paragraph 4 above; and
- g. Recording of the Deed Restriction or a Declaration of Restrictive Covenant against further subdivision of proposed Lot 1 and proposed Lot 2, as approved by the Town Attorney; and
- h. Recording of the Deed Restriction or a Declaration of Restrictive Covenant that specifies the uses on proposed Lot 2, as approved by the Town Attorney and the Town Board; and
- i. Providing to the Town Clerk evidence of the filing of the Final Subdivision Plat Map as set forth in paragraph 5(e) above, the recording of the Deed Restriction or a Declaration of Restrictive Covenant as set forth in paragraph 3 above, and the recording of the Agreement as set forth in paragraph 4 above.

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

SO MOVED:

Motion made to adjourn to June 3<sup>rd</sup> Town Board Meeting: Supervisor Myers/T. Tancredi

CARRIED: 6-0

#### ADJOURNED UNTIL JUNE 3 TOWN BOARD MEETING

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

CARRIED: 6-0

Victor Gennodi: The weight limit on Sheafe Road, you mentioned the address, are there two separate addresses for the Asphalt plant and the stone quarry? Would we be cutting ourselves short, there are two addresses. Are there two 911 addresses for the Asphalt Plant and different one for the Stone Quarry?

Deputy Town Attorney Hagstrom: We'll be able to check that with the Assessor's Department.

Virginia Buechele: I just want to ask, where is 104 Dutchess Turnpike? I don't find it listed on parcel access. Who is the property owned by? Is it a private person?

Supervisor Myers: It is a private person.

Virginia Buechele: So this building permit expired through no fault of their own? I'm wondering about the reason for the labor. Why is it being requested?

Supervisor Myers: It's wrong on here, it's 1024 Dutchess Turnpike. That may make a lot more sense to you and the permit has expired and they have used their extension and just asking for another extension. It has to come to the Town Board to authorize another extension.

Virginia Buechele: I don't see any reason why the fee should be waived. I'm not in favor of these 30 day waivers on Liquor Licenses, I think we should let the law take it's course.

Nancy Kverev: I saw you surveying a while ago. Is that to take out that curve or some how make it a little less dangerous?

Councilman Conte: That's my Ward and I just asked for it to be repaved. We are not making any road changes, just better than it was.

Nancy Kverev: Concerning the items 14 through 16, will we actually be able to see these amended contracts on the web pretty soon? This has to do with the Bright Horizons.

Councilman Cifone: We have assured you that every time we get something, it will be on the website. As soon as Mark can get it on, it will be on. Whatever you have, you will get to look at it. Are we actually deciding the date for the referendum tonight?

Deputy Town Attorney Hagstrom: You can't set the date for the referendum until they actually have the contract here and approved it and the serial bonds, then it will be between 60 and 75 days after that date.

John Rautenstrauch: I have a couple of questions on Items 14 through 16. One of the questions is on #15. You're voting on the issuance of the serial bonds for the purchase. You don't have a contract in your hands, but you're already voting on the serial bonds. That doesn't seem to make any sense to me.

Deputy Town Attorney Hagstrom: It will not happen until we have the contract. If we don't have an approval of the contract, we can not go ahead with the bond issue.

John Rautenstrauch: Ok, on number 14, it says the amended contract. You never had a contract—

Councilman Krakower: The Supervisor signed a contract and sent to Bright Horizons and they made amendments to it and that's what is coming back before the Town Board.

Supervisor Myers: The amendments are significant enough that it would have to be re-authorized by the Board if they choose to go into this contract.

John Rautenstrauch: Could you explain a bit about what Item 16 is, under a 1,000 words?

Supervisor Myers: It's a tax certiorari settlement for both of the properties that Bright Horizons owns.

John Rautenstrauch: What is the magic number, it was at \$4,000,000.00 right? Wasn't that what they were asking, or did they go higher?

Supervisor Myers: It was reduced it to \$5,500,000.00, I believe.

John Rautenstrauch: On one of the hearings when the consultant from Albany who did the evaluation of the Bright Horizons, one of the speakers questioned if there was an electrical contractor other than their consulting firm that ever looked at the building. The consultant never answered the question, do you know if there was.

Councilman Krakower: The consultant had an engineering firm that reviewed the building.

John Rautenstrauch: Right, but the question was if there was ever a licensed electrician or regular commercial contractor look at that and there was no answer from the consultant and the question was also, are you going to?

Councilman Tancredi: I know there are a number of electrical items that need to be changed and updated, etc. I don't know if there was an electrical contractor who looked at it outside of their own firm. We could find out from the consultant.

Gary Levine: I just wanted to make sure I understand, the contract was amended and sent back unsigned, or was it amended and signed and sent back?

Deputy Town Attorney Hagstrom: We do not have a signed contract tonight.

Gary Levine asked that there be a stipulation that the Town should insist on is that the referendum be done during the general election so that there would not be a special election and spend extra tax pay monies. Also, he asked that the residents of the Town be more informed about what is being negotiated with the contract and it would be helpful to the residents of the Town if the Contract could be posted so they know what is going on with it.

Councilman Tancredi: You are trying to make a political issue. This is a very poor issue for the Town of Poughkeepsie and the only thing I ask is that politics not be brought into it. I will side with the Supervisor because she said on Terrance Micus, that this should not be a political issue and I agree with her.

Supervisor Myers: Absolutely. Ok, this is purely unproductive and I don't think anyone in the Town benefits that this is political and understand the concern that people wants to know and I think we will discuss what is in the lease and contract tonight.

Councilman Tancredi: When all of the issues are negotiated and when they are, they will be made public and when the residents vote on it, which is the only way it's going to be decided, they will know the answers to those questions. Everything will be made public that we possibly can.

Gary Levine: I've been a member of the Bright Horizons for the last five or six years and while I was there renewing my membership, I picked up a brochure and I noticed that the pool maximum capacity is 300 people. Now we have a Town of 44,000 people. If we have 1% of the Town's population show up on a hot day to swim, and you have 400 cars in the parking lot, you are not going to be able to find parking and they won't be able to swim in the pool. They will not be able to get the bargain they think they are getting when and if this is ever passed. I don't think this whole thing is a good idea. I think a lot of people are going to be disappointed by not being able to use the pool during the summer.

Bob Eckhart: I hope this is not becoming a political issue. A community center should be a uniting factor.

Doreen Tignanelli: I have a question about SC 6. Does the Town know that you could have a 6 foot high fence around your property. Is that what this is about?

Councilman Tancredi: They have been cited by the Town and it is an issue of height on their fence. They are basically making a complaint to the Town Legal Department against the Town.

Doreen Tignanelli: This isn't a complaint by a neighbor?

Supervisor Myers: No. It's against the Town.

Doreen Tignanelli: Ok, Number 13, the Stormwater reports, I will be submitting some comments. I do have some concerns about the accuracy of some of the statements in the report and I discussed it with Mr. Wilson and he assured me that my comments will be read and if applicable, changes will be made to the report. I also had asked once before about fire taxes and there still isn't any way to figure out what the impact will be % or dollar wise on my Arlington Fire taxes?

Supervisor Myers: Not really because we don't know what the fire taxes for Arlington will be this year or what the base property value is that it's going to be based on at the moment.

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the draft Stormwater Annual Report prepared by the Town's consultant; and

BE IT FURTHER RESOLVED, that said report has been filed in the Town Clerk's Office for review by any interested party; and

BE IT FURTHER RESOLVED, that the public review period ends at 4:00 PM on May 21, 2009 when all written or oral comments are to be submitted; and

BE IT FURTHER RESOLVED, that the Town Board does direct its consultant to review the comments and prepare for filing the final report which is due June 1, 2009.

SO MOVED: J. Baisley/M. Cifone

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

Nays: None

CARRIED: 6-0

05:20-14 AUTHORIZE  
SUPERVISOR  
TO SIGN

Amended Contract Between Town &  
Bright Horizons Children's Center, Inc.  
For Acquisition of Property Owned by  
Bright Horizons

#### AMENDED RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does authorize the Supervisor to sign the amended contract between the Town of Poughkeepsie and Bright Horizon Children's Center, Inc., a copy of which is attached hereto, for the acquisition of property owned by Bright Horizon Children's Center, Inc. and located on the former IBM property on the South Road of the Town of Poughkeepsie bearing Grid No. 6160-03-250125 consisting of approximately 26.75 acres of land for the sum of \$4,000,000.00; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign the Lease between the Town of Poughkeepsie and Bright Horizon Children's Center, Inc., a copy of which is attached hereto; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the Stipulation of Settlement of the pending tax certiorari between the Town of Poughkeepsie and Bright Horizons Children's Center, Inc., a copy of which is attached hereto; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize David Hagstrom, on behalf of the Town of Poughkeepsie, to order a Title Insurance Report in regard to the above cited acquisition; and

BE IT FURTHER RESOLVED, pursuant to the Short Form Environmental Assessment Form heretofore submitted, the Town Board did declare itself as Lead Agency and declared said action to be an Unlisted Action and said action would not have a significant adverse impact on the environment; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does readopt and reaffirm said findings under the New York State Quality Review Act and does correct the date on the original Short Form Environmental Assessment Form, to read January 21, 2009 and not January 21, 2008; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does accept an additional Short Form Environmental Assessment Form,

which was submitted on May 19, 2009, again designating the Town Board as Lead Agency, describing the action as:

“The action is the adoption of a resolution of the Town Board to authorize the Town Supervisor to execute a contract of sale to purchase the Bright Horizon’s property. The contract includes a lease back provision to Bright Horizons to allow it to continue to operate a daycare facility and summer camp. The resolution would also authorize bonding for the purchase price And improvements.”

AND BE IT FURTHER RESOLVED, that Town Board does declare the action to be an Unlisted Action and determines that said action would not have an adverse impact on the environment.

SO MOVED: J. Conte/S. Krakower

Motion made to Table until Indefinite date: Supervisor Myers/T. Tancredi

CARRIED: 6-0

TABLED UNTIL INDEFINITE DATE

RESOLUTIONS 15, 16, AND 16A WITHDRAWN

05:20-17 SET DATE FOR PUBLIC HEARING	Amend Town Code, Chapter 195 Entitled, “Vehicle & Traffic, Specifically Section 195-46 Entitled Schedule XI, “Trucks Over Certain Weights Excluded.”
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RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 3<sup>rd</sup> day of June, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY to consider amending Chapter 195 of the Town Code entitled “Vehicle & Traffic”, specifically Section 195-46 entitled “Schedule XI, Trucks Over Certain weights Excluded”, pertaining to Sheafe Road by repealing said local law adopted as Local Law #5 for the year 2009, which adoption was on March 18, 2009, which local law is being repealed in light of the adoption of the current local law dealing with weight limits on Sheafe Road.

SO MOVED: S. Krakower/J. Baisley

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

Nays: None

CARRIED: 6-0

05:20-18 SET DATE FOR PUBLIC HEARING	Amend Town Code, Chapter 154, Entitled “Plumbing” Specifically Section 154-31, Entitled “Homeowner’s Plumbing Permit
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RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 3<sup>rd</sup> day of June, 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 the Town Code, Chapter 154, entitled “Plumbing”, specifically Section 154-31, entitled “Homeowner’s Plumbing Permit”, which amendment would be as follows:

DELETE:

Section 154-31. Homeowner's Plumbing Permit.

The administrative authority is authorized to prepare and administer an examination for any homeowner who seeks a plumbing permit to perform work on his or her own property. The purpose of the examination is to enable the administrative authority to assess the capability of the individual to deter abuse to this privilege. The terms of this provision are applicable only to residential properties owned and occupied as the homeowner's principal residence.

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

SO MOVED: T. Tancredi/M. Cifone

Councilman Cifone: This was brought to the Plumbing Board's attention by Keith Ballard, the head of the Water Department. He wanted us to consider disallowing homeowners from taking a test that allows them the privilege to hook up on the outside of the home only and not interior of their house like a faucet or toilet or anything like that and the reason for that is that he has had a number of complaints from people who have taken the test and maybe sold the properties and developers take the test and have hooked up things wrong in the house and then they have come back and blamed the Town Water Department for the hookups. So, this is something the Plumbing Board asked me to put on and the Plumbing Board voted 7-0 to bring it to the Town Board for consideration.

Councilman Krakower: One of my concerns is that this is not limited to just connection to the Town water system, as far as I can tell, it doesn't allow any homeowner to pull any Plumbing Permit and I believe, technically, you are supposed to be pulling plumbing permits for replacing faucets, toilets and all kinds of --I think in the Code you have to pull a permit for every little thing, but, in practice, it doesn't happen. But this is saying the homeowner can't do any plumbing work on their property. I think that goes too far. My concern is that we should allow homeowners, single family property owners, to do their own work if they are capable of doing it. If our Town inspectors go out and inspect it, if it's wrong, they have to fix it, if it is inspected and it passes, it shouldn't be that someone is coming back later and saying that---

Supervisor Myers: I think the big problem is that people are doing work outside of the building. I think the intent was that by passing the test they could still do inside, not outside.

Councilman Cifone: Ok, why don't we amend it for outside hookup water lateral only? That's the only thing we are looking for, the outside of the home water lateral.

Councilman Baisley: Why don't you have Keith sit down with Tom and have them write up the resolution so we don't hurt anyone?

Supervisor Myers: I think it best to just Table this until it is written properly and clearer. Not that it isn't a good idea; it just needs to be a little clearer. So, that it is strictly to stay inside the house while you are doing this, not outside.

Councilman Krakower: I still have a concern. I don't think a homeowner should be restricted from doing work in his own house and that's what this is doing. Whether it's hooking up to the water or hooking up or changing his faucets. That's what this is doing.

Councilman Cifone: When he is hooking up and fixing a problem inside his house, that's his own, but if he hooks into the Town water lateral, he causes disruption of service for other people.

Councilman Krakower: But, the fail safe protection is that our inspector goes out to inspect it and if it's wrong, they don't get turned on to Town water.

Councilman Cifone: But how do you stop the developer who shows up and says he is going to live there and then he doesn't and he passes the test and hooks it up for

everybody in the development. They are doing it and that's the problem. Well, this is strictly for the water lateral; I'll get back to Keith and have him modify it with Tom and redo the resolution and bring it back.

Motion made to Table until a future date: Supervisor Myers/T. Tancredi

CARRIED: 6-0

TABLED FOR REFORMATION OF RESOLUTION

05:20-19 SET DATE FOR PUBLIC HEARING	Amend Town Code, Various Chapters, To Increase Criminal Fines For Violation Of Certain Chapters & Provide For Civil Penalties
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RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 3<sup>rd</sup> day of June, 2009 at 7:00 p.m. 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 the Chapters of the Town Code as herein below set forth to increase criminal fines for the violation of certain chapters and to provide for civil penalties up to \$1,000.00 for certain chapters with a process for appellate review, which chapters are identified as follows and more specifically outlined in the documentation attached hereto and incorporated herein, which documentation is on file in the Town Clerk's Office for public inspection:

**Chapter 14 E-911 System**  
**Amend Section 14-4 - Penalties for Offenses**

**Chapter 54 – Alcoholic Beverages**  
**Amend Section 54-5 - Penalties for Offenses**

**Chapter 57 – Animals**  
**Amend Section 57-8 – Penalties for Offenses**

**Chapter 60 – Assemblies, Mass Public**  
**Amend Section 60-11 – Penalties for Offenses**

**Chapter 65 – Bingo**  
**Amend Section 65-9 – Penalties for Offenses**

**Chapter 68 – Building Construction**  
**Amend Section 68-27 – Abatement of Unlawful Acts**

**Chapter 71 – Building, Unsafe**  
**Amend Section 71-10 – Refusal to Comply**

**Chapter 76 – Circuses and Carnivals**  
**Amend Section 76-8 – Penalties for Offenses**

**Chapter 81 – Condominium Management Agents**  
**Amend Section 81-5 – Penalties for Offenses**

**Chapter 91 – Electrical Inspections**  
**Amend Section 91-3 – Penalties for Offenses**

**Chapter 97 – Erosion and Sediment Control**  
**Amend Section 97-13 – Penalties for Offenses**

**Chapter 100 – Explosives**

**Amend Chapter 100-11 – Penalties for Offenses**

**Chapter 110 – Fire Prevention**

**Amend 110-21 – Penalties for Offenses**

**Chapter 113 – Flood Damage Prevention**

**Amend 113-8 – Penalties for Offenses**

**Chapter 116 – Aquatic Resource Protection**

**Amend 116-10 – Penalties for Offenses**

**Chapter 116 – Aquatic Resource Protection**

**Amend Section 116-11 – Enforcement**

**Chapter 121 – Games of Chance**

**Amend Section 121-20 – Unlawful Acts**

**Chapter 124 – Graffiti**

**Amend Section 124-3 – Penalties for Offenses**

**Chapter 126 – Historic Preservation**

**Amend Section 126-11 – Penalties for Offenses**

**Chapter 139 – Noise**

**Amend Section 139-8 Penalties for Offenses**

**Chapter 148 – Parks and Recreation**

**Amend Section 148-5 – Penalties for Offenses**

**Chapter 151 – Peddling and Soliciting**

**Amend Section 151-14 – Penalties for Offenses**

**Chapter 168 – Sewers**

**Amend Section 168-30 – Penalties**

**Chapter 171 – Solid Waste**

**Amend Section 171-31 – Penalties for Offenses**

**Chapter 173 – Stormwater Management**

**Amend Section 173-31 – Enforcement; Penalties for Offenses**

**Chapter 174 – Streets and Sidewalks**

**Amend Section 174-33 – Penalties for Offenses**

**Chapter 177 – Subdivision of Land**

**Amend Section 177-13D – Enforcement**

**Chapter 185 – Telecommunications**

**Amend Section 185-17F – Penalties for Offenses**

**Chapter 192 – Vehicles, Abandoned**

**Amend Section 192-17 – Penalties for Offenses**

**Chapter 203 – Water**

**Amend Section 203-6 (E) – Meters, Civil Penalties**

**Chapter 210 – Zoning**

**Amend Section 210-145 – Penalties for Offenses, Emergencies**

AND BE IT FURTHER RESOLVED, that said Town Board does hereby waive the verbatim reading of the proposed local law and does hereby authorize that said proposed local law be spread across the record as if, in fact, read verbatim; and

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

SO MOVED: Supervisor Myers/T. Tancredi.

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

Nays: None

CARRIED: 6-0

#### LOCAL LAW ATTACHED TO FINAL BOOK COPY

05:20-20 SET DATE FOR  
PUBLIC HEARING

Consider Local Law Entitled "Property  
Maintenance" Which Provides For  
Landscape Maintenance of Vacant  
And/Or Abandoned Property

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 3<sup>rd</sup> day of June, 2009 at 7:00 p.m. 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 local law entitled "Property Maintenance", which provides for landscape maintenance of vacant and/or abandoned property in the Town of Poughkeepsie and which local law consists of Definitions, Applicability of this Chapter to lots or parcels of land in which residential, non-residential or mixed use buildings are located, which are vacant, unoccupied or abandoned, Disposal of Debris or Litter, Maintenance of Landscaping for Vacant and Abandoned Buildings, Enforcement, Violations, Removal by Town, Emergencies, and Severability; and

BE IT FURTHER RESOLVED, that said local law is on file in the Town Clerk's Office for public inspection; and

BE IT FURTHER RESOLVED, that the Town Board does set the public hearing as noted for the proposed local law, a copy of which is attached hereto and incorporated herein; and

BE IT FURTHER RESOLVED, that said Town Board does hereby waive a verbatim reading of the proposed local law and does hereby authorize and direct the Town Clerk to spread the proposed local law across the record as if it had been, in fact, read verbatim; and

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

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

SO MOVED: J. Baisley/T. Tancredi

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

Nays: None

CARRIED: 6-0

05:20-21 RESCIND

Resolution Adopted April 22, 2009  
Terminating The Water Service To  
Manchester Garden Apartments

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby rescind the resolution adopted on April 22, 2009 terminating the water service to Manchester Garden Apartments and does acknowledge payment of the outstanding indebtedness.

SO MOVED: J. Conte/M. Cifone

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

Nays: None

CARRIED: 6-0

05:20-22 AUTHORIZE  
SUPERVISOR  
TO SIGN

Agreement With The Mid-Hudson  
Football camp For Use of Greenvale  
Soccer Fields To Conduct A Football  
camp From July 30, 2009 To August 7,  
2009

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute an agreement with The Mid-Hudson Football Camp for the use of Greenvale Soccer Fields to conduct a football camp from July 30, 2009 through August 7, 2009 for the sum of \$1,500.00; and

BE IT FURTHER RESOLVED, that said agreement is contingent upon the filing with the Town of Poughkeepsie a Certificate of Liability Insurance naming the Town of Poughkeepsie as an additional insured.

SO MOVED: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 6-0

05:20-23 RESIGNATION

From Town Zoning Board of Appeals of  
Robert Jackson

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the resignation of Robert Jackson from the Town of Poughkeepsie Zoning Board of Appeals, effective immediately.

SO MOVED: S. Krakower/T. Tancredi

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

Nays: None

CARRIED: 6-0

05:20-24 APPOINTMENT

To Town Zoning Board of Appeals of  
James Santoro

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint James Santoro to the Zoning Board of Appeals to complete the unexpired term of Robert Jackson, effective immediately through December 31, 2014.

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 6-0

05:20-25 APPOINT

Donald M. McGrath, MAI of McGrath &  
Company, Inc. As Town Appraisers In  
Regard to Hillside Terrace Associates, L.P.  
V. Town

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Donald M. McGrath, MAI of McGrath & Company, Inc. as the Town of Poughkeepsie's appraiser in regard to Hillside Terrace Associates, L.P. V. Town of Poughkeepsie, in accordance with the fee quote of April 30, 2009, attached hereto.

SO MOVED: Supervisor Myers/S. Krakower

Supervisor Myers: The fee quote is \$8,500.00, just for purposes of clarification.

Deputy Town Attorney Hagstrom: He's done the preliminary assessment of this and we had a conference on it and we are far, far apart and so the trial notice issue has been filed and we have a scheduling order on it and we have time to do it.

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

Nays: None

CARRIED: 6-0

05:20-26 AUTHORIZE

Building Permit Extension & Waiver of  
Permit Fees For Renewal of Building  
Permit For Property Located at Dutchess  
Turnpike

#### RESOLUTION

WHEREAS, the owner of property located at {1024} Dutchess Turnpike, Poughkeepsie, NY has received the maximum amount of extensions to Building Permit # 20061202 as allowed under Section 68-16 of the Town of Poughkeepsie town Code; and

WHEREAS, the owner of the property is requesting a further extension and a waiver of the permit fees for the renewal of the permit, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby grant a further extension and does waive the permit fees for the renewal of said Building Permit.

SO MOVED: J. Baisley/S. Krakower

Councilman Cifone: The clarity we got from him doesn't help as to why they are asking for that. I don't necessarily agree with waiving a fee or extending a permit without further information.

Councilman Tancredi: Without a blind decision, why don't we let Councilman Conte look into it as it is in his Ward.

Motion made to Table until further information is acquired: Supervisor Myers/M. Cifone

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

Nays: None

CARRIED: 6-0

TABLED FOR FURTHER INFORMATION

05:20-27 BUDGET  
MODIFICATION

Highway Department For Highway  
Department Salt Shed Building

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 transfer monies into the account for the Highway Department Salt Shed Building, as follows:

FROM:

DB 5110.0431	Materials & Supplies	{\$17,000.00}
DB 5140.0481	Contracted Services	149,500.00

TO:

DB 5110.0213	Building – Salt Shed	\$166,500.00
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SO MOVED: J. Conte/S. Krakower

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

Nays: None

CARRIED: 6-0

05:20-28 AUTHORIZE  
TO GO TO BID

West Cedar Street & Fairview Park  
2009 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 “WEST CEDAR STREET AND FAIRVIEW PARK – 2009 IMPROVEMENTS”, pursuant to plans and specifications to be prepared by the Town Engineer, which plans and specifications will be available on May {29<sup>th</sup>}, 2009 in the Office of the Town Clerk, with a bid opening to be held on June 17, 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: M. Cifone/T. Tancredi

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

Nays: None

CARRIED: 6-0

05:20-29 AUTHORIZE  
TO GO TO BID

Phyllis Road, Donny Drive & Iris  
Drive for 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 “PHYLLIS ROAD, DONNY DRIVE & IRIS COURT –ROAD IMPROVEMENTS”, pursuant to plans and specifications to be prepared by the Town Engineer and available no later than June 2, 2009 in the Office of the Town Clerk, with a bid opening to be held on June 23, 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: S. Krakower/J. Baisley

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

Nays: None

CARRIED: 6-0

05:20-30 AUTHORIZE  
TO GO TO BID

Rochdale Road for 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 "ROCHDALE ROAD – ROAD IMPROVEMENTS", pursuant to plans and specifications to be prepared by the Town Engineer and available no later than June 2, 2009 in the Office of the Town Clerk, with a bid opening to be held on June 22, 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: T. Tancredi/S. Krakower

Councilman Krakower: The two roads that were being done for the Sue Kelley/John Hall, the engineering firm that came in gave us a two page map of the road and a breakdown of the details that were being done. Can we ask Morris Associates to get us that for the road projects going forward so that we have it, because the question came up as to whether the curbing was going to be taken out and I know the roads in my Ward and what's being done and what roads are being paved and when, but we don't ever actually get the physical reports and maps ahead of time? Then when a resident asks a question, we would be able to show them what we are talking about and know whether the curb is going out or staying in. The other thing we could do with that is put it up on the web site and the resident could take a look themselves.

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

Nays: None

CARRIED: 6-0

05:20-31 AUTHORIZE  
TO GO TO BID

Henmond Boulevard For 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 "HENMOND BOULEVARD – ROAD IMPROVEMENTS", pursuant to plans and specifications to be prepared by the Town Engineer and available no later than June 2, 2009 in the Office of the Town Clerk, with a bid opening to be held on June 18, 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: Supervisor Myers/T. Tancredi

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

Nays: None

CARRIED: 6-0

05:22-32 AUTHORIZE  
SUPERVISOR  
TO SIGN

Agreement with Kimberly L. Corrado  
For Service of Police Officer for Traffic  
Control at Tilcon New York, Sheafe

Road, On June 13, 2009

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute an agreement with Kimberly L. Corrado for the service of a Police Officer for traffic control at Tilcon New York, Sheafe Road, Poughkeepsie, NY on June 13, 2009 from 8:30 AM to 3:30 PM; and

BE IT FURTHER RESOLVED, that the Town of Poughkeepsie will be reimbursed by Kimberly L. Corrado for the salary of the Police Officer.

SO MOVED: J. Baisley/M. Cifone

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

Nays: None

CARRIED: 6-0

05:20-33 AUTHORIZE

Authorize David D. Hagstrom, Esq. of Van DeWater & Van DeWater, LLP To Defend Town in Case of St. Francis Hospital & Columbia SFH Group V. Town

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize David D. Hagstrom, Esq. of Van DeWater & Van DeWater, LLLP to defend the petitioner's and intervener's appeal and to prosecute the Town's cross-appeal in the case of St. Francis Hospital and Columbia SFH Group V. Town of Poughkeepsie, involving the tax assessment on the parking garage next to the Atrium.

SO MOVED: J. Conte/S. Krakower

Deputy Town Attorney Hagstrom: This is the parking garage that is used by private physicians for their staff and patients and they say we made a partial tax assessment to the extent and we said we were willing to negotiate on the allegation but not on zero.

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

Nays: None

CARRIED: 6-0

05:20-34 BUDGET MODIFICATION

Recreation Department To Purchase A Multi-Functional Printer

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 Recreation to purchase a multi-functional printer, as follows:

FROM:

A 7020.0205 Advertising \$1,100.00

TO:

A 7020.0205 Computer Hardware \$1,100.00

SO MOVED: M. Cifone/S. Krakower

Councilman Tancredi: John, this will allow us to print our own brochures? I take it it's a color printer, No. 1.

John (Unidentified): Yes, it will allow us to print small runs of our own brochures.

Councilman Tancredi: Will this be a cost savings?

John: Yes. When I do a Townwide mailing, I wouldn't want to do that on that printer, but for smaller brochures.

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

05:20-35 AUTHORIZE  
SUPERVISOR  
TO SIGN

Contract With Greene Electric For  
Installation of Lights in Warehouse  
Owned By Town & Located on  
Tucker Drive

#### RESOLUTION

BE IT RESOLVED, that the Town Clerk of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a contract with Greene Electric for the installation of lights in the warehouse owned by the Town and located on Tucker Drive, Poughkeepsie, NY, for the sum of \$12,950.00.

SO MOVED: S. Krakower/J. Baisley

Councilman Krakower: Do we have lights in that building? That seems like an awful lot of money.

Supervisor Myers: There are a very few lights working in that building. We had three bidders and this was the lowest bid. There is a serious problem there.

Tom Meyering: Out of all the lights in that building, I think there is about 5 that are working. Pretty much, the whole warehouse area if it wasn't for the lights on the forklift, they wouldn't be able to work there at all.

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

05:20-36 AUTHORIZE  
SUPERVISOR  
TO SIGN

Amendment To Existing Cooperation  
Agreement With County of Dutchess  
For Purpose of Undertaking Community  
Development & Home Programs For  
The Program Year Commencing  
Federal Fiscal Years 2010-2012

#### RESOLUTION

AUTHORIZING THE TOWN OF POUGHKEEPSIE TO ENTER INTO AN AMENDMENT TO THE EXISTING COOPERATION AGREEMENT DATED JUNE 29, 2000 AS AMENDED, WITH THE COUNTY OF DUTCHESS FOR THE PURPOSE OF UNDERTAKING COMMUNITY DEVELOPMENT AND HOME PROGRAMS FOR THE PROGRAM YEAR COMMENCING FEDERAL FISCAL YEARS 2010-2012 (AND SUCCESSIVE THREE-YEAR QUALIFICATION PERIODS) PURSUANT

TO TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, AND THE HOME INVESTMENT PARTNERSHIPS PROGRAM OF TITLE II OF THE NATIONAL AFFORDABLE HOUSING ACT OF 1990

WHEREAS, the Secretary of Housing and Urban Development of the United States is authorized, under Title I of the Housing and Community Development Act of 1974, as amended, and the HOME Investment Partnership Program of Title II of the National Affordable Housing Act of 1990, to make grants to states and other units of general local government to help finance Community Development Programs, and

WHEREAS, it is desirable and in the public interest that the TOWN OF POUGHKEEPSIE participate in aforesaid Community Development and HOME Programs for the program year commencing Federal Fiscal Years 2010-2012, (and successive three-year qualification period); and

WHEREAS, Section 99-h of the General Municipal Law of the State of New York grants to any municipal corporation the power, either individually or jointly with one or more other municipal corporations, to apply for, accept and expend funds made available by the Federal government, either directly or through the State, pursuant to the provisions of any Federal law which is not inconsistent with the statutes or constitution of this State, in order to administer, conduct or participate with the Federal government in programs relating to the general welfare of the inhabitants of such municipal corporation, and

WHEREAS, Title I of the Housing and Community Development Act of 1974, as amended, and the HOME Investment Partnerships Program of Title II of the National Affordable Housing Act of 1990, and any "Eligible Activities" thereunder are not inconsistent with the statutes or constitution of the State, and

WHEREAS, the TOWN OF POUGHKEEPSIE shall take all required actions to comply with the Urban County's certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974 as amended, and with the provisions of the National Environmental Policy Act of 1969, Title VI of Civil Rights Act of 1964, prohibits discrimination because of race, color or national origin under any program or activity receiving Federal financial assistance, Title VIII of the Civil Rights Act of 1968, Executive Order 11988, Section 109 of Title I of the Housing and Community Development Act of 1974, the Fair Housing Act, the Americans with Disability Act of 1990 Uniform Relocation Act, Section 504 of the Rehabilitation Act of 1973, and other applicable laws.

Further, Urban County funding is specifically prohibited for activities in, or in support of, any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction, or that impedes that County's action to comply with its fair housing certification.

WHEREAS, the TOWN OF POUGHKEEPSIE as a cooperating unit of local government has adopted and is enforcing:

- a) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
- b) A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within jurisdictions.

WHEREAS, participation by the County of Dutchess as an Urban County in the Community Development and HOME Programs requires that the Municipality of the TOWN OF POUGHKEEPSIE, and the County of Dutchess cooperate in undertaking, and assist in undertaking, essential community development and housing activities,

specifically those activities authorized by statutes enacted pursuant to Article 9 and 17 of the New York Constitution, and

WHEREAS, the County and the TOWN OF POUGHKEEPSIE will cooperate in developing Community Development and Affordable Housing Programs and applications for the Community Development Block Grant Entitlement Program and the HOME investment Partnership (“HOME Program”) which will be designed primarily for the purpose of meeting the priority needs and objectives of the participating localities based upon an inventory of the community development and housing needs developed mutually by local and County officials;

WHEREAS, the Board deems it to be in the public interest for the Municipality of the TOWN OF POUGHKEEPSIE to enter into a Cooperation Agreement, Amendment with the County of Dutchess for the aforesaid purposes, now, therefore, be it

RESOLVED, that Supervisor Patricia Myers be and hereby is authorized to execute a Cooperation Agreement Amendment between the Municipality of the TOWN OF POUGHKEEPSIE and the County of Dutchess for the purposes of undertaking a Community Development Program pursuant to Title I of the Housing and Community Development Act of 1974, as amended, and the HOME Investment Partnerships Program of Title II of the National Affordable Housing Act of 1990, for the program year commencing Federal Fiscal Years 2010-2012 (and successive three-year qualification periods).

#### AMENDMENT TO URBAN COUNTY COOPERATION AGREEMENT

#### TOWN OF POUGHKEEPSIE

It is hereby agreed between the County of Dutchess, one of the counties of the State of New York, having its principal offices at 22 Market Street, Poughkeepsie, NY, 12601 (hereafter referred to as “COUNTY”) and the TOWN OF POUGHKEEPSIE, (hereafter referred to as “TOWN”), to amend the Cooperation Agreement County Contract Number 00-0389-PL, dated June 29, 2000, as amended, (Amendment to Urban County Cooperation Agreement County Contract Number 00-0389-PL-A2, dated July 10, 2006), as follows:

1. All references to the TOWN OF POUGHKEEPSIE participation in the Urban County Program for the qualification period “Fiscal years 2007, 2008, and 2009, shall be amended to the qualification period fiscal years 2010, 2011 and 2012, (and successive three year qualification periods as provided in Paragraph 1 of the agreement)”

In all other respects, the provisions of the prior Cooperation Agreement dated June 29, 2000 as amended, shall remain in full force and effect shall be binding upon the parties referred to above,

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to agreement as of this ---- day of ---, 2009.

APPROVED AS TO FORM

COUNTY OF DUTCHESS

APPROVED AS TO CONTENT

TOWN OF POUGHKEEPSIE

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

Absent: Councilman Seminara

CARRIED: 6-0-1

05:22-37 AUTHORIZE

Waiver of Liquor License 30 Day

Hold Period For Dicken's English  
Pub, Inc. D/B/A The Dubliner Located  
At 796 Main Street

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Dicken's English Pub, Inc. d/b/a The Dubliner, 796 Main Street, Poughkeepsie, NY for a waiver of the 30 day review period for an on premises 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/S. Krakower

Councilman Baisley: Sue, could you forward a copy to the Police Department so they could forward us back comments when we approve these? Then we can get their opinion on what they think. If they think we should object or approve.

Town Clerk Miller: Ok

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

Nays: None

CARRIED: 6-0

05:20-38 AUTHORIZE

Waiver of Liquor License 30 Day Hold  
Period For Azteca, LLC D/B/A Castillo  
Espanol Located at 763 Main Street

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Castillo Espanol, 763 Main Street, Poughkeepsie, NY for a waiver of the 30 day review period for an on premises 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: J. Baisley/T. Tancredi.

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

Nays: None

CARRIED: 6-0

05:20-39 NOTIFICATION

Liquor License Renewal For:  
A. Sanza Pizza, Inc. D/B/A  
Giacomo's Pizza Café'  
Located At 1 Spackenkill  
Road

NOTED BY TOWN BOARD

05:20-40 NOTICE OF CLAIM

William Kiene III V. City of  
Poughkeepsie & Town of  
Poughkeepsie for Accident on  
Sidewalk at 74 Innis Avenue

REFERRED TO LEGAL DEPARTMENT

05:20-41 AUTHORIZE

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

RESOLUTION

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

SC 1 Authorize Amendment	South Hills Mall May 14, 2009 Bill For Sewer Charges
SC 2 Adoption	Main Street Drive-In Overlay District – Arlington Town Center
SC 3 Appointment	Carol Gainey – Historic Preservation Commission
SC 4 Appointment	Jeh Johnson – Historic Preservation Commission
SC 5 Appointment	Susan Miller – Historic Preservation Commission
SC 6 Summons & Complaint	Rakoff v. Town

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 vote on separately.

SO MOVED: J. Conte/S. Krakower

ROLL CALL: Ayes: Councilmen Baisley, Conte, Cifone, Krakower, Tancredi, and  
Supervisor Myers  
Nays: None

CARRIED: 6-0

05:20-SC 1 AUTHORIZE  
AMENDMENT

South Hills Mall May 14, 2009 Bill  
For Sewer Charges

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant of the letter from Keith Ballard dated May 4, 2009 along with a letter from Samantha Scottie dated April 21, 2009, with attachment, does hereby amend the sewer charges only on the May 14, 2009 bill hereto sent to South Hills Mall, LLC, insofar as the sewer charge was predicated on the amount of water used and as noted in the correspondence much of the water used was by virtue of a broken pipe and did not generate wastewater.

SO MOVED: M. Cifone/J. Baisley

ROLL CALL: Ayes: Councilmen Baisley, Conte, Cifone, Krakower, Tancredi, and  
Supervisor Myers  
Nays: None

CARRIED: 6-0

05:20-SC 2 ADOPTION

Amend Town Code, Chapter 210,  
Entitled “Zoning”, Specifically Article  
V. Section 210-22 Entitled “Arlington

Town Center (ATC) District” To Add  
Main Street Drive-In Overlay District

Motion made to Table until June 3, 2009 Town Board Meeting: T. Tancredi/M. Cifone

CARRIED: 6-0

TABLED TO JUNE 3, 2009 BOARD MEETING

05:20-SC 3 REAPPOINTMENT

Historic Preservation Commission  
of Carol Gainey

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reappoint Carol Gainey to her position on the Historic Preservation Commission the balance of the 5 year term that commenced on April 20, 2009 and will expire on April 19 2014.

SO MOVED: S. Krakower/M. Cifone

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

Nays: None

CARRIED: 6-0

05:20-SC 4 REAPPOINTMENT

Historic Preservation Commission of  
Jeh Johnson

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reappoint Jeh Johnson to his position on the Historic Preservation Commission the balance of the 5 year term that commenced on April 20, 2009 and will expire on April 19, 2014.

SO MOVED: S. Krakower/T. Tancredi

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

Nays: None

CARRIED: 6-0

05:20-SC 5 REAPPOINTMENT

Historic Preservation Commission  
of Susan Miller

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reappoint Susan Miller to her position on the Historic Preservation Commission the balance of the 5 year term that commenced on April 20, 2009 and will expire on April 19, 2014.

SO MOVED: S. Krakower/M. Cifone

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

Nays: None

CARRIED: 6-0

05:20-SC 6 NOTICE OF COMPLAINT

Martin Rakoff & Jennifer Rakoff  
Vs Zoning Administrator, Zoning  
Board of Appeals of Town of  
Poughkeepsie For Eight Foot High

## Fence Around Property

### REFERRED TO LEGAL DEPARTMENT

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

CARRIED: 6-0

Victor Gennodi: Brought to the attention of the Board that the Planning Board is cancelled for tomorrow night but they were going to take up on the 28<sup>th</sup> and wanted to let everyone know that since Tilcon has opened this year, they have smoked him out of his home three times. The fumes were so bad on Monday he had to leave the house and left a message for Neil Wilson. The Planning Board has closed the public hearing and so no one can speak on it now about the relocation of the plant. "I'm concerned it is going unnoticed that this plant is going to be relocated within approximately 1300 feet from the back of the Sheafe Road School and I wanted to find out who is going to be responsible for the students in the school when the plant smokes out the school. If the Planning Board approves this relocation, is the Town responsible?"

Councilman Conte: Has there ever been anything done about testing the air quality around that plant?

Deputy Town Attorney Hagstrom: You have spoken at umpteen Planning Board meetings and I am there. The Planning Board has hired experts, we have not just sat there blank. There has been public hearing after public hearing on this and have been adjourned and adjourned. This is not the Planning Board shirking their duty, the new plant is supposed to be better. I'm not an engineer, but what you are talking about is the air quality today, the new plant is supposed to be better with the new plant with different technology in it. We are very aware of the school district and the threat for a law suit that's why we have looked at the traffic, odor, and noise. All of these have been looked at. So, the traffic consultant has been there and gone into depth at the Aston Park and there has been a report back from the DOT that it is ok. The Planning Board has looked at many, many things and have hired experts at the expense of Tilcon, so, the Planning Board is not just ignoring this problem.

Councilman Krakower: I do want to say, Tilcon, we very rarely have a chance to tell Tilcon how to do something. They have been rattling the teeth of people in my neighborhood for years and their argument is that they were here first, but, over the past month or so, their blasting has been ridiculous. It doesn't just shake the foundation, it shakes your whole being. I've talked to the representatives of NY DEC and I'm told that technically they are within the legal limits, but the blasts they are doing are so far beyond what is normally acceptable and DEC has been upset with them. They are sitting in front of our Planning Board and they can't even hold their trigger finger slightly. It just upsets me because I think Tilcon could care less whether they upset Vic's sleep or knock things off my shelves and their attitude has been for years, they were here first and they could care less because NYS lets us do all this. It does irritate me that they have gone through a lot of Planning Board Meetings and I think they should have gotten a Positive Declaration at the Planning Level. I'm upset that they didn't. I feel that their path has been easier than it should have been. I get call after call from residents complaining about the blasting and we don't even get the fumes and they just disrupt our lives constantly and their attitude is just that they were here first. Then they come in to the Town and act nice for a few months to get what they want. They give you lip service but then blast the Hell out of you the next day.

Councilman Baisley: When it was Trap Rock, you could go down there and address it, now that it is a big company, they don't care. It's true, you basically get lip service, and they really don't care.

Virginia Buechele: I'm just curious, do we have a full complement on the Historic Preservation now? Are all the seats filled?

Supervisor Myers: I believe they are.

Town Clerk Miller: I believe there is still one that needs to be filled.

Virginia Buechele: I think it is important that we have a full complement on the Historical Preservation Commission and so if someone could look into that. Also, I wondering about the Conservation Advisory Commission. Do we have a full complement on that Board?

Supervisor Myers: No, we don't.

Virginia Buechele: How many seats are vacant there?

Councilman Cifone: Two, I believe, I'm working on that for the Fourth Ward.

Virginia Buechele: I would also like to say that personally I find it hard to believe how Tilcon got a Negative Declaration. This Board appoints the Planning Board, couldn't you request from them a report on how they performed the balancing test or how they arrived at that decision. Some of these decisions they are making I believe needs to be addressed. We have two seats, I believe, expiring on the Planning Board on December of 2009. John Weisman and Pat Rose and I think we need to take a look at who we are appointing to this Board and how they are balancing things.

Doreen Tignanelli: She also commented on Tilcon and reiterated basically the same as the afore speakers except she felt that the Planning Board is looking the other way on some issues.

Jim Barretta: Spoke on the Planning Board issue and process. He feels that the Planning Board does not look at the information provided them and gives the impression they don't really care. He specifically mentioned the Dutton Lumber issue and it was evident that the Planning Board did not watch the video or listened to the audio. "The Board was asking very rudimentary questions and didn't know what the site looked like, what was being proposed and they had a map they couldn't decipher up there. One of the member proposed that they put in a water taxi between Dutton Lumber and the Train Station because it would take residents that are living there over there and take people off the road. They didn't even understand what had been discussed here. There was an hour long presentation. Not one of the people sitting there knew what that project was about. It was disgusting. I'm very sympathetic to Vic's cause."

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

CARRIED: 6-0

Motion made to close the Meeting: Supervisor Myers/J. Conte

CARRIED: 6-0

MEETING CLOSED AT 9:30 PM

SJM:ikm