

**MINUTES OF TOWN BOARD MEETING HELD ON
JUNE 3, 2009 AT 7:00 PM AT TOWN HALL, ONE
OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

PRESENT: Supervisor Myers
Councilman Baisley – arrived at 7:10 PM
Councilman Seminara
Councilman Conte
Councilman Cifone
Councilman Krakower
Councilman Tancredi
Town Attorney Mahar
Town Clerk Miller

***NOTE: Attachments pertaining to a particular Town Board Meeting will be found after the minutes of that meeting, which are kept in the official minute books held in Town Clerk's Office**

Public comments made during a Board Meeting may be heard on the audiotape of that particular meeting, which is kept in the Town Clerk's Office.

{ } designates corrections

7:00 PM CALL TO ORDER SALUTE THE FLAG

Motion made to suspend the rules for public speaking on Public Hearing #1: Supervisor Myers/T. Tancredi

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

Town Clerk Miller: I do hereby file the Affidavit of posting on May 21, 2009 and published in the Poughkeepsie Journal on May 23, 2009.

06:03-01 PUBLIC HEARING	Amend Town Code, Chapter 195, Entitled "Vehicle & Traffic", Specifically Section 195-46, Entitled "Schedule XI, Trucks Over Certain Weights Excluded" Pertaining to Sheafe Road by Repealing Local Law #5 of 2009
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RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 3rd day of June, 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 & 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local law adopted as Local Law #5 for the year 2009, which adoption was on March 18, 2009, which local law is being repealed in light of the adoption of the current local law dealing with weight limits on Sheafe Road.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: D. Seminara/S. Krakower

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

Nays: None

CARRIED: 6-0

LOCAL LAW ATTACHED TO FINAL BOOK COPY

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

CARRIED: 6-0

Doreen Tignanelli: I have a question on Chapter 116 for the Wetlands Ordinance, I have not seen what it has been changed to, but I'm just going by the existing Town Code and right now that says "Each consecutive day of violation may be considered a separate offense". Many of the other chapters say, "SHALL be considered a separate offense". Since Shall is intended to be mandatory, I was wondering if that one should also say, "Shall be instead of May?"

Town Attorney Mahar: That may be true, however, the amendment does not address that issue. We would do it on a separate resolution. Primarily it is to increase the fines, provide for the imposition of fines by the enforcing officer as opposed to the Court and sets up an Appellate process. Those are the three things that the Board asked me to do. So, we could go back to do that particular one, but not tonight.

Doreen Tignanelli: Ok, I just brought that up because it was in 116 -10. Ok. The legal notice in the paper for solid wastes, that the penalties for offenses was 171-31 and I could only find 171-20 that it went up to. So, I'm wondering if that one needs to be changed.

Supervisor Myers: I looked that up in the Code today, also, and it is 171-20. That's not a significant change is it?

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

Doreen Tignanelli: Also, again, this is not pertaining to the fine, in particular, but while you are looking at these, Stormwater, Chapter 173-31 where they talk about offenses, it says that "Violators may be required to restore the land to its undisturbed condition within a reasonable time". My definition of "reasonable time" may not be the same as someone else's. So, I thought that while you were looking at these, I would bring these up.

Motion made to resume the rules: Supervisor Myers/D. Seminara

Town Clerk Miller: I do hereby file the affidavit of posting on May 21, 2009 and published in the Poughkeepsie Journal on May 23, 2009.

CARRIED: 7-0

06:03-02 PUBLIC HEARING

To Amend Town Code, Various Chapters, To Increase Criminal Fines For Violation of Certain Chapters & Provide For Civil Penalties

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 3rd day of June, 2009 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend 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:

**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 171-20 – 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 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

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

SO MOVED: J. Conte/M. Cifone

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

Nays: None

CARRIED: 7-0

LOCAL LAW ATTACHED TO FINAL BOOK COPY

Motion made to suspend the rules for public speaking on Public Hearing #3: Supervisor Myers/

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

Town Clerk Miller: I do hereby file the affidavit of posting on May 21, 2009 and published in the Poughkeepsie Journal on May 23, 2009.

06:03-03 PUBLIC HEARING

Consider Local Law Entitled “Property Maintenance” which Provides For Landscape Maintenance of Vacant And/Or Abandoned Property

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 3rd day of June, 2009 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby adopt 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, which local law 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 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 shall take effective immediately upon filing with the Secretary of State.

SO MOVED: M. Cifone/T. Tancredi

Councilman Baisley: This is ABANDONED, VACANT, that people have left and has in no way been addressed to people who are on vacation. It is not to hurt any residents.

Supervisor Myers: It has also been amended, "vacant structures, and building structure portion designed use for residential, commercial purposes, which EXCEPT FOR SEASONAL ABSENCE, is unoccupied." So, if you are in Florida for two months.— that doesn't count.

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

Nays: None

CARRIED: 7-0

LOCAL LAW ATTACHED TO FINAL BOOK COPY

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

CARRIED: 7-0

Doreen Tignanelli: I have a question about Item #12. What is the amendment?

Neil Wilson, Development Director: What this is is a correction in the description of the property that is being accepted as a gift. Specifically, the map was amended to provide Lot 8 of the subdivision is land that is gifted over, but when looking at the map it's described as Lot 8A and Lot 8B because they are physically separated, but also described together as part of the gift, so it's a correction to that.

Doreen Tignanelli: Also, Item #13 it says about a Public Hearing for the Gift Parcel, but there was already a Public Hearing on March 19, 2008 for the use of the property, so I was wondering why there was going to be another one.

Supervisor Myers: Because they changed the boundary line.

Doreen Tignanelli: Ok, Agenda Item #15 about waiving of the Rec. fees. Is this for all open space waiving of the fees, like Ginsberg for the Golf Course?

Neil Wilson: This particular matter is a referral from the Planning Board over to the Town Board pursuant to our subdivision laws and the question is before the Planning Board whether to recognize the donation of the land as reserved recreation area or to instead require the payment of a recreation fee. The Planning Board has not taken any action one way or the other on that question because the Town's rules require that that question be referred over to the Town Board as well as to the Town Recreational Director for a recommendation.

Doreen Tignanelli: But since you can't talk at the Planning Board Meetings, I have no way to ask this question.

Supervisor Myers: That will be discussed when we get to that item, Doreen.

Doreen Tignanelli: Ok, one other one, SC 6, Tilcon petition. What is that about?

Councilman Baisley: It's from Sheafe Road School about the opposition to Tilcon and they want to hold the Town responsible for anything that goes wrong with the students.

Richard Cantor, Esq., Teahan & Constantino and Harold Buchner: I want to discuss the items beginning with Item #12. Just to clarify it slightly, when this Town Board previously adopted two resolutions, one to accept the gift and the other to designate the gift as permanent open space under the provision of the General Municipal Law; after you acted and prior to this evening, the Planning Board granted conditional final subdivision approval and in the course of the Planning Board granting conditional final subdivision approval the components of the gift parcel changed slightly. The main parcel was reduced slightly and there was a second parcel added. They are referred to on the map of the Planning Board, adopted lots 8A and 8B. The total amount of the gift is actually increased by a small number of sq. feet. But the purpose of Item 12, to keep the records clear, is to amend the earlier resolution so that the acceptance of the gift reflects the actual gift parcel as determined by the Planning Board on the final subdivision plat. The next item, #13, is when you designated the property as permanent open space, and now the description is slightly changed, again, to keep your records clear, it seems appropriate to amend the earlier resolution to refer to the current lots 8A and 8B as the land that is being permanently dedicated for open space. But, the procedure under the General Municipal Law, before you can designate it as open space, is to have a Public Hearing. You had a public hearing before you designated it, so just to dot our "I's and cross our "T's", Item 13 is to establish a public hearing before you act on amending the open space resolution so we are procedurally correct. I am assuming there is no real issue about the contents. That is to change the Town Board records to reflect the exact description of the gift parcels as determined by the Planning Board in the subdivision process. That's all that 12 and 13 are about. Number 14 concerns the Town's Open Space Fee. There are two fees in question on this agenda. One is called the Open Space Fee, which is a fee established under Chapter 146 of your Code called "Open Space Preservation" and the other fee to be discussed is called a "Recreation Fee" and that is covered in the Zoning Code. On the first one, Item 14, the format of your Code under Chapter 146 is the Planning Board recommends and you decide. You have a copy of the Planning Board resolution in which the Planning Board recommended that you waive open space fee and the reason for this recommendation was –the Planning Board adopted a resolution in which they made a finding that the land is suitably located for open space, which is consistent with your designation of the property for open space. Based upon that finding, the Planning Board then exercises their power of recommendation and is recommending to you that you waive that fee and Section 146-5 expressly authorizes you, in your discretion, after the Planning Board finding and after the Planning Board recommendation to waive the fee. The second fee is the recreation fee under the Zoning Code. In that one, the Planning Board decides, but before the Planning Board decides, the Planning Board is required to obtain your recommendation and is also required to obtain the recommendation of your Parks and Recreation Department. I received a copy of a letter from Parks and Recreation in which the Director recommends against waiving the recreation fee and I sent a letter addressed to Supervisor Myers and the Town Board explaining why, in my opinion, the Director misunderstands the structure of the recreation fee. The structure of the recreation fee section is not simply of waiving it, if you think it a good idea or not. If you don't think it

is a good idea to waive it, rather there is a structure built into the Code and the first provision in that structure is that the Planning Board has to decide whether there is land which the Planning Board “directs” be dedicated to the Town and it lists land suitable for a Park, not talking about a park. Land suitable for a Playground, we are not talking about a playground and the third one is, “For other recreational purposes” and we are talking about other recreational purposes. We are talking about passive recreation. The Planning Board resolution expressly requires, as a condition of subdivision approval, and they receive proof, that the property has been donated to the Town and that the property has been set aside for permanent open space and the Planning Board resolution and map require that there be pedestrian footpaths, easements for the public to get to the property, and including two or three parking spaces to be constructed at the Spackenkill Road edge. So, the Planning Board has already done that. Under the structure of the Code, the provision for a recreation fee is a fee in lieu of land reservation. If the Planning Board does not require land reservation, then the Planning Board, after obtaining your recommendation, and the recommendation of the Director of Parks, has the authority to impose a recreation fee. But, given the fact that the Planning Board has already determined that this land is to be permanently reserved for other recreational purposes, namely passive recreation with easements and paths for the public, I believe it is a correct statement to say that that carries with it the waiver of the recreation fee. Again, the recreation fee is in the place of the permanent dedication of land. So, by reason of a Planning Board requirement that this land be given to the Town for open space and open to the public that the alternative for a recreational fee is taken out of the picture, so I’m hoping in the context of that understanding of the Code provision, you will offer your recommendation to the Planning Board that it is appropriate to waive the fee because again, the land is being reserved by the Planning Board which takes away the provision for the alternative fee. The other piece I wanted to add was just a simple plain fairplay to Harold and Carole as they are donating 40 acres, pending on appraisal, is worth some hundred’s of thousands of dollars and to charge the Buchner’s \$25,000 for recreation fee for the privilege of donating 40 acres, I submit, doesn’t meet the task of just simple, reasonable and fairplay. I hope you agree and so for the technical reasons and my view of what is fair and reasonable, I hope you will see fit to recommend to the Planning Board that they waive this fee.

Councilman Seminara: I want to add to your last comment that, It might be in the Town’s self interest not to go ahead for a third reason besides fair and just and technical reasons, but also how do we encourage people to donate land to the Town and then hit them up for that fee. If I remember correctly, my two questions, I think a recreational fee is \$5,000 for a single family house and there are 6 single family houses involved?

Richard Cantor, Esq. - There are 6 lots, but it’s already one lot and so I think that computation is 5 additional lots and so it would be computed on 5 rather than 6.

Councilman Seminara: And how much is the open space fee and how did we calculated that? Is that the one done---

Supervisor Myers: \$300 a lot, I believe.

Richard Cantor, Esq.- There is a third fee which the Buchner’s would be required to pay which is the “Down Stream Drainage Fee” but that’s not in play in this discussion. I’m not quite sure what that is, but there is a provision in the Code that establishes a fee and I think its \$500 per lot.

Councilman Seminara: Then I want to make a further observation that someone donated about, in excess, of $\frac{3}{4}$ of that property, to the Town and so I think it would be a miscarriage to charge you either the open space fee or the recreational fee.

Vic Gennodi: Public Hearing #1, weight limit on Sheafe Road, there are going to be officers giving out fines when they do show up on the road?

Supervisor Myers: I sincerely hope so, that’s what the officers are there for.

Vic Gennodi: No. 6, I knew about the school board sending the petition, I was rather concerned that at the Planning Board Meeting when they were approving this, Tilcon was stating that there were 16 or 18 houses within 1500 feet and so many houses within 1800 feet, with no mention of a Sheafe Road School within 1300 feet away and I was beside myself. The residents were really upset and also, they passed a 3AM start up and they got a 4 AM startup. How can the Planning Board give something that is against the law to a Town Noise Ordinance?

Supervisor Myers: Our attorney is looking into that. I asked Tom to look into seeing if they can legally let them start up at 4 AM. It seem absurd to me that they would be able to do that.

Paul White: No 11, where it says Approve Building Permit Fees with waiver: I came to ask for another extension on it as I'm trying to put an addition on our house and the funds ran out and wasn't able to do it in the time the permit allowed me to.

Councilman Krakower: Is the construction in process?

Paul White: The first floor is framed.

Councilman Krakower: So, you've been trying to move it along, but can't get enough funds to finish it?

Paul White: Right.

Councilman Krakower: Do you have an idea of how much longer it's going to take? What is the waiver you are asking for? How much is the fee?

Councilman Baisley: Would 90 days give you enough time to get it done?

Paul White: \$300+ and 90 days. Yes.

Town Attorney Mahar: You would be waiving \$362.

Councilman Krakower: I have no problem with that. If you are trying to get it done and you are making an effort and it's your home and not trying to sell it.

Supervisor Myers: We got a letter from the Building Inspector the last time and it had no details attached to it and so we had no information is why we tabled. We were hoping someone would come so they could explain to us the details.

Councilman Conte: So, if we give you the waiver, you can have it done in the 90 days.

Paul White: I certainly will try to have it done in 90 days.

Jim Beretta: No. 14, which is the waive of the Open Space Fee for the Buchner Subdivision and also the recommendation No. 15 to the Planning Board for the Recreation Fee. The fee for the Open space is \$300 per lot, correct? (Yes) That decision is this Board's decision passed to you by Planning Board, correct? (Yes) The other one the Recreational Fee is \$5,000 per lot, correct? (Yes) You are being asked for your opinion but the Planning Board is going to make the final decision? (Yes) They are just taking your input. One thing I'm really uncomfortable with is the tossing around of the number of lots. This project has been in the works for a while. As a resident, I find it unacceptable that we are at this point asking for a waiver for a fee and we can't even get a solid number of lots and if it's 5, I understand, out of 8, one is going to be open space, one is being attached to the Buchner's property, which is, I guess, not a building lot, that still leaves a gap of one lot.

Councilman Krakower: There are 8 lots. One is the parcel being donated to the Town, 6 building lots, --

(Unidentified Lady Speaker) There are 8 lots. One is going to the Buchner's, one is the 40 acres, and the other 6 are supposedly 6 building lots (6 houses) so why do we keep hearing 5?

Town Attorney Mahar: The computation came from the Director of Municipal Development and it was for 7 lots.

Neil Wilson: It's a 7 lot subdivision with a lot line adjustment. Lot #7 is the lot to be attached to Mr. Buchner's house. There are a total of 7 new lots. One of which is to be dedicated to the Town. The computation of the recreation fee takes into account the unsubdivided state as of today, Mr. Buchner could go out and obtain a building permit and put a house up without paying a recreational fee. So, he receives credit for the first lot or the parent lot. So, we only collect the recreation fee on the new residential lot of which we now have 5 because he has received credit for the first 2 lots. I would classify this as a 7 lot subdivision with a lot line adjustment, but the title of the plat is an 8 lot subdivision. Lot # 7 is actually a lot line adjustment whereby Mr. Buchner would absorb additional acreage on his existing lot, not technically a subdivision.

Jim Beretta: So right now and the way the plans are, it is 5 new houses can be built there.

Councilman Tancredi: 6 can be built there, but only 5 get charged.

Jim Beretta: Ok, Mr. Cantor at one point used the word required. He told them, in fact when you accepted the parcel, you required the use of this land – this land was a gift to the Town and Mr. Cantor said, "This was an offer to donate this 40 acre parcel to the Town of Poughkeepsie as an unrestricted gift and the Town will be free to utilize this land for permanent open space or in whatever manner the Town determines the best interest of the community. The gift and the preservation are beneficial to everybody and is a nature preserve, pristine forest, and a lot of wild life habitat and the land were mostly unbuildable. I object to the fact that the Boards are getting this framing that they required this land. They didn't, it was a gift.

Jaclyn White: I'm speaking on our property at 1024 Dutchess Turnpike. My husband did agree for the 90 days, but I would like to know if the extension could be until December of this year because we still have to have a CO and everything.

Supervisor Myers: You would have to come back after the 90 days and we would have to look into an extension at that time again of another 90 days if you didn't get it finished by then.

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

CARRIED: 7-0

06:03-04 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 Town of
Poughkeepsie

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 22nd day of April, 2009 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town Code, Chapter 210, entitled "Zoning", specifically Article V, Section 210-22, "Arlington Town Center (ATC) District", which amendment would be follows:

ADD:

§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 ENACTED, that the Town Board of the Town of Poughkeepsie does hereby declare itself as Lead Agency and that said action will not have a significant adverse impact on the environment; and

BE IT FURTHER ENACTED, that this Resolution is adopted, notwithstanding a recommendation from the Dutchess County Planning Board not to adopt said amendment; and

BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does override that recommendation for the following reasons:

1. The minimum lot size, road frontage, and locational requirements of the proposed local law have been carefully drafted to specifically limit the number of parcels that could qualify under its terms; and
2. The application of the overlay district to any one parcel would be a discretionary act on the part of the Town Board to amend the Zoning Map; and
3. The character of the Main Street section of the Arlington Town Center (ATC) District is very different than other parts of the District and currently contains five businesses with drive-thru facilities and an Average Daily Traffic (AADT) volume in excess of 13,000 vehicles. Unlike other parts of the ATC District, Main Street is a major vehicular route into and out of the Town and City of Poughkeepsie, and allowing merchants to develop drive-thru facilities, on a case by case basis, to take advantage of this vehicle volume should speed the redevelopment of underutilized and blighted properties along Main Street; and
4. The proposed amendment is intended to encourage the redevelopment of existing parcels along the busy Main Street section of the ATC District by facilitating drive-thru facilities in those cases where the Town Board, with the recommendation of the Planning Board, deems it in the interest of the Town to allow a drive-thru facility as part of a new or redeveloped commercial use.
5. The design standards of the proposed local law, together with the existing design standards of the ATC District, will ensure that drive thru facilities will be designed and implemented so as to minimize their appearance to surrounding properties, limit conflicts with existing pedestrian patterns, and require that the building, parking lot, and access driveway are designed so as to be consistent with development in the ATC District.

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

Councilmen and Supervisor aired the Pros and Cons of the advantages and disadvantages to drive-thru establishments on Main Street.

SO MOVED: J. Baisley/T. Tancredi

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

CARRIED: 5-2

LOCAL LAW ATTACHED TO FINAL BOOK COPY

210-11, Entitled "Zoning Map" &
Planning Board Declares Itself Lead
Agency for Senior Housing Overlay
District

Motion made to Table this item indefinitely: Supervisor Myers/T. Tancredi

CARRIED: 7-0

TABLED INDEFINITELY

06:03-06 SET DATE FOR

Amend Town Code, Chapter, Chapter
195, Entitled "Vehicle & Traffic,
Specifically Schedule XVI, Section
195-51, Entitled "Parking Prohibited
Certain Hours" For Miron Drive

Motion made to Table this item be Tabled until July 1st meeting: Supervisor Myers/S.
Krakower

CARRIED: 7-0

06:03-07 AUTHORIZE

Installation of 2 Neighborhood Watch
Signs For Maple Knolls Complex

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the installation of two (2) Neighborhood Watch signs, one at the intersection of North Grand Avenue and Empire Boulevard and one where North Grand Avenue meets Wood Street.

SO MOVED: D. Seminara/J. Conte

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

Nays: None

CARRIED: 7-0

06:03-08 AUTHORIZE TO GO
TO BID

Establishment of Alternate Supply of
Gasoline For Town Police Department

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize and direct the Town Clerk to advertise for bids in regard to the establishment of an alternate supply of gasoline for the Town of Poughkeepsie Police Department to be located in the south end of the Town of Poughkeepsie, as described in the bid specifications, subject to the bids to be received; and

BE IT FURTHER RESOLVED, that all bids shall be opened on June 16, 2009 at 11:00 a.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY in the Office of the Town Clerk or at a area to be designated by the Town Clerk; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does reserve the right to reject any and all bids in whole or part; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby adopt the instructions to bidders, a copy of which is attached hereto.

SO MOVED: J. Conte/T. Tancredi

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0

06:03-09 RATIFY Memorandum of Understanding for The United
Federation of Police Officers Between the Joint
Water Board, The Town of Poughkeepsie & City
Of Poughkeepsie

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby ratify the Memorandum of Understanding between the Joint Water Board, the Town of Poughkeepsie and the City of Poughkeepsie with the United Federation of Police Officers, Inc. dated May 26, 2009, a copy of which is attached, subject to the approval of the Joint Water Board.

SO MOVED: M. Cifone/S. Krakower

Motion made to have this resolution subject to the approval Joint Water Board: T. Tancredi/M. Cifone

CARRIED: 7-0

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0

06:03-10 APPROVE For Resolution 05:20-28 of the May 20, 2009
MODIFICATION Town Board Meeting

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the modification of Resolution 5:20-28 of 2009, which modification was set forth in the notice of publication and posting which provided that the plans and specifications would be available on May 29, 2009 in the Office of the Town Clerk.

SO MOVED: S. Krakower/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0

06:03-11 APPROVE Building Permit Fees With Waiver For 1024
Dutchess Turnpike & An Extension

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: T. Tancredi/M. Cifone

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

Nays: None

CARRIED: 7-0

06:03-12 AMEND

Resolution 05:09-1 of May 09, 2007 Town
Board Meeting To Add Acceptance of Gift of
Buchner Subdivision Along Spackenkill Road

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie heretofore adopted Resolution 5:9-#1 of 2007 accepting the offer of an unconditional and unrestricted gift by Harold and Carole Buchner of an approximate 40 acre parcel in the Buchner Subdivision along Spackenkill Road in the Town of Poughkeepsie (the gift parcel) pursuant to Town Law Section 64; and

WHEREAS, the configuration of the gift parcel was modified during the course of Planning Board subdivision approval; and

WHEREAS, the Planning Board granted conditional final subdivision approval creating Lots 8A and 8B, which lots now constitute the proposed gift parcel; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to Section 64 of the Town Law, amends Resolution 5:9-#1 of 2007 and accepts the offer of an unconditional and restricted gift of Lots 8A and 8B on the Buchner Subdivision map entitled "The Woods at Cliffdale Subdivision", which parcels are described by metes and bounds on Exhibit A annexed to this Resolution and made part of this resolution.

SO MOVED: Supervisor Myers/T. Tancredi

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

Nays: None

CARRIED: 7-0

06:03-13 SET DATE FOR
PUBLIC HEARING

For Public Comments For Use of
Buchner Subdivision Gift for
Preservation of Open Space & Open
Area Along Spackenkill Road

AMENDED RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie heretofore adopted Resolution 4:2 - # 3 of 2008 designating certain real property in the Town of Poughkeepsie donated by Harold and Carole Buchner (the gift parcel) as an "Open Space" or "Open Area" within the meaning of General Municipal Law §247; and

WHEREAS, the size and configuration of the gift parcel has been modified during the process of Planning Board review of the Buchner Subdivision entitled "The Woods at Cliffdale Subdivision"; and

WHEREAS, the Planning Board has now granted conditional final subdivision approval for the Buchner Subdivision creating Lots A and 8B which lots, together, constitute the amended gift parcel; and

WHEREAS, the Town Board is desirous of considering the amendment of Resolution 4:2 - # 3 of 2008 to modify the description of the amended gift parcel to be designated as an "Open Space" or "Open Area"; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to General Municipal Law §247 (2), does hereby set the 17th 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 for the purpose of hearing comments from the public concerning the use of the amended gift parcel for the preservation of open space and open area as set forth in General Municipal Law §247; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to provide not less than ten (10) days notice of such public hearing in the official newspaper of the Town of Poughkeepsie for the purpose of hearing comments from the public; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie proposes to utilize the amended gift parcel as “Open Space” or “Open Area” as such terms are defined in General Municipal Law §247 (1), to wit, “an open space or open area is any space or area characterized by (1) natural scenic beauty or (2) whose existing openness natural condition or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources”; and

BE IT FURTHER RESOLVED, that the Town Board, in order to utilize the amended gift parcel for the stated purposes, proposes to establish only limited pedestrian access to the amended gift parcel together with access for emergency vehicles and services to maintain public safety, and service vehicles to repair and maintain the amended gift parcel; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie proposes to declare that the amended gift parcel has been received for the preservation of open space and open area under such circumstances that said amended gift parcel will constitute a public purpose for which funds may be expended or advanced.

SO MOVED: J. Baisley/T. Tancredi

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

Nays: None

CARRIED: 7-0

06:03-14 WAIVE

Open Space Fee For Buchner Subdivision
Along Spackenkill Road Because of Gift
Given To Town

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to the recommendation of the Planning Board to waive the Open Space fee in regard to the Buchner Subdivision along Spackenkill Road in the Town of Poughkeepsie, does hereby waive the Open Space fee because of the gift given to the Town of Poughkeepsie.

SO MOVED: D. Seminara/T. Tancredi

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

Nays: None

CARRIED: 7-0

06:03-15 RECOMMENDATION

To Planning Board Regarding
Recreation Fee For Buchner
Subdivision Along Spackenkill Road

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby recommend to the Town of Poughkeepsie Planning Board that the Recreation Fee normally charged in regard to a subdivision be waived in regard to the Buchner Subdivision along Spackenkill Road in the Town of Poughkeepsie.

SO MOVED: J. Conte/D. Seminara

Councilman Tancredi: His intent for this property is to make it a nature preserve and no intent to have trails, etc. He wants to protect the nature atmosphere and a sanctuary for animal habitats.

Councilmen Seminara and Conte disagreed in that as much as they would like to see it as a nature preserve, in fact, it is passive recreation and we would also be sending a terrible signal to someone who donates 40 acres, $\frac{3}{4}$ of his property, to us is still going to be charged a Recreation fee. When this gift was given, it wasn't an incentive, they are not building more houses because they gave us this land, it was a gift. There is an issue of fairness and as much as we could use \$25,000 in the Recreation Fund, but he thinks it's not fair and giving disincentive to get other gifts like this and they were in favor of waiving the fee. They think it bad faith.

Councilmen Krakower, Baisley, Supervisor Myers all agreed with Councilman Tancredi and all agreed that they were appreciative of the gift but the Town also needs the Recreation fee to provide for upkeep and recreational needs of the Town and don't want to set a precedent.

ROLL CALL: Ayes: Councilmen Seminara, Conte.

Nays: Councilmen Baisley, Cifone, Krakower, Tancredi and
Supervisor Myers

FAILED: 2-5

06:03-16 ACCEPT

Maintenance Bond For Slate Hill Road
Improvements & Award Final Payment

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to the recommendation of Morris Associates, does accept the Maintenance Bond for Slate Hill Road/Road Improvements, Contract #08-008 and does accept the Consent of the Surety to Final Payment, Contractor's Affidavit of Payment of Debts and Claims, Contractor's Affidavit of Release of Liens and final releases from subcontractors and suppliers, which are submitted in support of the Contractor's request for final payment, and does hereby award the final payment.

SO MOVED: S. Krakower/T. Tancredi

Councilman Seminara: What exactly are we trying to do here?

Supervisor Myers: We are accepting the maintenance bond. We are not letting it go, we are taking it in.

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

Nays: None

CARRIED: 7-0

06:03-17 ACCEPT

Maintenance Bond for Overocker Road, Phase 2
Road Improvements & Award Final Payment

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to the recommendation of Morris Associates, does accept the Maintenance Bond for

Overocker Road Phase 2 Road Improvements, Contract #08-007 and does accept the Consent of the Surety to Final Payment, Contractor's Affidavit of Payment of Debts and Claims, Contractor's Affidavit of Release of Liens and final releases from subcontractors and suppliers, which are submitted in support of the Contractor's request for final payment, and does hereby award the final payment.

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 7-0

06:03-18 AUTHORIZE

Release of Retainage To B & K
Excavation For East Cedar, Green &
Garden Street Road Improvements

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the release of the sum of \$32,878.61 being held as retainage in regard to the contract with B & K Excavation for work heretofore done on East Cedar Street, Green Street and Garden Street, pursuant to the recommendations of the Town of Poughkeepsie Engineer, the Water Department, the Sewer Department and the Building Inspector, as well as the Superintendent of Highways; and

BE IT FURTHER RESOLVED, that based on said recommendations no additional maintenance bond would be required.

SO MOVED: Supervisor Myers/M. Cifone

Town Attorney Mahar: The retainage was held because of litigation that was involved. It finally settled in late February between the contractor and adjacent property owner and there was no payment or liability posed on the Town of Poughkeepsie. It's been well over a year.

The Council in general all felt the contractor did a great job.

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

Nays: None

CARRIED: 7-0

06:03-19 AUTHORIZE

Payment of \$11.45 to ASCAP

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the payment of \$11.45 to ASCAP, pursuant to the attached statement.

SO MOVED: J. Baisley/M. Cifone

Town Attorney Mahar: You are using music that is copy written and in order to avoid the copy write violation, you can either A. go to the original composer and author of the music or B. you may make payment to this organization, which in affect makes constitution of waiver of any copy write claim against the Town for using it.

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

Nays: None

CARRIED: 7-0

06:03-20 AUTHORIZE

Return to Toll Land Limited Partnership
Deposit With Town For Drainage Work
For Mr. Casement's Property

AMENDED
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize and direct that the Comptroller's Office to return to Toll Land VI Limited Partnership the sum of \$7,000.00 heretofore deposited with the Town for drainage work, which was to be completed by June 15, 2009, less \$400.00 for inspection fees.

SO MOVED: D. Seminara/S. Krakower

Town Attorney Mahar: The Superintendent of Highways, at my request, examined the property and they found it to be very satisfactory and had to no objection to this resolution.

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

Nays: None

CARRIED: 7-0

06:03-21 DISCUSSION

Use of Town Property

REMOVED FROM AGENDA

06:03-22 APPROVE

Road Runners Club of America Will
Host the 32nd Joseph McDonald/Bill
Crusie Memorial Run on June 6, 2009

AMENDED
RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby approve the application of the Village of Wappingers for the 32nd Annual Joseph McDonald/Bill Crusie Memorial Run to be held on Saturday, June 6, 2009; and

BE IT FURTHER RESOLVED, that a Certificate of Liability Insurance naming the Town of Poughkeepsie as an additional insured has been filed with the Town Clerk of the Town of Poughkeepsie.

SO MOVED: J. Conte/S. Krakower

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

Nays: None

CARRIED: 7-0

06:03-23 AUTHORIZE

Waiver of Liquor License 30 Day
Hold Period for Goodfellas Red Oak
Corporation D/B/A Goodfellas
Restaurant Located at 47 Vassar
Road

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Goodfellas Red Oak Corp. d/b/a Goodfellas Restaurant, 47 Vassar Road, Poughkeepsie, NY for a waiver of the 30 day review period for renewal of liquor license; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the thirty (30) day review period and does authorize and

direct the Town Clerk to forward a letter of waiver and consent, pursuant to the attached request.

SO MOVED: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 7-0

06:03-24 NOTIFICATION

Amend Hyde Park Town Code Chapter 108,
Entitled "Zoning" At Public Hearing At
7:00 PM on 6/15/2009 at Hyde Park Town
Hall

NOTED BY TOWN BOARD

06:03-25 AUTHORIZE

Special Consent Items SC 1, SC 2, SC 3,
SC 4, SC 5, SC 6, SC 7, SC 8, SC 9, SC 10
SC 11, SC 12, and SC 13

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 Resolution	Call Letter of Credit – Poughkeepsie Investors Limited Partnership
SC 2 Accept	2009 Minutes Jan. 14, 20 & 21 Feb., 04, 11 & 18 Mar. 04, (Sp. Mtg) 04 (Sp. Mtg) 11, 18 (Sp. Mtg.) & 18
SC 3 Authorize	Calling of Bond – Upstate Concrete Masonry Contractor – Collegeview Avenue Sidewalks – Retain James Nelson, Esq. to Represent the Town
SC 4 Appeal	Vehicle for Hire Denial – John Cody
SC 5 Consent	Changes in Local Census Boundaries
SC 6 Discussion	Petition regarding Local Tilcon/Poughkeepsie Asphalt Plant
SC 7 Authorize	Boy Scouts to use Red Oaks Mill Park For Bus Stop
SC 8 Authorize	Liquor License – Waiver of 30 days Dutch Cabin
SC 9 Notice	Town of Wappinger Public Hearing Zoning Board of Appeals – John Degnan
SC 10 Authorize	Liquor License – 30-day waiver O'Sho Japanese Restaurant

SC 11	Appoint	VanDeWater & VanDeWater Re: Rakoff V. Town
SC 12	Authorize	Liquor License-30-day waiver Beech Tree Grill
SC 13	Authorize	Special Meeting at 6:30 PM on June 10, 2009

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: S. Krakower/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0

06:03-SC 1	AUTHORIZE SUPERVISOR TO SIGN	Along With Town Attorney & Town Engineer Papers To Call the Letter of Credit By Demanding Payment From J. P. Morgan Chase Bank, N.A. As Successor in Interest to WaMu
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RESOLUTION

WHEREAS, Poughkeepsie Investors Limited Partnership has heretofore filed a Letter of Credit issued on June 30, 2008 pursuant to the Site Plan approval issued for the St. Francis Hospital Medical Arts Pavilion; and

WHEREAS, said letter of credit was originally filed by WaMu a/k/a Washington Mutual Bank, identified as:

Letter of Credit No. STB-65400

, and

WHEREAS, the Town Attorney's Office has been notified that said letter of credit will expire on June 30, 2009, and

WHEREAS, J.P.Morgan Chase Bank, N.A., Global Trade Services, 300 South Riverside Plaza, Chicago, IL 60606-0236, as successor in interest to WaMu, a/k/a Washington Mutual Bank, Letter of Credit Depts., 1301 Second Avenue, Floor 38, Seattle, Washington 98101 has notified the Town that it will not renew the current Letter of Credit, and

WHEREAS, Poughkeepsie Investors Limited Partnership has been notified of this problem, and

WHEREAS, Poughkeepsie Investors Limited Partnership has not provided a new Letter of Credit as of the date of this meeting, now, therefore,

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie, as beneficiary, does hereby authorize the Supervisor, the Town Attorney and the Town Engineer to sign all papers necessary and proper to call the letter of credit by demanding payment in the sum of \$100,000.00 from J.P.Morgan Chase Bank, N.A. as successor in interest to WaMu, a/k/a Washington Mutual Bank, Letter of Credit Depts., 1301 Second Avenue, Floor 38, Seattle, Washington 98101.

SO MOVED: T. Tancredi/S. Krakower

Town Attorney Mahar: Just for your information, we did send the notification to the attorneys in Florida on this issue and we received a fax indicating that they would renew a Letter of Credit by the end of the month and I explained to the individual on the phone that we were going to adopt the resolution anyway, but we would hold it in abeyance to give him an opportunity to give us a new Letter of Credit.

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0

06:03-SC 2 ACCEPT

2009 Town Board Minutes:

January 14 (Special Meeting)
14 COW
20 (Special Meeting)
21 (Regular Meeting)
February 4, 11, 18
March 4 (Special Meeting)
4 (Special Meeting)
4 (Special Meeting)
11 COW
18 (Special Meeting)
18 (Regular Meeting)

SO MOVED: Supervisor Myers/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0

06:03-SC 3 AUTHORIZE

Town Clerk to Notify Upstate Concrete & Masonry Contracting of Decision to Enforce Maintenance Bond & Utilize Proceeds of Maintenance Bond to Make Necessary Repairs & Replacements on Collegeview Avenue Sidewalks & Authorize James Nelson, Esq. to Represent Town

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize and direct the Town Clerk of the Town of Poughkeepsie to notify Upstate Concrete and Masonry Contracting of its decision to enforce the Maintenance Bond and utilize the proceeds of the Maintenance Bond to make the necessary repairs and replacements of the work heretofore completed by Upstate Concrete Masonry Contracting, which Maintenance Bond is in the sum of \$151,165.00 and was accepted by the Town to ensure good workmanship and construction of said sidewalks on Collegeview Avenue; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize James Nelson, Esq. of Van DeWater & Van DeWater to represent the Town in this matter.

SO MOVED: J. Baisley/T. Tancredi

Councilman Baisley: Did we have to hire someone for this or is this just a matter of filing papers?

Town Attorney Mahar: Well, at this point in time, we are not sure. I just wanted to make sure we had someone in the event that we came into a very tight time limit at the end of this process. I talked to Mr. Nelson and told him we were going to do this and I explained those limitations and I asked him not to do anything about a fee until we had a better reading on it. I received notice this afternoon from the Engineering Department that the contractor claimed he was sending the concrete supplier down to test and examine and make a recommendation. I recommended to the Engineering tell the contractor we were going to stop the resolution pending his conduct. We've got about a five month window here.

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

Nays: None

CARRIED: 7-0

06:03-SC 4 APPEAL

Vehicle For Hire Denial By Applicant
John Cody

Supervisor Myers: I do not see Mr. Cody or a representative for him here. He was informed and he said he was going to be here. He's not.

Councilman Krakower: Is this supposed to be a hearing we are having?

Town Attorney Mahar: No, you could order a hearing if you so desire. Under the Code, he has a right to appeal a denial to the Board. This is the appeal to the Board with the reasons of his appeal. I think, basically, the reasons are that he did have three suspensions and the Town Clerk following the statute did deny his application. However, he has failed to appear for tickets.

Supervisor Myers: He came from Susan's office to my office and asked to file this appeal.

Motion made to Table until requests to be on agenda again: Supervisor Myers/J. Conte

CARRIED: 7-0

06:03-SC 5 CONSENT

Proposed Changes in Local Census
Boundaries

RESOLUTION

BE IT RESOLVED, that pursuant to the request from the Dutchess County Department of Planning & Development, the Town of Poughkeepsie does consent to the proposed changes in regard to the local census boundaries as set forth in the attached memo and charts received on June 1, 2009.

SO MOVED: D. Seminara/J. Conte

Councilman Seminara: I am recommending we do not do this because I have a gut feeling that this is not being done to help us, I have a feeling that this will probably harm us. Second, although you can do a lot of statistical analysis, I'm not sure, they say statistical purposes but they do not say really exactly what they are going to do here and the constitution requires an actual enumeration on the census and not a statistical estimate of how many voters or people live in a district. I don't like it, I don't think it explains very well and I'm not in favor of it.

Supervisor Myers: I don't think it has anything to do with voters. I don't think it matters whether we like it or not. Because, in all honesty, it reads, "The Census Bureau requires that the highest elected official of the affected municipality ACKNOWLEDGE the proposed boundary changes." Not do we like it or approve it, but to acknowledge it. I think they are still going to do what they want to do whether we even return it or not.

Councilman Cifone: I agree with Dominic, I don't like the map or the way it is broken down.

Councilman Tancredi: But it also says "Acknowledging your SUPPORT of the proposed changes."

Neil Wilson: This particular consent has nothing to do with the sampling or the manner in which the census bureau conducts its count. What they are actually doing is adjusting the boundaries of the enumeration district to isolate, certainly in the case of Marist and Vassar the properties that are specifically for those colleges. In other words, in some of the prior counts some of the college student populations were mixed in with the permanent resident populations so basically what they are doing is creating their own Enumeration Districts for those colleges and making some other adjustments elsewhere to better define the residential neighborhoods outside some of the institutional neighborhoods.

Councilman Seminara: I got the same information you just gave me from reading this document and I don't trust it! So, I'm voting against it.

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

FAILED: 2-5

LETTER AND MAPS ATTACHED TO FINAL BOOK COPY

06:03-SC 6 DISCUSSION

Petition Received Regarding Local
Tilcon/Poughkeepsie Asphalt Plant
Relocation

Town Board and audience discussed actions of Planning Board in approving new location of asphalt plant and other Tilcon issues, such as the many blasting complaints from residents around the quarry.

Councilman Baisley: We get all these letters to waive Liquor License Renewals from DEC but something as important as the location of plants such as Tilcon, we don't hear a thing about them locating in our communities. Something is not right with that.

PETITION ATTACHED TO FINAL BOOK COPY

06:03-SC 7 AUTHORIZE

Boy Scouts to Use Red Oaks
Mill Park Parking Lot for Bus Stop
For Day Camp for July 6, 2009 to
July 24, 2009

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Boy Scouts to use the parking lot at Red Oaks Mill Park as a bus stop for their bus going to their day camp at Camp Nooteming for the period July 6, 2009 through July 24, 2009 on Mondays through Fridays for pickup at 8:15 AM and drop off at 5:45 PM.

SO MOVED: J. Conte/M. Cifone

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

Nays: None

CARRIED: 7-0

06:03-SC 8 AUTHORIZE

Liquor License Renewal Waiver of 30
Day Waiting Period for the Dutch Cabin,
Inc. D/B/A The Dutch Cabin Located at

35 Fairmont Avenue

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from The Dutch Cabin, 35 Fairmont Avenue, Poughkeepsie, NY for a waiver of the 30 day review period for renewal of liquor license; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the thirty (30) day review period and does authorize and direct the Town Clerk to forward a letter of waiver and consent, pursuant to the attached request.

SO MOVED: M. Cifone/J. Conte

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

Nays: None

CARRIED: 7-0

06:03-SC 9 NOTIFICATION

Wappinger Zoning Board of Appeals
Public Hearing on June 9, 2009 at
Town Hall for Variances of Sign
Height, Square Footage & Sign Less
Than 25 feet from Property Line

Councilman Krakower: Possible blasting going on in this project, which is close to our Town Borders, would like Neil to investigate this and take a close look at it.

REFERRED TO NEIL WILSON, DIRECTOR OF MUNICIPAL
DEVELOPMENT FOR INVESTIGATION

06:03-SC 10 AUTHORIZE

Liquor License Renewal Waiver of 30
Days Waiting Period for O'Sho Japanese
Restaurant Located at 1998 South Road

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from O'Sho Japanese Restaurant, 1998 South Road, Poughkeepsie, NY for a waiver of the 30 day review period for renewal of liquor license; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the thirty (30) day review period and does authorize and direct the Town Clerk to forward a letter of waiver and consent, pursuant to the attached request.

SO MOVED: S. Krakower/M. Cifone

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

Nays: None

CARRIED: 7-0

06:03-SC 11 APPOINT

Kyle W. Barnett, Esq. From
Van DeWater & Van DeWater, LLP,
As Special Counsel For Rakoff V.
Town

RESOLUTION

WHEREAS, a declaratory judgment action has been filed against the Zoning Administrator of the Town of Poughkeepsie, the Zoning Board of Appeals of the Town of Poughkeepsie and the Town of Poughkeepsie by Martin and Jennifer Rakoff, and

WHEREAS, the Town wishes to appoint Kyle W. Barnett, Esq., of the law firm of Van DeWater & Van DeWater, LLP, as special counsel to defend the action.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie appoints Kyle W. Barnett, Esq., of the law firm of Van DeWater & Van DeWater, LLP, 40 Garden Street, Poughkeepsie, NY 12601, as special counsel for the purpose of defending the Zoning Administrator of the Town of Poughkeepsie, the Zoning Board of Appeals of the Town of Poughkeepsie and the Town of Poughkeepsie at the rate of \$145.00 per hour.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie authorizes Mr. Barnett to defend such legal action in the Dutchess County Supreme Court as may be necessary pursuant to Section 68-27 of the Town of Poughkeepsie Town Code on behalf of the Zoning Administrator of the Town of Poughkeepsie, the Zoning Board of Appeals of the Town of Poughkeepsie and the Town of Poughkeepsie.

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

Absent from Room: Councilman Conte

CARRIED: 6-0-1

06:03-SC 12 AUTHORIZE

Liquor License Renewal Waiver of 30
Days for FG380, LTD D/B/A Beech
Tree Grill Located At 1-3 Collegeview
Avenue

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Edward Lackaye, Attorney for FG380, Ltd. d/b/a Beech Tree Grill, 1-3 Collegeview Avenue, Poughkeepsie, NY for a waiver of the 30 day review period for renewal of liquor license; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the thirty (30) day review period and does authorize and direct the Town Clerk to forward a letter of waiver and consent, pursuant to the attached request.

SO MOVED: Supervisor Myers/T. Tancredi

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

Nays: None

Absent from Room: Councilman Conte

CARRIED: 6-0-1

03:06-SC 13 AUTHORIZE

Special Meeting Before Committee
of the Whole Meeting on June 10,
2009 At 6:30 PM for Purpose of
Executive Session

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby call a Special Meeting to be held on Wednesday, June 10, 2009 at 6:30 PM at the

Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY in regard to the following:

1. Executive Session – Litigation
2. Any other matters that may legally come before the Board

SO MOVED: J. Baisley/M. Cifone

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

Nays: None

CARRIED: 7-0

Motion made to suspend the rules for public speaking: Supervisor Myers/M. Cifone

CARRIED: 7-0

ANNOUNCEMENT

Councilman Krakower described the Historic Cemetery located off of South Gate Drive containing the Abraham Fort family members. He stated that the Town Historic Commission would vote to give the Cemetery Historic Designation soon.

Victor Gennodie: Discussed the Tilcon site and the problems associated with it. Also, discussed a waiver given by the Planning Board for a piece of machinery, that has a back up alarm on it, that they could have that machinery on the property for 30 days. This waiver should have been granted or denied by the Town Board, not Planning. Council concerned that the Town Board must be able to find some levers that the Town Board could administer. Why are they coming to the Planning Board instead of DEC? Victor checked with all State agencies and there is nothing on the books to protect the Sheafe Road School.

Doreen Tignanelli: One of the things that Vic didn't mention is the 4 AM start time but said they also wanted the option of starting at 3 AM in case they had a big job they wanted to do. It was asked how many times a year would that be and Tilcon said they had no way of estimating that.

Councilman Seminara: How do they have the right to jurisdiction over that?

Town Attorney Mahar: They have the right to jurisdiction over land use matters and the Town Board has never (inaudible) the Local Law on hours of operation.

TAPE GOING IN AND OUT AT THIS POINT

Doreen Tignanelli: The very first applicant at the Planning Board meeting wanted a waiver of the tree survey because there are a lot of trees on the lot. Well, that's the reason for the tree survey to begin with. So, a Planning Board member said, "Well, work with the Planning Department, you could probably work something out to get a waiver". Why make it easier for them. Why not identify the trees so that if there is really something that can be saved? Also discussed the 67 acres of trees on Airport property. The County has approved the Final Environmental Impact Statement and the whole subject was whitewashed by the County.

Jay Simpson: Made a request to Town Board if the north part of the Frank Wells Site could be mowed. I'm the adjacent land owner and my house sits up on the bluff and that field. For years I personally mowed it and then I paid someone that worked for the Town to mow it. The fellow died and now hasn't been mowed in the last three years and it is starting to get brushy. The Police people with the dogs mow the southern part of the field because they use it for the dogs. But the northern part is getting brushed up. If the Highway Department could mow that, they have the right equipment.

Supervisor Myers: We will get someone to take care of it.

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

CARRIED: 7-0

RESOLUTION

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

1. Litigation
2. Real Estate Matters to the Extent that the Public Disclosure of the discussion would substantially affect the value of the property.
3. Personnel Matters, to wit: a meeting to discuss the employment history of the particular individuals who need not be identified at this time
4. Confidential communication between attorney and his client, the Town Board, Based on Attorney/Client Privilege

SO MOVED: J. Baisley/ D. Seminara

CARRIED: 7-0

TOWN BOARD MEETING ADJOURNED AT 9:29 PM

INTO EXECUTIVE SESSION AT 9:35 PM

BACK FROM EXECUTIVE SESSION AT 10:10 PM

NO ACTION TAKEN

Motion made to close the meeting: Supervisor Myers/D. Seminara

CARRIED: 7-0

TOWN BOARD MEETING CLOSED AT 10:11 PM

SJM:lkM