

**MINUTES OF TOWN BOARD MEETING HELD ON
JUNE 17, 2009 AT 7:00 PM AT TOWN HALL, ONE
OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

PRESENT: Supervisor Myers
Councilman Baisley
Councilman Seminara
Councilman Conte
Councilman Cifone
Councilman Krakower
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 the Town Clerk's Office**

Public comments made during a Board Meeting may be heard on the audiotape of that particular meeting, which is held 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/S. Krakower

CARRIED: 7-0

Town Clerk Miller: I filed the affidavit of posting on May 27, 2009 and published in the Poughkeepsie Journal on June 1, 2009.

06:17-01 PUBLIC HEARING

Amend Town Code, Chapter 210,
Entitled "Zoning" & Zoning Map of
The Town to Rezone Property
Located at 159 Channingville Road
From Institutional District (IN) To
R-20,000 District

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby close the public hearing in regard to the amendment to the Town Code, Chapter 210 to rezone property located on 159 Channingville Road, and does hereby adjourn said matter to July 1, 2009 for action, pending the recommendation from the Town of Poughkeepsie Planning Board.

SO MOVED: J. Baisley/M. Cifone

ADJOURNED TO JULY 1, 2009 TOWN BOARD MEETING

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 on Public Hearing #2: Supervisor Myers/T. Tancredi

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

Town Clerk Miller: I filed the affidavit of posting on May 27, 2009 and published in the Poughkeepsie Journal on June 1st, 2009

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby close the public hearing in regard to the amendment to the Town Code, Chapter 210 to provide for outdoor seating for restaurants in the Arlington Town Center, and does hereby adjourn said matter to July 1, 2009 for action, pending the recommendation from the Town of Poughkeepsie Planning Board.

SO MOVED: D. Seminara/T. Tancredi

Councilman Krakower: With the outdoor seating, I would like to see that added to the Business Highway District and take a look at the other Zoning Districts in the Town to see where it might be appropriate. I think it fits well in Arlington, but there are other Town Center Zones that I think and in a lot of Business Highway Zones, maybe not all of them, would probably be appropriate, also. I would like to move forward with this but would, also, like to look at expanding it as well.

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

Nays: None

CARRIED: 7-0

ADJOURNED TO JULY 1, 2009 TOWN BOARD MEETING

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

CARRIED: 7-0

Ed LaPerche: I'm not quite sure what the comments are related to tonight. The Board has already accepted the parcel as a gift, so therefore it is a non-taxable parcel of land that now will be owned by the Town, correct? (Yes) With that now being the case, and through the fact that we strenuously tried to get access, we wound up with the minimal five foot wide trail that must be developed by the Town as an easement to the back 50 acres. That, in fact, is the only access that would be to that parcel, which is open space. My concern is that it is open space, it is a gift to the Town. The Town Board, the Planning Board all represent the citizens of this Town and I therefore wonder if there is limited access if ever available, since the Town would have to develop that, the waiving of any fees, in my mind, would be highly unusual because, in fact, it's really non-accessible and therefore, the basic public would not have access to that property. Therefore, I know it's under consideration and I know there was a vote on it in your last meeting, I'm not quite sure where we are with public comment on this, and that's why I'm—

Supervisor Myers: This really has nothing to do with the fees at all, this is just if anybody has any suggestions or things they would like to suggest for use of this property. The way that the resolution reads, is "Only limited pedestrian access to the amended gift parcel" and that's the way the resolution reads and the way the Board intended it to be all along.

Ed LaPerche: The only thing I would like to see if the recreational fee is paid, that it would be basically used to develop a trail system and basically take it into that back parcel. The only thing that it would be would be a passive use as was originally suggested and agreed to and it was used predominantly used by (inaudible) and by the girl scouts for some limited amount of over night camp outs, but I don't think there is any use of that any more, but, for that kind of usage, I think we should be considering the recreational fee, some of it---

Supervisor Myers: That was the way that the Board passed it. We are sending it back to Planning, but it was passed with the recreation fee being imposed.

Councilman Krakower: The Town Board makes a recommendation to the Planning Board and the Planning Board makes a call on it.

Doreen Tignanelli: I'm going to make some of the same comments I made last year when we discussed the use of the area. In 1963 when the Executive Director of the Girl Scouts accepted the deed from IBM for the property, she stated that "The natural beauty of the track will be preserved for all generations to come as a wild life sanctuary, which as it preserved, will be carefully managed, and never changed other than by nature itself." We keep hearing about development of trails, we've heard talks about roads through there. The Girl Scout property was used for years by girl scouts and boy scouts from 1960's through 1999. Neighbors used the property. The Bird Club used the property, too. But, my point is that there are trails down there now, there are roads there, but when you talk about additional disturbance, this is a sensitive site. This isn't like Peach Hill. Peach Hill is a great place and it has its different qualities than the Girl Scout Property. There are many habitats and nesting sites and nature trails. The last letter from the State Office of Parks and Recreation on this project said they suggested that a management plan for public use be developed to minimize any ground disturbing activities. So, when talking about any additional use, you have to be very careful of what you are proposing and again, I would like to see it back to its original purpose for a nature sanctuary.

Jim Bernard: My parcel of land backs up to Mr. Buchner's property and the Girl Scout land. I just want to second what Doreen just said. I've been a resident there for 37 years and I've walked that land for many, many, of those years. It is a beautiful parcel that should remain as much undisturbed as possible. There is a large road back there now that logging trucks have been in and out of there a number of years ago and so, I don't know exactly what you are planning, but I do hope that it will disturb as little as possible the habitats that are there as well as the archeological and historical things on the property.

Supervisor Myers: That is our intent.

Richard Cantor, Esq.: I have been before you asking you to amend your earlier determination which designated this property as open area under the general municipal law. The reason you are being asked to amend your earlier designation is because of the actual physical description of the property changed by the Planning Board between Preliminary Subdivision and Final Subdivision approval. The matter before you, if you choose to approve it, merely substitutes the new description and final subdivision plan for the earlier description and preliminary subdivision approval. This is a designation for permanent open space of permanent open area, the term to be used interchangeably in the statute. How the Town chooses to use the property, the frequency in which it allows access is all a future Town decision, none of which is addressed in this resolution, merely the correcting of the description to accurately reflect the final subdivision act.

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

CARRIED: 7-0

Town Clerk Miller: I filed the affidavit of posting on June 4, 2009 and published it in the Poughkeepsie Journal on June 6, 2009.

Councilman Tancredi: My position on this has always been the same, that this land should be used as what the original intent was, as a nature preserve.

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on June 17, 2009 at 7:00 PM at the Town Hall Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, pursuant to General Municipal Law, Section 247 (2), did receive comments in regard to the application submitted on behalf of Buchner Subdivision, a/k/a "The Woods at Cliffdale Subdivision" for open space or open area designation within the meaning of the General Municipal Law, Section 247; and

BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie will utilize the amended gift parcel as open space or open area as such terms are defined in the General Municipal Law, Section 247 (1), to wit, "an open space or open area and any space or area characterized by (1) natural scenic beauty, (2) whose existing openness, natural conditions, or present state of use, if retained, would enhance the presence and potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources"; and

BE IT FURTHER ENACTED, 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

AND BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie declares 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. Conte/S. Krakower

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

Nays: None

CARRIED: 7-0

Motion made to Move items #5 through item #14 to this point in the agenda: M. Cifone/T. Tancredi

CARRIED: 7-0

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

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

06:17-05 APPOINTMENT

Police Department of Nicholas A.
Caparco as Police Officer

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Nicholas A. Caparco to the position of full time Police Officer under the provisions of Civil Service Law dealing with a resignation/reinstatement, at the yearly salary of \$48,572.00, effective June 22, 2009, which appointment is subject to a probationary period of not less than 8 nor more than 52 weeks per Civil Service Law.

SO MOVED: M. Cifone/S. Krakower

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

06:17-06 APPOINTMENT Police Department of Jason T.
Fasano as Police Officer

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Jason T. Fasano to the position of full time Police Officer under the provisions of Civil Service Law dealing with a resignation/reinstatement, at the yearly salary of \$48,572.00, effective June 29, 2009, which appointment is subject to a probationary period of not less than 8 nor more than 52 weeks per Civil Service Law.

SO MOVED: S. Krakower/T. Tancredi

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

06:17-07 APPOINTMENT Police Department of David A
Abrams as Police Officer

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint David A. Abrams to the position of full time Police Officer under the provisions of Civil Service Law dealing with a resignation/reinstatement, at the yearly salary of \$48,572.00, effective June 29, 2009, which appointment is subject to a probationary period of not less than 8 nor more than 52 weeks per Civil Service Law.

SO MOVED: T. Tancredi/ S. Krakower

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

06:17-08 APPOINTMENT Police Department of Detective
Douglas Sherwin to Position of
Police Sergeant

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Detective Douglas Sherwin to the position of Police Sergeant, effective June 22, 2009, which appointment is subject to a probationary period of not less than 8 nor more than 26 weeks per Civil Service Law.

SO MOVED: Supervisor Myers/M. Cifone

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

06:17-09 APPOINTMENT Police Department of Detective
Eric Hawlk to Position of Police
Sergeant

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Detective Eric Hawk to the position of Police Sergeant, effective June 22, 2009, which appointment is subject to a probationary period of not less than 8 nor more than 26 weeks per Civil Service Law.

SO MOVED: J. Baisley/M. Cifone

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

06:17-10 APPROVE Police Department of Sergeant
Joseph Cavaliere to Position of
Detective Sergeant

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the assignment of Sergeant Joseph Cavaliere to the position of Detective Sergeant, effective June 22, 2009.

SO MOVED: D. Seminara/T. Tancredi

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

06:17-11 APPROVE Police Department of Police Officer
William Denardo to Position of
Detective

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the assignment of Police Officer William Toledo to the position of Detective, effective June 22, 2009.

SO MOVED: J. Conte/T. Tancredi

Councilman Krakower: We got a letter from one of the local businesses that stated that Officer Toledo provided exceptional services and so I just wanted to make the note that we appreciate everything he did.

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

06:17-12 APPROVE Police Department of Police Officer
Frank Toledo to Position of
Detective

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the assignment of Police Officer Frank Denardo to the position of Detective, effective June 22, 2009.

SO MOVED: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 7-0

06:17-13 APPROVE

Police Department of Police Officer
Christopher Hamel to Position of
Detective

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the assignment of Police Officer Christopher Hamel to the position of Detective, effective June 22, 2009.

SO MOVED: S. Krakower/T. Tancredi

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

Nays: None

CARRIED: 7-0

06:17-14 RETIREMENT

Police Department of Detective
Christopher C. Aderholdt

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the retirement of Detective Christopher C. Aderholdt from the Town of Poughkeepsie Police Department, effective the close of business on June 26, 2009.

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 7-0

06:17-04 APPEAL

By John Cody for Vehicle For Hire
License Denial

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, upon hearing the appeal of John Cody, does hereby grant, with conditions, the application for a vehicle for Hire License subject to condition that the applicant does not receive any traffic violation for six (6) months and takes a driver safety course with proof to the Town Clerk before the Vehicle for Hire License is, in fact, issued.

SO MOVED: D. Seminara/M. Cifone

John Cody: I was denied a Hack License to operate in the Town of Poughkeepsie because my license was suspended more than twice in a one year period. The first ticket I got was from a State Trooper in the City of Poughkeepsie when I was going 62 miles an hour in a 45 mile an hour zone. I got that ticket at that time, I didn't tell him then, but my wife was in the hospital at the time with premature labor. The second ticket was when I got a ticket at a stop sign at the intersection of Corlies and Arnold and there was a tree, a stop sign and a tree and I just missed that and the policeman pulled me over. The third one I got for speeding in a school zone, which was given to me by the Town Police and I was in front of Violet Avenue Elementary, I had a drunk in the back of my taxi who was extremely annoying and so kind of stepped on the gas a bit. The Policeman lowered the fine in court today. I would just like to ask the Town Board to please just let me operate for a little while because my wife is pregnant again and can't work right now and I have no other means of support. I work for A-1 Transportation since March of 2007.

The School Zone was the ticket that upset the Councilmen the most and they insisted on a driver safety class before issuing the license again.

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

06:17-15 CREATE Director of Municipal Development
POSITION For Town of Poughkeepsie & Adopt
Job Description

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby create the position of Director of Municipal Development for the Town of Poughkeepsie; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby adopt the job description for Director of Municipal Development, a copy of which is attached hereto; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does request that said position be placed in the Exempt Class of Civil Service and hereby authorizes that a Certified Copy of this resolution be filed with the Dutchess County Department of Civil Service.

SO MOVED: J. Baisley/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi
Nays: Supervisor Myers CARRIED: 6-1

RESOLUTION ATTACHED TO FINAL BOOK COPY

06:17-16 BUDGET Planning Department to Purchase
MODIFICATION A Scanner

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 the Planning Department to purchase a scanner, as follows:

FROM:

| | | |
|-------------|--------------------|----------|
| B 8020.0421 | Schools & Meetings | \$594.00 |
|-------------|--------------------|----------|

TO:

| | | |
|-------------|-------------------|----------|
| B 8020.0205 | Computer Hardware | \$594.00 |
|-------------|-------------------|----------|

SO MOVED: D. Seminara/J. Baisley

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

06:17- 17 PROCLAIM July 2009 As Watershed Awareness
Month

RESOLUTION

WHEREAS, water quantity and quality are basic ingredients to health and the quality of life in Dutchess County and the Town of Poughkeepsie; and

WHEREAS, water exists in watersheds that extend beyond municipal boundaries; and

WHEREAS, climate change is causing change to precipitation levels which directly impacts the quantity of water in the watershed; and

WHEREAS, groups are organizing throughout the County to maintain and improve water quantity and quality in specific watersheds; and

WHEREAS, there is a need to educate all members of the community about how watersheds contribute to the health and quality of life in Dutchess County and in the Town of Poughkeepsie, the recreational activities they provide, and how daily actions can affect the quantity and quality of water in the watershed; and

WHEREAS, the various watershed groups have collaborated to provide a set of activities to increase educational and recreational use of the watersheds; and

WHEREAS, Dutchess County is an innovator in organizing watershed groups; and

WHEREAS, 2009 marks the Quadricentennial of Henry Hudson's discovery of the Hudson River, to which many of Dutchess County's watersheds serve as tributaries; and Quadricentennial activities will bring many visitors to Dutchess County; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie proudly proclaims the month of July 2009 as Watershed Awareness Month and encourages all municipal officials and citizens and visitors to participate in the scheduled activities to learn more about watersheds: how they contribute to health and the quality of life, the recreational activities they provide, and how daily actions can affect the quantity and quality of water in watersheds.

SO MOVED: J. Conte/T. Tancredi

Councilman Seminar: Although I am in favor of this resolution, I do take a bit of Objection to what exactly they mean when they say, "Whereas, climate change is causing change to precipitation levels which directly impact the quantity of water in the watershed." Are we talking about climate change from week to week or century to century or ice age to ice age? I would actually like to make an amendment to strike that from the resolution.

Councilman Conte: I think climate change can cause change to those levels.

Motion made to strike Paragraph three from the resolution: D. Seminar/M. Cifone

ROLL CALL ON AMENDMENT: Ayes: Councilman, Seminar

Nays: Councilmen Baisley, Conte, Cifone

Krakower, Tancredi, and Supervisor Myers

FAILED – 1-6

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

Nays: None

CARRIED: 7-0

06:17-18 RATIFY
RESOLUTION

Resolution 06-03-SC 1 of 2009
Calling The Letter of Credit of
Poughkeepsie Investors Limited

Partnership

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize and direct the Supervisor to implement Resolution 6:3-SC 1 of 2009 calling the Letter of Credit of Poughkeepsie Investors Limited Partnership.

SO MOVED: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 7-0

06:17-19 APPOINTMENTS

Arlington Business Improvement
District Board of Directors

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Police Chief Thomas Mauro to the position on the Arlington Business Improvement District Board of Directors, which appointment is for the period July 1, 2009 through June 30, 2010; and

BE IT FURTHER RESOLVED, the Town Board does acknowledge the Supervisor's appointment of Councilman Todd Tancredi to said Board from July 1, 2009 through June 30, 2010 and the Comptroller's appointment of himself to said Board for the period July 1, 2009 through June 30, 2010.

SO MOVED: S. Krakower/M. Cifone

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

Nays: None

CARRIED: 7-0

06:17-20 SET DATE FOR
PUBLIC HEARING

Amend Town Code Chapter 154,
Entitled "Plumbing", Specifically Section
154-31, Entitled "Homeowner's Plumbing
Permit"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 1st day of July, 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:

AMEND:

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 **residence, except that this work shall not include any plumbing work outside the building to connect to the Town water system or sewer system.** 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. **A denial of any permit may be appealed to the Plumbing Board.**

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 Krakower: It looks like – It's Bolded that it says a denial of any permit may be appealed to the Plumbing Board. I'm guessing that's what's been added, correct?

Town Attorney Mahar: That was added in case someone took the test and made the application to do the inside work and was denied the permit, that person can make an appeal to the Plumbing Board. The other provisions for inside work, is untouched by this particular amendment.

Councilman Krakower: But, this says, "No homeowner can take a test and do the outside connection," period. At last week's meeting, was that certain homeowners are completely capable of doing this work themselves, they are either plumbers or contractors, and in those limited situations my request was that we give them some sort of mechanism to appeal to the Plumbing Board or Town Board, whoever, to be able to get that permit rather than force them to hire a licensed plumber if they are a homeowner who can actually do it themselves. I think the concern with the situation was where homeowners were not properly trained and doing the work themselves and created problems or homeowners who used unlicensed plumbers to do the work. But, if we do have the homeowner who is a licensed plumber or contractor and perfectly capable of doing it themselves, I think they should be able to do that. This does not give them any mechanism to do that. This says, "You can't take the test," period, to do the outside work. "The denial of the permit may be to the Plumbing Board." I thought that was already part of the Code. So, this last sentence doesn't do anything.

Town Attorney Mahar: Do you want to take it out?

Councilman Krakower: No, what I would like to have is some sort of mechanism where a home owner that is perfectly capable of doing the work himself is still allowed to do the work himself.

Councilman Conte: Outside too?

Councilman Krakower: If he is a plumber or contractor who just doesn't happen to be licensed in the Town of Poughkeepsie, but is fully capable of doing it and can prove that to our Plumbing Board, yes.

Councilman Cifone: Our own Water Department Director can't do his own in the Town he lives in either.

Councilman Krakower: But he should be able to.

Motion made to Table this resolution for further clarification: S. Krakower/T. Tancredi

CARRIED: 7-0

TABLED FOR FURTHER CLARIFICATION

06:17-21 AUTHORIZE

Transfer of a Portion of Beck Place
to Marist Real Property Services, Inc.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute all papers necessary and proper to transfer a portion of Beck Place, pursuant to the Road Conveyance Maintenance and Easement Agreement attached hereto, which transfer shall be for a portion of the road from southwest terminus of Beck Place to a line at the southern boundary of premises now or formerly owned by Joseph William Berry, Sr., identified as 23 Beck Place,

Poughkeepsie, NY and bearing Grid No. 6062-02-97768, which transfer shall be to Marist Real Property Services, Inc.

SO MOVED: S. Krakower/T. Tancredi

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

Nays: None

CARRIED: 7-0

06:17-22 APPROVE

Block Party on McAlpine Drive on July 4,
2009 With Rain Date of July 5, 2009

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Rachel Calli to hold a block party at McAlpine Drive on Saturday, July 4, 2009, with a rain date of Sunday July 5, 2009 from 2:00 PM to 9:00 PM and does hereby authorize the Highway Department to close said street from 2:00 PM to 9:00 PM; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the "Open Container Law" in the event alcoholic beverages are to be served.

SO MOVED: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 7-0

06:17-23 ACCEPT

April 2009 Minutes
April 1 Regular Meeting
April 6 Special Meeting
April 15 Special Meeting I
April 15 Special Meeting II
April 15 Committee of the Whole
Meeting
April 22 – Special Meeting
April 22 – Regular Meeting

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, does hereby accept the minutes for the following 2009 Town Board Meetings, to wit:

April 1 – Regular Meeting
April 6 – Special Meeting
April 15 – Special Meeting – 5:00 PM
April 15 – Special Meeting – 6:00 PM
April 15 – Special Meeting – 7:00 PM
April 15 – Committee of the Whole Meeting
April 22 – Special Meeting – 6 PM
April 22 – Regular Meeting

SO MOVED: Supervisor Myers/J. Conte

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

Nays: None

CARRIED: 7-0

06:17-24 NOTIFICATION

Liquor License Renewal For

JTA Inc./Antonella's II D/B/A
Antonellai's Restaurant Located at
1830 South Road

NOTED BY TOWN BOARD

06:17-25 AUTHORIZE

Special Consent Items SC 1, SC 2,
SC 3, SC 4, SC 5, SC 6, SC 7, and
SC 8

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 Supervisor to Sign | Sarwal Drainage Easement Brookland Farms Road |
| SC 2 Authorize | D.C. to Pave Main Street From 10:00 PM to 6:00 AM |
| SC 3 Authorize Supervisor to Sign | Agreements with NYSDOT Buckingham/Inwood Pavement Rehabilitation |
| SC 4 Authorize | 27 Beechwood Park Cleanup |
| SC 5 Authorize | Concerts in the Park |
| SC 6 Authorize | Purchase of Police Vehicle |
| SC 7 Approve | Fireworks Display – Dutchess Golf & Country Club |
| SC 8 Notification | Liquor License Renewal Taft Avenue Lanes, Inc. |

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

SO MOVED: J. Baisley/S. Krakower

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

Nays: None

CARRIED: 7-0

06:17-SC 1 AUTHORIZE
SUPERVISOR
TO SIGN

Susheel K. & Ranjana Sarwal Drainage
Easement Implementation

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize and direct the Supervisor to execute all papers necessary and proper to implement the drainage easement from Susheel K. and Ranjana Sarwal to the Town of Poughkeepsie.

SO MOVED: D. Seminara/S. Krakower

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

06:17-SC 2 AUTHORIZE Dutchess County to Mill & Pave Main
Street From 10 PM to 6 AM On Dates
To Be Determined

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the County of Dutchess to do milling and paving work on Main Street from the City/Town line to Taft Avenue from 10:00 PM to 6:00 AM on dates to be determined.

SO MOVED: J. Conte/S. Krakower

ROLL CALL: Ayes: Councilman Baisley, Conte, Cifone, Krakower, Tancredi, and
Supervisor Myers
Nays: Councilman Seminara CARRIED: 6-1

Councilman Tancredi: No dates were given us?

Supervisor Myers: No, you have to wait for the Governor to sign off of it. Councilman Kelly will call us two or three days in advance so we will have some warning. They can't give us a firm date on it and they think it will take three days when they start.

06:17-SC 3 AUTHORIZE Agreements With The New York State
SUPERVISOR Department of Transportation For
TO SIGN Buckingham/Inwood Avenue Pavement
Rehabilitation

RESOLUTION

WHEREAS, the **Buckingham/Inwood Avenue Pavement Rehabilitation** identified as **PIN 8760.65**, an Economic Recovery Project (hereinafter "the Project") in the **Town of Poughkeepsie**, (hereinafter "the Municipality/Sponsor"), **in Dutchess County** is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds.

NOW, THEREFORE, the Municipality/Sponsor's Town Board duly convened does hereby:

RESOLVE, that the Municipality/Sponsor's Town Board hereby approves the Project; and it is hereby further

RESOLVED, that the Municipality/Sponsor agrees to advance the Project through the Municipality/Sponsor's resources and agrees that the Municipality/Sponsor's Town Board hereby authorizes the Municipality/Sponsor to pay in the first instance the full federal and full non-federal costs of any and all phases(s) or portions thereof.

RESOLVED, that the Municipality/Sponsor's Town Board makes a 100% commitment of the non-federal share (if any) of the costs of **Construction/Construction Inspection** phases(s) of work for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to the State/Local Agreement; and it is hereby further

RESOLVED, that the sum of **\$391,000.00** is hereby appropriated from Account H23 and made available to cover the cost of participation to complete the Project including all phases(s) or portions thereof

RESOLVED, that upon the completion of the construction of the Project, or a fully usable portion thereof, the Municipality/Sponsor agrees to maintain the Project, or fully usable portion thereof, at their sole cost and expense; and it is hereby further

RESOLVED, that in the event the full federal and non-federal share of the Projects exceeds the amount appropriated above, the Municipality/Sponsor's Town Board shall convene as soon as possible to appropriate said excess amount immediately; and it is hereby further

RESOLVED, that the **Town Supervisor** is hereby authorized to execute all necessary Agreements or certifications on behalf of the Municipality/Sponsor, (subject to the Municipality/Sponsor Attorney's approval as to form and content), with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the project and the Municipality/Sponsor's first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible' and it is further

RESOLVED, that in addition to the **Town Supervisor**, the following municipal titles: **Town Engineer, Town Highway Superintendent, Town Clerk, and Town Comptroller** are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of the Department of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, that this Resolution shall take effect immediately.

Councilman Michael Cifone moved the adoption of the resolution.

Seconded by Councilman Joseph Conte. Upon roll call, adopted.

Clerk of the **Poughkeepsie Town Board**
County of **Dutchess**

I, hereby certify that I have compared the foregoing copy of a resolution with the original duly adopted by the above mentioned Municipality/Sponsor at a session held on the 17th day of June, 2009 and that the same is a true copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of the said **Town of Poughkeepsie**, this 18th day of June, 2009.

SO MOVED: M. Cifone/J. Conte

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

Nays: Councilman Seminara

CARRIED: 6-1

06:17-SC 4 AUTHORIZE

27 Beechwood Park Cleanup of Debris,
Insect Infested Furniture & Other Junk
On Front Lawn of the Premises

RESOLUTION

WHEREAS, the Town of Poughkeepsie has received a complaint of an unhealthy situation at 27 Beechwood Park in the Town of Poughkeepsie, County of Dutchess, State of New York, which situation has been created by the dumping of debris, insect infested furniture and other miscellaneous junk on the front lawn of the premises; and

WHEREAS, the person in charge of the premises is Aurora Loan Services, LLC of Littleton, CO; and

WHEREAS, said person in charge of the premises has been notified of the situation; and

WHEREAS, the person has failed to take any corrective action by the deadline set forth in the Order to Remedy, a copy of which is attached and incorporated herein; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby declare the situation at 27 Beechwood Park as a public health threat and a public nuisance, as well as a private nuisance; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does declare the situation to be an emergency health related situation due to the infested furniture and other material on the property; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to take all steps necessary and proper and executed all agreements necessary and proper to have the situation immediately cleaned up; and

BE IT FURTHER RESOLVED, that upon the completion of the cleanup, the party doing the cleanup shall furnish the Town with a detailed statement of charges; and

BE IT FURTHER RESOLVED, that the Town Board does direct that the Aurora Loan Services, LLC of Littleton, CO be served with a copy of the bill; and

BE IT FURTHER RESOLVED, that upon receipt of the bill for services hereinabove described a lien shall be immediately filed against the property in the office of the Dutchess County Clerk by the Town Clerk of the Town of Poughkeepsie.

SO MOVED: S. Krakower/M. Cifone

Motion made to Amend resolution to put lien on immediately: S. Krakower/Supervisor Myers

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

Nays: None

CARRIED: 7-0

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

Nays: None

CARRIED: 7-0

06:17-SC 5 AUTHORIZE

Concerts in The Park At Fairview & Crestwood Parks

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize concerts at Fairview and Crestwood Parks, which concerts will be held by Anthony Dellvecchio and Michael LaFalce on the following dates;

Friday, July 10, 2009, 6:00-8:00 PM at Fairview Park
Friday, August 14, 2009, 6:00 – 8:00 PM at Crestwood Park

SO MOVED: Councilmen Tancredi/M. Cifone

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

06:17- SC 6 AUTHORIZE Police Department For Purchase
of Police Vehicle

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Police Department to purchase a 2009 Chevrolet Impala for the sum of \$20,000.00, pursuant to the June 12, 2009 memorandum from Chief Thomas Mauro, a copy of which is attached hereto; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to execute all papers necessary and proper to acquire the same.

SO MOVED: Supervisor Myers/M. Cifone

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

06:17-SC 7 APPROVE Fireworks Display For Dutchess Golf &
Country Club

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from the Dutchess Golf & Country Club to include a fireworks Display at their Independence Day Celebration to be held on Saturday, July 4, 2009; and

WHEREAS, the applicant has notified the Croft Corners Fire Department; and

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

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application as submitted for a fireworks display to be held on Saturday, July 4, 2009 at 9:00 PM at the Dutchess Golf & Country Club, 2628 South Road, Poughkeepsie, New York.

SO MOVED: J. Baisley/S. Krakower

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

06:17-SC 8 NOTIFICATION Liquor License Renewals For Hoe
Venture, LLC D/B/A Taft Avenue
Lanes, Inc. Located on Taft Avenue

NOTED BY TOWN BOARD

Motion made to suspend the rules for public speaking: Supervisor Myers/D: Seminara

CARRIED: 7-0

Town Clerk Miller: Councilman Cifone has asked that the Liquor License Renewals be sent to the Police Department for their investigation and approval and both of tonight's Liquor Licenses have been approved by the Police Department.

Doreen Tignanelli: I have a question about the Fort Family Cemetery. Has there been any more discussion about that before it comes before the Planning Board again? What is the status on it?

Councilman Krakower: I believe the Historic Preservation Commission voted to recommend it for Historic Preservation. Are we able to put it on the Agenda for the first meeting in July? The Developer is willing to give it to the Town as it is not part of his development. I think it is important to give it Historic Preservation, but, it's not going to directly impact the developer's project. I watched the Planning Board and I think the Planning Board was pretty clear on receiving it as a Historic Preservation and had intension of bringing it to the Town Board for review and to make a decision on it.

Doreen Tignanelli: The whole parcel is 4 acres. Just the cemetery will be made Historic, not the whole parcel.

Councilman Krakower: My suggestion is to look at doing something similar to what we did with the Poughkeepsie Spring where we have the property owner give the Town an irrevocable offer of cessation so that we can take at any time we want it, but we don't necessarily take title to it immediately and I don't know if the Planning Board can, but if they can, the Planning Board get the developer to make some sort of commitment toward maintaining that cemetery over time and setting side some funds to do that so it will be maintained in good order.

Unidentified Speaker: Spoke against the Building Inspector and the Town Board as to being lax regarding a piece of property on 33 Salt Point Turnpike. She accused the Building Inspector of allowing the building to become degraded because they failed to act and enforce the NYS Building Codes on this property. "The Building laws are being enforced on a pick and choose type basis. The building on 33 Salt Point Turnpike was noted in the Building Records to have been in poor condition since 1954. In 1954 there is nothing in the files that say Order to Remedy or says Violation. In 1998 there was something there where someone made application for a Plumbing Permit. No one went to follow up on that Plumbing Permit. In 2009, February 2, my cousin and I went to the Building Inspector and to the Assessor and we said "Look, let us know what this building is worth and if there are any violations on it. We were told there were no violations on this building and I pointed out the building next door and what about the violations to that building? "We don't know anything about the building next door", was the reply. The building next door has a roof and ceiling that is caving in. It looks like it is going to crumble and there are people and children living in that building, the very same people and children that were living in 33 Salt Point Turnpike. Where have you people been for the last 12 years? The Building Departments reply was; "You can live in any kind of building you want to." That was February 2, 2009 and I can prove this because I have a FOIL application and we spoke to the Assessor and to the Building Department and we made them fully aware of were we lived and who we were and what our intentions were and our intentions are to purchase 33 Salt Point Turnpike. Now, Mark purchased 33 Salt Point Turnpike on April 9, 2009. You had a dump day on April 11th and on that day we took approximately 4 loads of garbage to your dump. This is garbage that has been collecting on that property for years, where was your Building Inspector? He didn't list an order to remedy to anyone. He didn't issue an order of remedy on anyone for ever before Mark takes the property. Mark buys the property and cleans it up and the next thing he knows, he has an order to remedy for failing to have garbage cans. That was the order to remedy. Now, we would like to know from this Board, do we have to take photographs of our garbage cans, should we paint them yellow or pink to suit you? Look, this is ridiculous! We took away 10 years of garbage, where was the Building Inspector in that 10 years? We are living there and working there and continuing to clean up garbage against a cease and desist kind of order. Why, we bought that building with intensions of living there and we are cleaning it up and working on that building. We are going to sell it, however. Why? Because we are going to get the Hell out of

Poughkeepsie, we don't like living here and the way we have been treated! The Building Inspector came to our windows and took photographs through our windows off our porch. That's a violation of our privacy. We've been living there for 10 months." She accused the Building Inspector of planting tools and things in her basement to prove it unfit. We have been trying to get the building fixed, but we have a cease and desist order. We don't seem to be able to work with the Building Department.

Councilman Seminara and Cifone spoke to her with telling her how to move the issue forward by writing down what you intend to do and send a copy to the Building Department and cc: the Supervisor Myers.

Jim Baretta: I would like to commend the Board on the handling of Mr. Cody's case, I thought it very fair and very responsible. Mr. Cifone, I think your office (Inaudible) is exactly what's needed.

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

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: to discuss litigation strategy in the case known as Coyle vs. Town of Poughkeepsie
2. Real Estate matters to the extent public discloser would substantially affect the value of the property
3. Personnel matters: to wit: a meeting to discuss the employment history of particular individuals who need not be identified at this time
4. Confidential communication between attorney and his client/Town Board, based on attorney/client privileges.

SO MOVED: J. Baisley/T. Tancredi

MEETING ADJOURNED AT 9:15 PM

INTO EXECUTIVE SESSION AT 9:20 PM

MR. NELSON WAS INVITED TO JOIN THE BOARD

BACK FROM EXECUTIVE SESSION AT 9:59 PM

NO ACTION WAS TAKEN

Motion was made to close the Meeting : Supervisor Myers/M. Cifone

MEETING CLOSED AT 10:00 PM

SJM:lkm