

**MINUTES OF TOWN BOARD MEETING HELD ON  
JULY 1, 2009 AT 7:00 pm AT TOWN HALL, ONE OVEROCKER  
ROAD, POUGHKEEPSIE, NEW YORK**

**PRESENT:** Supervisor Myers  
Councilman Baisley  
Councilman Seminara  
Councilman Conte  
Councilman Krakower  
Councilman Tancredi  
Town Attorney Mahar  
Town Clerk Miller

**ABSENT:** Councilman Cifone

**\*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 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 agenda items: Supervisor Myers/J. Baisley

CARRIED: 6-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 6-0

07:01-01 ADOPT

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 ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 17<sup>th</sup> day of June, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town Code, Chapter 210, entitled "Zoning", and the Zoning Map of the Town of Poughkeepsie to rezone property located at 159 Channingville Road, Tax Parcel No. 6158-03-072409 from Institutional District (IN) to R-20,000 District; and

BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does declare itself Lead Agency under the New York Environmental Quality Act and pursuant to a review of the Short Form Environmental Assessment Form, does declare that said action is an Unlisted Action; and

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

SO MOVED: J. Baisley/T. Tancredi

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

Nays: None

CARRIED: 6-0

07:01-02 AUTHORIZE

Amend Town Code, Chapter 210,  
Entitled "Zoning", Specifically Article V,  
Section 210-22 To Provide For Outdoor  
Seating For Restaurants In The  
Arlington Town Center

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 17<sup>th</sup> day of June, 2009 at 7:00 PM 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 to provide for outdoor seating for restaurants in the Arlington Town Center as a special permitted use, which amendment authorizes sidewalk seating and tables for patrons subject to Section 210-104A and Section 210-104A provides for the purpose, criteria, and conditions for said action; and

BE IT FURTHER ENACTED, that a copy of said amendment is attached hereto and incorporated herein and is on file in the Town Clerk's Office; and

BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does hereby waive a verbatim reading and does direct that said amendment be spread across the record as if it, in fact, had been read verbatim; and

AND BE IT FURTHER ENACTED, that the Town Board declares its intent to act as Lead Agency under the New York State Environmental Quality Review Act and upon review Short Form Environmental Assessment Form does declare said action as an Unlisted Action and will not have an significant adverse impact on the environment; and

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

SO MOVED: D. Seminara/T. Tancredi

Councilman Tancredi: This came about to make it easier for the restaurant businesses.

All Councilmen in general are for this resolution and feel it to be an asset to the Arlington Business Area and possibly it may spread to other areas in the Town also.

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

Nays: None

CARRIED: 6-0

07:01-03 AUTHORIZE

Withdrawal of Notice of Discipline  
Served on Police Officer Kevin Enkler

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby withdraw without prejudice the notice of discipline heretofore served on Kevin Enkler dated November 6, 2006; and

BE IT FURTHER RESOLVED, that the Town Board does hereby discharge the hearing officer; and

BE IT FURTHER RESOLVED, that the Comptroller is authorized and directed to reimburse Kevin Enkler his thirty (30) days of pay withheld as a result of the issuance of the above cited notice of discipline.

SO MOVED: J. Conte/T. Tancredi

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

07:01-04 APPOINT Richard Cantor, Esq., As Special  
Counsel to Town for Non-payment of  
Fees & Charges by Dutchess County  
Resource Recovery Authority & County  
Of Dutchess

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Richard Cantor, Esq. of the firm of Teahan and Constantino as special counsel to the Town to provide litigation and consultation services at the rate of \$175.00 per hour in regard to the non-payment of fees and charges by the Dutchess County resource Recovery Authority and the County of Dutchess; and

BE IT FURTHER RESOLVED, that Richard Cantor, Esq. and the firm of Teahan and Constantino are specifically authorized to represent clients doing business with the Town, provided said business is not in connection with the subject matter of the first Resolved clause of this Resolution, and that Richard Cantor, Esq. and the firm of Teahan and Constantino are authorized to appear before, prosecute, and litigate claims on behalf of their clients before the Town Board, the Planning Board, the Zoning Board of Appeals or any other agency, board, official or employee of the Town.

SO MOVED: S. Krakower/J. Baisley

Supervisor Myers: I would like the record to reflect that I believe everyone received comments from Doreen Tignanelli and Jim Baretta in opposition to this appointment.

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

07:01-05 SET DATE FOR PUBLIC HEARING Amend Town Code, Chapter 195,  
Entitled "Vehicle & Traffic",  
Specifically Schedule XVI, Section  
195-51, Entitled "Parking Prohibited  
Certain Hours" For Miron Drive

Councilman Krakower: Motion made to Table this Resolution as the officer of favor from the Police Department set up a meeting with the School District and myself and Councilman Tancredi to try and figure out a way to address the parking situation with the Spackenkill High School students short of just putting signs on every street throughout Hagentown and Spackenkill Road and so we are going to see if we can sit down with the school officials and figure out a better way than non-stop signage and ticketing. If that is not successful, then this will come back on to the agenda. We would like to resolve it before the school is back in session in September and so we have the meeting coming up toward the middle of July and so I would like to adjourn this to the 5th of August.

#### TABLED TO THE AUGUST 5th MEETING

07:01-06 SET DATE FOR PUBLIC HEARING Amended Town Code, Chapter 195,  
Entitled "Vehicle & Traffic"  
Specifically Schedule III, 195-17, &  
195-48 Entitled "Parking Prohibited  
At All Times" For Main Street In New  
Hamburg To Repeal Amendment

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 22<sup>nd</sup> day of July, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as the time, date and place of a public hearing to consider an amendment to the Poughkeepsie Town Code, Chapter 195, entitled “Vehicle and Traffic”, specifically Schedule III, Section 195-17 entitled “Parking Prohibited at all Times”, and Section 195-48, Schedule XIII entitled “Parking Prohibited At All Times”, which amendment would be as follows:

**SECTION 195-48**

**REPEAL**

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Main Street (New Hamburg)	South	Reed Road to New Hamburg Road

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

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

SO MOVED: T. Tancredi/D. Seminara

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

Nays: None

CARRIED: 6-0

07:01-07 SET DATE FOR PUBLIC HEARING	Amend Town Code, Chapter 195, Entitled “Vehicle & Traffic”, Specifically Schedule III, Section 195-23, Entitled “Time Limit Parking” & Section 195-54, Schedule XIX, Entitled “Time Limit Parking”
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**RESOLUTION**

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 22<sup>nd</sup> day of July, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as the time, date and place of a public hearing to consider an amendment to the Poughkeepsie Town Code, Chapter 195, entitled “Vehicle and Traffic”, specifically Schedule III, Section 195-23, entitled “Time Limit Parking”, and Section 195-54, Schedule XIX, entitled “Time Limit Parking”, which amendments would be as follows:

**SECTION 195-54**

**REPEAL**

<b>Name of Street</b>	<b>Side</b>	<b>Hours</b>	<b>Location</b>
Main Street (New Hamburg)	Both	2 hours; 9:00 AM to 5:00 PM/Monday to Friday	Entire Length

**REPEAL**

<b>Name of Street</b>	<b>Side</b>	<b>Hours</b>	<b>Location</b>
Main Street (New Hamburg)	Both	2 hours; 9:00 AM to 6:00 PM/Monday to Friday	From Point Street to a point 510 feet east thereof

**ADD**

<b>Name of Street</b>	<b>Side</b>	<b>Hours</b>	<b>Location</b>
Main Street (New Hamburg)	Both	2 hours; 9:00 AM to 5:00 PM/Monday to Friday	Entire Length

**ADD**

<b>Name of Street</b>	<b>Side</b>	<b>Hours</b>	<b>Location</b>
Main Street (Arlington)	Both	2 hours; 9:00 AM to 6:00 PM/Monday to Saturday	From Taft Avenue to City line

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

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

SO MOVED: Supervisor Myers/D. Seminara

This is a correction of the original resolution sent to Albany and it was all mis-construed.

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

Nays: None

CARRIED: 6-0

07:01-08 SET DATE FOR PUBLIC HEARING Amend Town Code, Chapter 195 Entitled "Vehicle & Traffic", To Repeal Local Law #12 of 2009 Concerning Parking Prohibited At Certain Hours On Raymond Avenue, West

**RESOLUTION**

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 22<sup>nd</sup> day of July 2009, at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as the time, date and place of a public hearing to consider an amendment to the Poughkeepsie Town Code, Chapter 195, entitled "Vehicle and Traffic", specifically Section 195-51, Schedule XVI entitled "Parking Prohibited at Certain Hours" by repealing Local Law # 12 of 2009, as follows:

**REPEAL/ELIMINATE:**

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

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

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

SO MOVED: J. Baisley/J. Conte

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

Nays: None

CARRIED: 6-0

07:01-09 BID AWARD

New Roof For The Spackenkill Pump  
Station To J & A Roofing Company of  
Kingston

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the contract for the installation of a new roof at the Spackenkill Pump Station to J & A Roofing Company of Kingston, pursuant to the terms and conditions of the plans and specifications and the bid of the above cited company for the bid price of \$29,900.00, per the recommendation of the Water Maintenance Supervisor, which monies have been budgeted in Account # F8320.0442 (Repairs and Maintenance of Buildings), and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to execute a contract agreement with J & A Roofing Company of Kingston.

SO MOVED: D. Seminara/T. Tancredi

Councilman Seminara: Does anyone know how big that pump station is?

Supervisor Myers: It's good sized.

Councilman Tancredi: It seems to me, for this price, they are not just shingling a roof.

Councilman Seminara: Remove existing and insulation down to steel deck, remove equipment no longer in use, cover opening with galvanized steel, remove all debris from deck, apply and install 3" insulation –ok, this is really an expensive job. I'm ok with this.

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

Nays: None

CARRIED: 6-0

07:01-10 BID AWARD

For West Cedar Street & Fairview Park  
2009 Improvements To Marquise  
Construction

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the contract for "WEST CEDAR STREET AND FAIRVIEW PARK – 2009 IMPROVEMENTS" to Marquise Construction, pursuant to the terms and conditions of the plans and specifications and the bid of the above cited company for the bid price of \$97,452.25 per the recommendation of the Assistant Town Engineer, which monies shall be paid from the Community Block Grant, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute the contract agreement with Marquise Construction.

SO MOVED: J. Conte/T. Tancredi

Some of the Councilmen and Supervisor agree that they really narrow their scope of where they allow these things to happen. It is disturbing the way they administer the Community Development Block Grants. They don't think it is fair that certain neighborhoods rarely qualify and most of the Town would never qualify for this and they think it is wrong the way they do that.

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

Nays: None

CARRIED: 6-0

07:01-11 BID AWARD

For Road Improvements for Henmond  
Boulevard to Marquise Development  
Corporation

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the contract for "HENMOND BOULEVARD-ROAD IMPROVEMENTS" to Marquise Development Corp., pursuant to the terms and conditions of the plans and specifications and the bid of the above cited company for the bid price of \$365,479.75, per the recommendation of Morris Associates, which monies shall be paid from the H 23 Fund (Road Improvements), and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to execute a contract agreement with Marquise Development Corp.

SO MOVED: S. Krakower/T. Tancredi

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

Nays: None

CARRIED: 6-0

07:01-12 BID AWARD

For Phyllis Road, Donny Drive & Iris  
Court Road Improvements To B & K  
Excavation

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the contract for "PHYLLIS ROAD, DONNY DRIVE & IRIS COURT – ROAD IMPROVEMENTS" to B & K Excavation, pursuant to the terms and conditions of the plans and specifications and the bid of the above cited company for the Base Bid price of \$563,592.50, add Alternative 1 - \$9,000.00, per the recommendation of Morris Associates, which monies shall be paid from the H 23 Fund (Road Improvements) and grant monies heretofore received by the Town, and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to execute a contract agreement with B & K Excavation.

SO MOVED: T. Tancredi/S. Krakower

Motion made to amend the Resolution to read: "Shall be paid for through the remaining Grant money and additional monies through H 23 Fund.": Supervisor Myers/T. Tancredi

CARRIED: 6-0

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

Nays: None

CARRIED: 6-0

07:01-13 BID AWARD

For Rochdale Road Improvements  
To Marquise Development Corporation

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the contract for "ROCHDALE ROAD – ROAD IMPROVEMENTS" To Marquise Development Corporation, pursuant to the terms and conditions of the plans and specifications and the bid of the above cited company for the bid price of \$515,900.00 per the recommendation of Morris Associates, which monies shall be paid from the H 23 Fund (Road Improvements), and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to execute a contract agreement with Marquise Development Corporation.

SO MOVED: D. Seminara/T. Tancredi

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

Nays: None

CARRIED: 6-0

07:01-14 AUTHORIZE

Accept Maintenance Bond, Etc. from  
H. B. Wiltse Excavating, Inc. For  
Croft Road Improvements Project

REMOVED FROM AGENDA

07:01-15 RETAIN

David D. Hagstrom, Esq. To Equity  
Homes of New York, Inc. For Dutchess  
Court Subdivision

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore accepted a Letter of Credit required by the Town of Poughkeepsie Planning Board in regard to an approval for a subdivision known as Dutchess Court, on behalf of Equity Homes of NY, Inc., and

WHEREAS, said Letter of Credit was initially filed by Provident Bank, identified as Letter of Credit #2250 in the sum of \$132,900.00 and amended in 2007 to \$25,600.00, a copy of which {is} attached hereto; and

WHEREAS, the Letter of Credit will, by its term, expire August 1, 2009; and

WHEREAS, a substitute Letter of Credit has not been submitted; and

WHEREAS, the items secured by the Letter of Credit have not been completed, now, therefore,

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie, as beneficiary, does hereby authorize the Supervisor and/or the Town Attorney to sign all papers necessary and proper to call the letter of credit by demanding payment from Provident Bank on behalf of Equity Homes of NY, Inc. in the sum of \$25,600.00.

SO MOVED: S. Krakower/J. Baisley

Town Attorney Mahar: The other three companies with Letters of Credit have all renewed their Letter of Credit. The previous action taken by the Board gave us some good bargaining tip and we got all the paperwork in, this is the last one we had.

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

07:01-16 AUTHORIZE

David D. Hagstrom, Esq. To Initiate  
Lawsuit Against Chas. H. Sells, Inc.  
For Breach of Contract

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby retain David Hagstrom of Van DeWater & Van DeWater to initiate a lawsuit on behalf of the Town of Poughkeepsie against Chas. H. Sells, Inc. to recover monies for a breach of contract by Chas. H. Sells, Inc. in regard to a failure of said company to do a survey of slab flooring and beams that are utilized to support the roof of the Police/Court Facility, pursuant to the attached memo dated February 25, 2009.

SO MOVED: T. Tancredi/S. Krakower

Councilman Seminara: Ok, so we didn't get the report we wanted, and I'm just wondering, what is our course of action? Do we think we are going to ever get the report, do we wait –

Town Attorney Mahar: I have been communicating by mail and phone for at least 6 months to get the documentation and we still don't have it.

Councilman Seminara: Right, so my point is that we are probably going to have to go and get someone else to give us this report we need. Are they in complete breach now?

Town Attorney Mahar: Oh, yes.

Councilman Conte: It looks like an overpayment of \$6,000 and we are going to retain Dave Hagstrom for the lawsuit and so we are suing for \$6,000?

Supervisor Myers: Plus the report.

Councilman Conte: What about the recourse of what we could potentially spend on retaining Dave?

Town Attorney Mahar: To recover our attorney fees?

Councilman Conte: Yes.

Town Attorney Mahar: That will be a provision of the lawsuit itself. It will depend up how successful we are in obtaining the money and the lawsuit is not only to recover the \$6,000, but the original bid price of \$18,000 included this report and it's not in there. They know that, they acknowledged it.

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

07:01-17 RETAIN

David D. Hagstrom, Esq. to  
Represent Town In Action  
Entitled Rose Woods, LLC,  
Metro Builders Corp. & Dara Jo  
Corp. (See 07:01-25)

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby retain David D. Hagstorm, Esq. of Van DeWater & Van DeWater to represent the Town in regard to the action entitled *Rose Woods, LLC, Metro Builders Corp. and Dara Jo Corp. v. John T. Weisman, as Chairman of the Town of Poughkeepsie Planning Board, Town of Poughkeepsie, Pat Brown, as Town of Poughkeepsie Sewer Department Senior Sewer Operator, and George Cacchio, as Managing Operator of the Town of Poughkeepsie Water Pollution Control Department*, which services shall be performed at the rate of \$165.00 per hour.

SO MOVED: Supervisor Myers/J. Conte

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

07:01-18 AUTHORIZE Special Town Board Meeting July 15,  
2009 at 6:00 PM To Discuss Ginsburg/  
Casperkill

REMOVED FROM AGENDA

07:01-19 AUTHORIZE 2009 Juvenile Aid Bureau Grant  
SUPERVISOR Application  
TO SIGN

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign all papers necessary and proper for a grant application entitled NYS Office of Children and Family Services (OCFS) Funding Year 2009 for Youth Development Delinquency Prevention (YDDP), which requires a 50% local match for the Town of Poughkeepsie, for the program entitled Juvenile Aid Bureau.

SO MOVED: T. Tancredi/J. Conte

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

07:01-20 APPROVE 2009 Town Board Minutes:  
  
May 6, 2009 Regular Meeting  
May 13, 2009 Special Meeting  
May 13, 2009 COW 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:

May 6, 2009 Regular Meeting  
May 13, 2009 Special Meeting  
May 13, 2009 Committee of the Whole Meeting

SO MOVED: J. Baisley/J. Conte

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

07:01-21 AUTHORIZE  
SUPERVISOR  
TO SIGN

Community Development Block Grant  
Program 2009 Program Year  
Agreement Between Town & Dutchess  
County

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the Community Development Block Grant Program 2009 Program Year Agreement between the Town of Poughkeepsie and the County of Dutchess.

SO MOVED: D. Seminara/S. Krakower

Councilman Seminara: What exactly does this resolution do? Are these the ones already been awarded?

Supervisor Myers: These are the ones we are awarding tonight.

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

Nays: None

CARRIED: 6-0

07:01-22 AUTHORIZE  
SUPERVISOR  
TO SIGN

2007 Environmental Protection Funds  
Agreement For Longview Park  
Interpretive Signage Between Town &  
Department of State

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the 2007 Environmental Protection Funds Agreement #T006867 – Longview Park Interpretive Signage between the Town of Poughkeepsie and the Department of State.

SO MOVED: J. Conte/S. Krakower

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

Nays: None

CARRIED: 6-0

07:01-23 APPROVAL

Antique Car Show At Locust Grove, The  
Samuel Morse Historic Site, On Sunday  
July 12, 2009 From 8:00 AM to 5:00 PM

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the request submitted by Locust Grove, the Samuel Morse Historic Site to hold an Antique Car Show on Sunday, July 12, 2009 on the site at Locust Grove, 2683 South Road, Poughkeepsie, NY; and

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

SO MOVED: S. Krakower/T. Tancredi

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

Nays: None

CARRIED: 6-0

07:01-24 AUTHORIZE  
SUPERVISOR  
TO SIGN

To Process & Accept Grant For 2009  
NYS Office Of Children & Family  
Services Funding Cycle For Summer  
Recreation Program For Youth  
Development Delinquency Prevention  
Funds

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign all papers necessary and proper to process and accept a grant for the 2009 NYS Office of Children and Family Services funding cycle for the summer Recreation Program for the Youth Development Delinquency Prevention funds. (About \$11,000.00)

SO MOVED: T. Tancredi/S. Krakower

Councilman Seminara asked that the amounts be put in the official minutes instead of having to bring it up every time.

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

Nays: None

CARRIED: 6-0

07:01-25 NOTICE OF PETITION

Rose Woods, LLC, Metro Builders  
Corp., & Dara Jo Corp. V. John T.  
Weisman, Town Planning Board,  
Chairman; Pat Brown, Sewer  
Department, & George B. Cacchio,  
Water Managing Operator For  
Approval of Sewer System

REFERRED TO LEGAL DEPARTMENT

07:01-26 NOTIFICATION

Liquor License Renewal For  
Bonefish/Northeast D/B/A/ Bonefish  
Grill #9351 Located at 2185 South  
Road

NOTED BY TOWN BOARD

07:01-27 NOTIFICATION

Of Completion of Draft  
Environmental Impact Statement  
(DEIS) and Public Hearing on DEIS  
On July 9, 2009 For Ginsberg  
Development Company Project on  
Route 55 in the Town of LaGrange  
(See Town of Poughkeepsie Town  
Clerk for Information)

NOTED BY TOWN BOARD

07:01-28 NOTICE OF CLAIM

Brzozowski V. Town For Tire  
Damage Due to Pot Hole on  
Spring Road

REFERRED TO LEGAL DEPARTMENT

07:01-29 AUTHORIZE

Utilization of Town Hall Parking Areas For People Using Dutchess County Rail Trail if No Room is Left at Rail Trail Site on Overocker Road

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize utilization of Town Hall parking areas for those people using the Dutchess County Rail Trail in the event there is not adequate room at the current site located on Overocker Road.

SO MOVED: Supervisor Myers/T. Tancredi

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

Nays: None

CARRIED: 6-0

07-01-30 AUTHORIZE

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

RESOLUTION

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

- SC 1 Authorize Special Meeting – July 15, 2009 – 6:00 PM
- SC 2 Authorize Highway to correct condition at 183 Vassar Road
- SC 3 Set Date for Public Hearing Amend Town Code Chapter 195-41 Prohibited Turns – Beck Place
- SC 4 Notification Liquor License Application The Melting Pot
- SC 5 Notice of Claim Colliton V. Town
- SC 6 Notice of Public Hearing Town of Marlborough
- SC 7 Authorize Contract with Siemens Water Technologies for Bulk Storage Tank

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/J. Conte

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

Nays: None

CARRIED: 6-0

07:01-SC 1 AUTHORIZE

Special Town Board Meeting, Wednesday, July 15, 2009 At 6:00 PM To Approve Homestead/Non-Homestead Base Proportions

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby call a Special Meeting to be held on Wednesday, July 15, 2009 at {6:00} PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY for the following:

Approve	Homestead/Non-Homestead Base Proportions
Authorize	{Highway Dept. to correct the condition at 283 Violet Avenue - & a lien filed against the Property}
Authorize	{Zoning Administrator to correct the condition at 7 Jones Street – and a lien be filed against the Property}
Discussion	{Ginsburg Lawsuit}

SO MOVED: D. Seminara/T. Tancredi

Supervisor Myers: Anything else that may come before the Board.

Motion made to add items in { } in resolution: Supervisor Myers/T. Tancredi

CARRIED: 6-0

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

Nays: None

CARRIED: 6-0

07:01-SC 2 AUTHORIZE

Highway to Correct Condition At 183 Vassar Road

#### RESOLUTION

WHEREAS, Thomas and Dina Layton, 183 Vassar Road, Poughkeepsie, NY 12603 are the record owners of premises known as 183 Vassar Road, Town of Poughkeepsie, County of Dutchess, State of New York bearing Grid No. 6259-01-480885; and

WHEREAS, Freddie Mac, 500 Enterprise Road, Horsham, PA 19044 is the designated agent for the owners; and

WHEREAS, said owners and agent have been served with an Order to Remedy Violation dated June 12, 2008 and June 9, 2009 respectively; and

WHEREAS, the owners and the agent were directed to correct the condition set forth in the Order to Remedy, copies of which are attached, on or before June 22, 2009 or June 23, 2008 respectively;

WHEREAS, this has been done; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby direct the Superintendent of Highways or his designee to cut the lawns and furnish a statement of charges for labor and material including an additional ten (10%) percent of the base charge to the Comptroller pursuant to the Property Maintenance Local Law of the Town of Poughkeepsie and New York State Uniform Fire Prevention and Building Code, and

BE IT FURTHER RESOLVED, that upon receipt of the statement of monies due, a lien be immediately filed in the Dutchess County Clerk's Office against the premises.

SO MOVED: J. Conte/T. Tancredi

Councilman Seminara: This is under our vacant property ordinance? (Yes)  
Also, I spoke to Marc and he has no problems with administering a contract to get this done and so he is ok with it, too. It's a wheat field and it will make some people very happy.

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

07:01-SC 3 SET DATE FOR PUBLIC HEARING  
Amend Town Code, Chapter 195, Entitled, "Vehicles & Traffic", Specifically Section 195-41, Entitled "Schedule VI-Prohibited Turns At Intersections" For Prohibited Turns On Beck Place For July 22, 2009  
Town Board Meeting

#### RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby set the 22<sup>nd</sup> day of July, 2009, 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, to consider an amendment to Chapter 195 of the Town Code entitled "Vehicle and Traffic" and specifically, Section 195-41, "Schedule VI: Prohibited Turns at Intersections", which amendment is as follows:

#### REPEAL/ELIMINATE:

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

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

BE IT FURTHER RESOLVED, that if adopted, said amendment shall become effective upon filing with the Secretary of State

SO MOVED: S. Krakower/---

Town Attorney Mahar: I'm going ask to Table this because we wanted to authorize this, not repeal it. I think it's a typing error.

Motion made to Table until July 15, 2009 Town Board Meeting: Supervisor Myers/J. Conte

CARRIED: 6-0

TABLED UNTIL JULY 15, 2009 BOARD MEETING

07:01-SC 4 NOTIFICATION  
New Liquor License For New Restaurant Of Parlog Inc. D/B/A The Melting Pot Restaurant Located On Route 9 In the Poughkeepsie Galleria

NOTED BY TOWN BOARD

07:01-SC 5 NOTICE OF CLAIM

James Colliton V Town of  
Poughkeepsie & Dutchess County  
For Emotional Distress & Economic  
Damage

REFERRED TO LEGAL DEPARTMENT

07:01-SC 6 NOTICE OF  
PUBLIC HEARING

On July 13, 2009 The Town Board of  
The Town of Marlborough Will Hold A  
Public Hearing At Marlborough Town  
Hall At 6:30 PM To Amend & Create  
New Sections To Chapter 150, Entitled  
"Zoning"

NOTED BY TOWN BOARD

07:01-SC 7 AUTHORIZE

Contract With Siemens Water  
Technologies For Bulk Storage Tank

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award a contract to Siemens Water Technologies for the replacement and installation of a 4,050 gallon bulk storage tank, including quarterly service visits for a three (3) year term, which tank and services will be included in the purchase of Bioxide at \$2.10 per gallon, which equals \$8,505.00, and a mobilization fee of \$1,500.00, pursuant to the attached statement from Siemens Water Technologies Corporation.

SO MOVED: T. Tancredi, J. Conte

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

Nays: None

CARRIED: 6-0

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

CARRIED: 6-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 6-0

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

CARRIED: 6-0

MEETING CLOSED AT 7:50 PM

SJM:lkm