

**MINUTES OF TOWN BOARD MEETING HELD ON
SEPTEMBER 2, 2009 AT 7:00 PM 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 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

Councilmen Tancredi and Cifone presented some special awards for Little League residents in the community who have accomplished something special. Councilman Tancredi asked Nick Johnson to speak first.

Nick Johnson, President of Town of Poughkeepsie Little League: First of all, the kids are the 9 and 10 year old All Star Team from the Town of Poughkeepsie North. Town of Poughkeepsie North is the split Little League program in the Town, which is the Town north of Spackenkill Road. Most of these kids have been in this league since they were 4 and 5 years old in T-Ball. This year all these kids got selected to play on the All Star Team. The All Star Team represents the best 12 kids in the Town and they go out and play the other Town's in District 17. District 17 compromises all of Dutchess County, parts of Putnam and parts of Connecticut. It's about a 14 team league in their age group. The kids went out and not only captured District 17 but captured it in a pretty dominating fashion. One kid threw a perfect game and another kid threw a no hitter. These kids were just destroying the rest of the Towns out there on the ball field. It was fun to sit back and watch kids come together in such a fashion. Then they went on to a section tournament in which it would have gotten them to the State championship. They ended up losing in the semi-finals. They were down 7-1 going into the last inning and came back to 7-6, bases loaded, 2 outs and one of the kids gave a shot to the left field and the kid made a miracle catch and the game was over and the accomplishments were the District 17 Championship and the semi-finals of Section 4. The next move from there is we entered them into another tournament, which was a memorial tournament for 9 and 10 year olds of Dutchess County and the kids once again dominated and won that tournament, also. This is the future of the Town and the Town should be proud of their accomplishments.

Councilman Cifone read the proclamation:

PROCLAMATION

The Town Board of the Town of Poughkeepsie on behalf of the Town of Poughkeepsie and all the residents of the Town of Poughkeepsie do hereby salute the Town of Poughkeepsie Little League North.

The achievement of this All Star Team is attributed to the fine coaching staff and individual desire, courage, and talents of all the members of the entire team.

It is a magnificent accomplishment to work your way through the arduous schedule of your section to District 17 Champions, Section 4 Tournament, second place, and Champions in the 2009 Vito Tournament.

The individuals should truly be proud of themselves and they have achieved a feat that will separate them from other teams and provide them a lifelong memory of what could be accomplished through desire, training and dedication.

**EACH MEMBER OF THE TEAM WAS CALLED UP AND
RECEIVED THEIR PROCLAMATION AWARD**

The coaches were also recognized for their hard and dedicated work with this team.

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

CARRIED: 7-0

Doreen Tignanelli: Spoke regarding Item #6. Who will pay for David Hagstrom? Could you explain a little bit what that is?

Town Attorney Mahar: There was a schedule worked out between the parties at the Planning Board level where certain things were supposed to be completed no later than September 1, 2009 in regard to the work at that site. According to the reports we received, the work was not done and this would be to enforce the terms of the bond and the undertaking. One of the last things that will be resolved in the matter is the Town will ask for the reimbursement of the fees both on the undertaking and the bond and personal guarantee that was given by Mr. Algiers.

Doreen Tignanelli was glad to see that this is finally being settled.

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

CARRIED: 7-0

09:02-01 AUTHORIZE
SUPERVISOR
TO SIGN

Fall Kill Watershed Memorandum
of Agreement With The City of
Poughkeepsie & Towns of Clinton,
Hyde Park and Pleasant Valley

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a Memorandum of Agreement with the City of Poughkeepsie and the Towns of Clinton, Hyde Park and Pleasant Valley, which agreement is for the maintaining and enhancement of water quality and ecological health in and along the Fall Kill Creek and its tributaries, which are part of the Hudson River drainage basin, a copy of which is attached hereto.

SO MOVED: J. Baisley/T. Tancredi

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

Nays: None

CARRIED: 7-0

AGREEMENT ATTACHED TO FINAL BOOK COPY

09:02-02 BID AWARD

Transportation & Disposal of Grit &
Screenings & Ash Generated By The
Arlington Sewer Treatment Plant To
Residuals Management Services
D/B/A Earth Care

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the bid to Residuals Management Services d/b/a Earth Care for the transportation and disposal of grit and screenings and ash generated by the Arlington Sewer Treatment Plant for the sum of \$148.50 per ton for ash, \$170 per ton for grit and screening residue per the recommendation of the Sr. Treatment Plant Operator, and

BE IT FURTHER RESOLVED, the Town Board does hereby reject all other bids received in regard to the following:

1. The disposal of liquid sludge; and
2. Provision of containers and transportation of dewatered sludge to disposal site(s).

BE IT FURTHER RESOLVED, the Town Board does hereby authorize the re-advertising for the following:

1. The disposal of liquid sludge; and
2. Provision of containers and transportation of dewatered sludge to disposal site(s).

SO MOVED: D. Seminara/J. Baisley

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

Nays: None

CARRIED: 7- 0

09:02:03 BID AWARD

Buckingham/Inwood Avenue
Pavement Rehabilitation Project
To HB Wiltse Excavating

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the bid for the Buckingham/Inwood Avenue Pavement Rehabilitation Project to HB Wiltse Excavating for the base bid sum of \$258,000.00, which project is covered by stimulus money, pursuant to the notice of approval received on July 15, 2009.

SO MOVED: J. Conte/S. Krakower

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

Nays: None

CARRIED: 7- 0

09:02-04 BUDGET
MODIFICATION

Mark Fink From Central Data
Processing

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 for coverage of additional required support calls, as follows:

FROM:

A 1680.0205	Computer Hardware	\$6,600.00
-------------	-------------------	------------

the plan that was approved by the Town initially, with grading and engineering and everything else, the wet laws were changed in the Town of Poughkeepsie and we were the test case. They decided at that time to go away from the original plans and all the plans and engineering and work that was done with the Town, Planning Department and engineers, wetlands consultants, all had to be redone multiple times. Then the wetlands consultant for the Town also changed along the way. At that point we had already had all the permits, approvals and the army corps of engineers signed off and in order to satisfy the Town's new wetlands consultant, an entire revision and changes were done to the plan once again. The Army Corp. of Engineers had to review it once again and they took over seven months and every time we did this, it pushed us into another season. This has been a financial disaster for us and risks and those kinds of things plagued the property. I went through two contractors, one left and now we have someone confident and capable. As of today, what you see here in the pictures, it is way, way different than it was two weeks ago. We did have a contractor that met with our engineering firm and they worked out a schedule, but there was no possible way they could have figured out what the frequency and duration and quantity of weather we ended up having this summer. That in effect, was the end result of where it is today.

Two weeks ago when the Planning Board met I asked to speak to them because I asked our engineering firm to give them an update as to whether or not it was even possible under the conditions we were asked to work under, to meet that September 1st date. They wouldn't let me speak or read my letter which was a letter asking for a 6 week extension of the project due to the bad weather during the course of the summer inhibiting an production at all. The pictures you see here (Attached to final book copy) does not show a site that is not ready. We are somewhere in the 80%+ of completion. What is left to do are some things that the wetland consultant has noted in her reports. To call the bond at this point puts the contractor and his company out of business. He can not perform without a bond and he cannot bid public work and the same for our company. We need the bonding capability in order to be able to do it. What I am asking this Board to do is avoid litigation and spend the money on attorneys, I am about four weeks away at maximum. It needs to be landscaped, seeding, plants and tidy up some other things the wetlands and engineers may think they might like to have. So, I am asking for four weeks to finish that job up and that's it.

I'm hopeful you will grant me this one last extension, please.

Councilmen agree that he has made some substantial effort in this project and the weather has been a major deterrent this summer for them.

Councilman Seminara: Could they continue this work during our proceedings?

Town Attorney Mahar: Absolutely.

Councilman Seminara: Then if this was done in a month, we could probably withdraw our proceedings should they finish it, correct?

Town Attorney Mahar: Absolutely.

Town Attorney Mahar: Let me point out one thing. This time line and this table and all the action that has been taken in the past, this Planning Board action, we don't have the authority to adjust the Planning Board time, the only thing we have the authority to do, would be to Table the action.

Neil Wilson stated that the Planning Board is done granting extensions because there were many times in the past summers that work could have been done. Some months ago Mr. Algier and his engineers negotiated the date of September 1st for completion, weather was certainly a factor, but at this particular time, given the long history of this and non-compliance of the original plan, the Planning Board is simply asking the Town Board to commence the process to collect the bonds and declare the applicant in default.

I'm sure it will take at least four weeks to actually get the process started and underway. So, Mr. Algiers is free to continue to work and complete that process.

It was agreed that the Board would give Mr. Algier two weeks to report back to the Board and state where he is in the process, however, the process will be in progress to call the bond and if he completes in the meantime, all well and good. It has been seven years and it is going to end here.

Town Attorney Mahar: We could do something to the affect that we direct the Council to prepare all paper work for the initiation of the notice to call the bond to be served no earlier than two weeks from the date of the resolution.

Mr. Algiers: That is most reasonable, thank you.

Motion was made to propose the amendment to prepare all paper work for the initiation of the notice to call the bond to be served no earlier than two weeks from the date of the resolution: D. Seminara/J. Conte

CARRIED: 7-0

Board decided to go forward and not delay two weeks and so new roll call on the decision to delay.

ROLL CALL TO DELAY TWO WEEKS: Ayes: None

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

FAILED: 0 – 7

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

Nays: None

CARRIED: 7- 0

RECOMMENDATION AND REPORT ATTACHED
TO FINAL BOOK COPY

09:02-07 AUTHORIZE
AMENDMENT

South Hills Mall In Regard to
Sewer Charges On Bill Dated
August 20, 2009

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie pursuant to a letter from Keith Ballard dated August 18, 2009 along with a letter from Samantha Scotti dated August 14, 2009, with attachment, does hereby amend the sewer charges on the August 2009 bill to \$3,280.00 which bill has heretofore been sent to South Hills Mall, LLC and is amended insofar as the sewer charges are predicated on the amount of water used and as noted in the correspondence much of the water was used by virtue of a broken pipe and did not generate wastewater.

SO MOVED: Supervisor Myers/S. Krakower

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

Nays: None

CARRIED: 7- 0

09:02-08 ADOPT

Workplace Violence Prevention
Policy Statement & Designate Supervisor
Myers as Contact Person

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby adopt the attached Workplace Violence Prevention Policy Statement and does designate Patricia Myers as Supervisor as the designated contact person.

SO MOVED: J. Baisley/T. Tancredi

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

Nays: None

CARRIED: 7- 0

POLICY STATEMENT ATTACHED TO FINAL BOOK COPY

09:02-09 AUTHORIZE

Richard Cantor, Esq. To Appeal
The Decision In Regard To Lead
Agency Dispute Between Dutchess
Community College and The
Town of Poughkeepsie

TABLED

09:02-10 AUTHORIZE

Date Change For Block Party
Approved On August 19, 2009
Submitted by McKee

RESOLUTION

BE IT RESOLVED that the Town Board of the Town of Poughkeepsie does hereby amend RESOLUTION 8:19-SC 3 OF 2009 to read September 5, 2009 not September 7, 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

09:02-11 APPROVE

Liquor Licenses:
A. Original Application For
The Melting Pot Restaurant
Located on Route 9, Old Post
Mall Road

B. Renewal For LePavillon,
Inc. Located at 230 Salt
Point Turnpike

NOTED BY TOWN BOARD

09:02-12 SET DATE FOR
PUBLIC HEARING

To Amend Town Code Chapter
195, Entitled "Vehicles & Traffic",
Specifically Section 195-48,
Entitled "Schedule XIII, Parking
Prohibited At All Times"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 23rd day of September 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 amend Section 195-48, Schedule XIII, entitled "Parking Prohibited at all Times", which amendment is authorized by Section 195-31 B (1) (g)

which allows the Town Board to prohibit parking in certain areas of private property, Said amendment is as follows:

ADD:

“Parking at the entrance to the Casperkill Housing area located on Camelot Road at the intersection of Camelot Road and Bridgewater Way and the apron areas located at said entrance.”

SO MOVED: J. Conte/J. Baisley

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

Nays: None

CARRIED: 7- 0

09:02-13 APPROVAL

Block Party On Alfred Drive
Between Houses 1-15 on
September 12, 2009

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Kelly Auriemmo to hold a block party on Alfred Drive on September 12, 2009 from Noon to Midnight, with a rain date of September 13, 2009, and does hereby authorize the Highway Department to close said street from Noon to Midnight; 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: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 7- 0

09:02-14 AUTHORIZE

Release of Audit Report For The
Justice Court To NYS Office of
Court Administration

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby determine that the examination or audit required by Section 2019-a of the Uniform Justice Court Act was conducted and does consent to the release of the report and resolution to the Director of Internal Audit, NYS Office of Court Administration, Cohoes, NY.

SO MOVED: S. Krakower/T. Tancredi

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

Nays: None

CARRIED: 7- 0

09:02-15 AUTHORIZE

Town of Poughkeepsie Planning
Board As Lead Agency in Regard
To Dunkin Donuts Site
Redevelopment & Town Board
Sets Date For Public Hearing On
The Application of Dunkin Donuts

For Main Street Drive-In Overlay
District Designation

AMENDED
RESOLUTION

Matter of the application of Dunkin Donuts, 764 Main Street for Main Street Drive-in Overlay District Designation

WHEREAS, the Town Board has received an application for a Main Street Drive-In Overlay District Designation regarding property located at 748-764 Main Street, (Tax Parcel No. 6161-07-717826-0000 and 134689-6161-07-721825-0000, 134689-6161-07-724824-0000 and 1314689-6161-07-729823-0000 and 134689-6161-07-732822-0000) for a project known as “Dunkin Donuts Site Redevelopment”, (the “Application”); and

WHEREAS, the Applicant has also submitted the Application to the Town Planning Board seeking Site Plan Approval; and

WHEREAS, the action by the Town Board on the application for Main Street Drive-In Overlay District Designation is subject to a public hearing as an amendment of the Zoning Map; and

WHEREAS, the Town Board has received a notice from the Town of Poughkeepsie Planning Board seeking the consent of the Town Board to the Planning Board acting as Lead Agency to co-ordinate the Environmental Review of the action; and

WHEREAS, the Town Board has examined 6 NY CRR 617.2(u) and 617.6(b)(5)(v) of the State Environmental Quality Review Act (SEQRA) regulations and has determined that the Town of Poughkeepsie Planning Board, through its site plan approval authority under Chapter 210 has the broadest governmental powers to investigate the potential environmental effects associated with the Application, and has substantial experience and capability necessary to conduct a thorough environmental assessment of the action.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby consents to the Town of Poughkeepsie Planning Board acting as the Lead Agency; and
2. The Town Board sets October 7, 2009 at 7:00 PM, or as soon thereafter as the matter may come to be heard, in the Town Hall Meeting Room, as the date, time and place for the public hearing on the application for Main Street Drive-In Overlay District Designation; and
3. The Town Board hereby directs that a copy of the Application for Main Street Drive-In Overlay District Designation be delivered to the Town Planning Board for an advisory report pursuant to Town Code Section 210-154; and
4. The Town Board hereby directs that a copy of the Application for Main Street Drive-In Overlay District Designation be delivered to the Dutchess County Department of Planning and Economic Development for review and recommendation pursuant to the General Municipal Law Section 239-m; and
5. The Town Board hereby directs that a copy of this Resolution be delivered to the Office of the City Chamberlain of the City of Poughkeepsie pursuant to the notice requirements of the General Municipal Law Section 239-nn; and
6. The Town hereby directs that a copy of this Resolution be delivered to the Town Planning Board.

SO MOVED: T. Tancredi/M. Cifone

Councilman Cifone: I like the plan that they move it closer to Main Street and keep it from the residents in the back.

Councilman Seminara: Did they move that? (Yes) The plan we have in front of us now, is that the latest one then? (Yes)

Neil Wilson: The bulk of the plan remains the same. The details need to be worked out. I would like to see some additional landscaping particularly along the Main Street corridor and perhaps some sidewalks from the sidewalk in the front to the little receding area and one other thing I would like to see is the doorway on to Main Street. It is just shown as doorways out, whereas if you look on the side of the building there is actually a little portico, so you come in the door and you then step into another set of doors and I would like to see something similar out on Main Street. But, basically they shifted the building forward and they incorporated a lot of the little suggestions from the last meeting into the plan.

Councilman Seminara: Looks good.

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

Nays: None

CARRIED: 7- 0

09:02-16 AMEND

Resolution 7:01-12 From The July
01, 2009 Town Board Meeting To
Provide For Payments For B & K
Excavation For Phyllis Road,
Donny Drive & Iris Court Road
Improvements

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby amend Resolution 7:1-12 of 2009 to provide that payments for the contract awarded to B & K Excavation in the sum of \$572,592.50 for the Phyllis Road, Donny Drive and Iris Court Road Improvements shall be as follows:

- A. The proceeds of the grant monies heretofore received in the sum of \$267,925.00.
- B. The proceeds of the drainage bond up to the sum of \$348,882.00, and
If necessary,
- C. Any deficit from the H23 Fund Road Improvement.

SO MOVED; Supervisor Myers/J. Baisley

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

Nays: None

CARRIED: 7-0

Supervisor Myers: We approved the money on this before but we didn't provide the specific breakdown before and we needed to go back and do that.

09:02-17 APPROVE

Building Permit Renewal Fees
Waiver and Extension of Building
Permit for 1024 Dutchess
Turnpike

RESOLUTION

WHEREAS, Paul and Jacqueline White appeared before the Town Board on June 3, 2009 and requested a ninety (90) day extension of their building permit and a waiver of the permit fees for the renewal of the permit; and

WHEREAS, the applicants indicated that they could have the work done in ninety (90) days; and

WHEREAS, ninety (90) days expires on September 2, 2009; and

WHEREAS, the applicants are seeking another waiver; now therefore

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby grant a further ninety (90) day extension to Paul and Jacqueline White of their building permit and does waive the permit fees in the sum of \$362.00 for the renewal of said building permit.

SO MOVED: J. Baisley/S. Krakower

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

Nays: None

CARRIED: 7-0

09:02-18 NOTIFICATION

Public hearing On September 02,
2009 By Pleasant Valley Town
Board to Extend Local Law #8 –
Extend Moratorium Until
December 25, 2009

NOTED BY TOWN BOARD

09:02-19 APPROVE

Special Consent Items SC 1, SC 2,
and SC 3

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	Set Date for Public Hearing	Amend Town Code Section 210 – Zoning – Section 210- 9 – Definitions
SC 2	Notification	Liquor License – Babycakes Bakery Café
SC 3	Discussion	George Cacchio

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: D. Seminara/S. Krakower

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

Nays: None

CARRIED: 7-0

09:02-SC 1 SET DATE FOR
PUBLIC HEARING

Amend Town Code, Chapter 210,
Entitled “Zoning”, Specifically
Section 210-9 Entitled “Definitions”

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 23rd day of September, 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 to consider an amendment to Section 210 of the Town Code, entitled “Zoning” and specifically Section 210-9, which amendments are as follows:

Amend Section 210-9:

“SERVICE BUSINESS SERVICE USE, STORE OR SHOP”

“MOTOR VEHICLE RENTAL FACILITY”
“FLOOR AREA, GROSS; BUILDING AREA”
“FLOOR AREA, NET”
“RETAIL BUSINESS, RETAIL USE, STORE OR SHOP”

AND BE IT FURTHER RESOLVED, that said definitions are fully set forth in the attachment, and

BE IT FURTHER RESOLVED, that the Town Board waives a verbatim reading of said definitions and that the Town Clerk is directed to spread definitions across the record as if they had been read verbatim, and

BE IT FURTHER RESOLVED, that the Town Board does declare its intent to act as Lead Agency under the New York State Environmental Quality Review Act and does declare that said action is a Type II Action; and

BE IT FURTHER RESOLVED, that the Town Board does authorize and direct the Town Clerk to submit the proposed amendment to the Dutchess County Department of Planning and the Town of Poughkeepsie Planning Board for their written recommendation thereon;

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

SO MOVED: J. Conte/S. Krakower

Neil Wilson: This is a general cleanup. Service Business, there is actually one minor cleanup and there is a deletion of the Motor Vehicle Accessory Sales and Service. There is actually no such thing, it should have just read “Motor Vehicle Accessory Sales”, that was a type-o from the original Code. “Motor Vehicle Body Shop” was, again, a clean up from the old Code. We don’t even use that term in the current Code. The addition of “Motor Vehicle Rental Facility” is new and as a result of the proposed change in the definition of “Motor Vehicle Rental Facility”, that would now include Taxi and Limousine service in that definition. We have had some inquiries recently as to whether the term “Service Business, Service Use, Store or Shop” would include Taxi and Limousine services. If you look at the existing language, there is clearly an attempt to eliminate motor vehicle sales and types of services and taxi and limousine services from that list of uses under service business. The idea being that if the Town Board wanted to allow the limousine services it could do so just by listing “Taxi and Limousine Services” as one of the individual uses within any of the Districts here and so this is kind of a clean up and clarification. We use the term “Gross floor area and building area” in our Code currently, but we don’t define them. In looking at it, it was decided to add the “Net Floor Area” and that was because when we did the Code revision back in 2007, we never really spent a lot of time on the parking standards. The staff has been talking about revising parking standards as to how much parking entailed in restaurant uses and things like that. I personally think that a lot of Codes require typically more parking than is actually needed to meet the use. The idea being that the parking standard should be reflective of the actual sales floor area and not the stairways and elevators, etc. not generating customer traffic. “Retail Business, Retail Use, and Store or Shop” it was an oversight. We have had in the old Code for a long time and in the current Code the definition “Motor Vehicle Rental Facility”. It was an oversight not to include that in the original definitions. I have also had a lot of questions as to why indoor and outdoor flea markets being retail uses also be encompassed in the definition and the answer is “no”, they are separately listed in the Code and it cleans it up.

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

Nays: None

CARRIED: 7-0

DEFINITIONS ATTACHED TO FINAL BOOK COPY

Babycakes Bakery Café'
Located at 1-3 Collegeview
Avenue

NOTED BY TOWN BOARD

Councilman Krakower thanked Councilman Tancredi, Police Chief Mauro and Police Sergeant Faber for their work on doing such a good job to install signs on Raymond Avenue for overnight parking.

09:02-SC 3 DISCUSSION
& APPROVAL

Request of Monies for
Emergency Repair of Main
Line Sewer Pipe Located
On Spackenkill Road

George Cacchio, Sewer Plant Manager: Mr. Cacchio described the need for an emergency repair of the main line sewer pipe that is located on Spackenkill Road. In mid July we had a major break of the major transmission line on Spackenkill Road and that line at times flows at a rate of about 3.6-3.7 million gallons a day. We replaced 20 feet of that pipe and we found that the top of the pipe had deteriorated from probably Hydrogen Sulfide. I think it has been minimized by the use of Biocide which is a chemical we feed in to mitigate the formation of the Hydrogen Sulfide. You approved a \$5500 expenditure for a TV portion of the line down stream from the line that deteriorated and we observed that that line needs some improvements. We got a submission from the Contractor that did the Davis Avenue job and we are very happy with it. We feel that there is about 445 feet of 21" pipe that needs to be repaired and we feel it is cost effective to slip line it and not to dig all of Spackenkill Road up. A big problem is maintaining continuity of wastewater flow during the operation and that is a major part of the cost. We will have to bring in contractors who will bring in a 12" pump to pump it around for probably 24 hours. We have an estimate of \$82,500 to provide all of that. It will probably take two days to slip line the pipe.

The Town Board declared an emergency and then approved Supervisor Myers to enter into a contract for emergency repairs with Lash Contracting Corporation following a review by Attorney Thomas Mahar and the Water Pollution Control Department.

Town Attorney Mahar: For the \$82,500 they are going to clean the rest of the pipe and then they are going to TV and if everything is ok then, they will go to the next step which is the lining aspect of it. If they get to the point after the cleaning and the TV and the pipe cannot be salvaged, the contract is over and we owe them \$5500. We probably will have a lot of money to pay for a brand new pipe. So, the cheapest way is the way Mr. Cacchio has outlined it.

Motion made to declare emergency and receive a contract from Lash Contracting Corp. and authorize Supervisor to sign: S. Krakower/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

Doreen Tignanelli: Spoke about taxes in the Fire Districts. The Arlington Fire Department is having a special meeting on September 3rd. at 7 PM about budget preparation at the firehouse on Burnett Blvd.

Councilman Krakower suggested asking the Fire Company to use the Town Hall Meeting room and the use of the television cameras to televise it to the public.

James Doxsey, Dutchess County Legislator: I have a couple concerns tonight that I would like to bring forward. The impact that the potential Dutchess Community College is going to have with the added dorms. The College is boasting an 8,000 student tuition with a 10% increase tuition for the 2009 Fall with a 7,000 student enrollment in the Spring with another 10% increase in enrollment. With the 8,000 students we are going to add potentially 800 students per week into that area with traffic alone. Emergency services, I feel, are inadequate currently, as we have now and the impact of those 800 students along with the 465 potential dorms being built and the 200+ people coming in the Pendell Commons, the impact to this area is going to be extreme. Right now we have a very difficult time parking in the college. There is inadequate college parking now and the people are now parking in the Bradley Village area and the side streets.

Councilman Cifone: We will be addressing that next week.

James Doxsey: Another issue I have is the current parking for the students renting homes in the Fairview Fire District for Marist College. On August 30th, we know that the houses are only allowed five students per house, and along with photos and copy of 11 cars in a particular two family household, I addressed that with the Zoning Board and I would like a meeting with the Chief and get that addressed.

Councilman Cifone: I can save you some time, that will be addressed Wednesday. Come to the meeting. You can have Zoning go there, they don't have to let you in. You can have visitors come to your home. We have to go to court to get that. That's one of the problems, you don't know if someone is visiting or if they are living there.

Councilman Seminara: Are there further votes to be made on this in the County Legislature?

Supervisor Myers: Just the location on and leasing of the soccer field across the street, not on the dorms, right.

James Doxsey: Yes. The resolution that was brought forward last year was the 25 acres on Cottage Street and the legislature approved the 25 acres so the college could move forward in their project. The 25 acres was specific and the resolution was solely for the construction of the residential dorms. Now that proposal is off the table as far as Dr. Conklin is concerned and he moved the residential dorms onto the property at Dutchess Community College. In my opinion, that property has now gone back to the County, although the resolution has not been brought forward and Dr. Conklin has made the proposal to the NYS DEC Commissioner Peter Granis and stated in his review that the college already has that property for the soccer field, when they truly do not. So, there is some misleading information going out.

Councilman Seminara: Will the Legislature vote to make sure that it is clear that that property has been brought back to the County?

James Doxsey: That eventually will come to the County.

Councilman Seminara: So, there is no further Legislative votes needed in the Dutchess County Legislature for this dormitory project to move forward?

James Doxsey: Correct.

Councilman Cifone: But don't you feel that since the County Legislature voted to allow Dutchess to have that property on Cottage Street to actually build dorms on that, they would just give them the soccer field? They were going to let them put dorms on it, what's to stop them to give it to them to put a soccer field?

James Doxsey: Correct, You've heard the phrase "The fox storming the henhouse" and we know that that's occurring right now. I believe the decision was wrong for the NYS DEC Commissioner Granis to move the lead agency with the college, but that's my own opinion. The concerns going on in the area, we know that the college will be able to do

anything they want. They did not initially allow scoping and now they are going to bring scoping forward and it is my opinion, the scoping does nothing. It allows the public to come and voice their opinion, but the college is going to do what they want to do. That's what happened last week with the Pendell Commons. 27 people voiced their opinions at the public hearing and the Planning Board said, "We like the project, we are going to move forward and vote on it in October." I believe they will move forward with it in spite of the people's comments at public hearings. After the public hearing, the first thing that the Chairman said is that he liked the project and "We will make our decision in October."

Councilman Seminara: But there is no potential somewhere for someone to bring suit against Dutchess County for putting dorms in a community college? It doesn't make sense that someone can't stop that.

Councilman Cifone: I think he may have said it was a good project and on the face value it is a good project. He also said that if they can't mitigate every action that comes forward, then the project wouldn't pass, but he was confident they could mitigate everything. I spoke out against the project because I don't think it's great for the character of the neighborhood. We would rather have single family houses or condos over there.

James Doxsey: This is going to be a major impact on the neighborhood. The costs the Fairview Fire District will get in taxes will not suffice the cost of what it is going to cost us to provide emergency services. The vote went 13-12, so, what Dr. Conklin brought forward to the NYS DEC Commissioner that they have the Legislatures blessings, well, they have 51%. With the 25 acres in question, right now, it was to allow the college to move forward to start into the scoping process to see if they can move forward on the \$30 million project. So, that's all that this was potentially to give the 25 acres to the college so they could start their proceedings and putting the project together. It doesn't give them authorization for that property.

Councilman Seminara: I think you legislators have to find a way to stop this. Can't you declare that land as Historical because of all the soccer playing there.

James Doxsey: There is, also, wetlands on that 25 acres.

Councilman Seminara: Ok, then why don't you talk to 13 other legislators.

Supervisor Myers congratulated Police Chief Mauro on the good work done by the Police Department in protecting and guiding students crossing the roads and highways when schools first opened.

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

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 a case known as Ginsberg vs. the Town.
2. Personnel Matters, to wit: A meeting to discuss the employment history of Particular individuals who need not be identified at this time.
3. Confidential communication between attorney and his client/Town Board based on attorney/client privileges.

BE IT FURTHER RESOLVED, there will be no action appropriating money.

SO MOVED: J. Baisley/T. Tancredi

CARRIED: 7-0

MEETING ADJOURNED AT 9:20 PM

INTO EXECUTIVE SESSION AT 9:25 PM

BACK FROM EXECUTIVE SESSION AT 9:48 PM

NO ACTION WAS TAKEN

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

CARRIED: 7-0

MEETING CLOSED AT 9:49 PM

SJM:lk