

**MINUTES OF TOWN BOARD MEETING HELD ON
NOVEMBER 4, 2009 AT 7:00 PM AT TOWN HALL,
ONE OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

PRESENT: Supervisor Myers
Councilman Baisley
Councilman Seminara
Councilman Cifone
Councilman Tancredi
Town Attorney Mahar
Town Clerk Miller

ABSENT: Councilman Conte
Councilman Krakower

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

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

{ } designates corrections

7:00 PM

CALL TO ORDER

SALUTE THE FLAG

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

CARRIED: 5-0

Doreen Tignanelli: These questions are from my husband: Why is traffic control going up from \$5,000 to \$29,400? Materials and supplies went from \$5,000 to \$14,400 and contracted services went from \$0 to \$15,000. It seems like a very big jump for one item. The other question is, why is the Planning Budget going up \$52,000. It seems like most of the increases are salaries and part-time. I will hand this in for the record. My personal comments are as follows: I ask that the Town Board work to insure that fees are imposed upon violators when "Stop Work" orders are issued. I don't believe that it is fair for taxpayers to have to absorb costs associated with violations of the law; also, regarding special meetings that are scheduled for violators like the VanGuard Project in the Second Ward. The taxpayers are paying costs for field trips, legal counsel and Board Members to attend the meetings and Planning Board Secretary and other Town employees. In the case like this, where it's a case to have to just baby sit a repeat violator, the Town residents shouldn't have to pay for that. (I have five pages of comments here and I will just submit them to you to distribute to the Council.)

LETTER ATTACHED TO FINAL BOOK COPY

Susan Salem: I'm in the middle of going over the Budget and I have a problem with the price of what we are paying for the Medical and Health Insurance. Almost every department has gone up to \$10,000 or \$20,000 higher this year than last year for Medical Insurance. I also came across a couple of Departments where one of them has a \$150,000 miscellaneous funds. They need \$150,000 in miscellaneous funds? I don't have my notes with me now, but next time I can tell you which department.

Councilman Tancredi: Well, I think that is misleading, because I don't believe any department has that much miscellaneous fund. I would have to look at that closer. It is misleading.

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

CARRIED: 5-0

Town Clerk Miller: I certify that notice of the Public Hearing was posted on October 22, 2009 and published in the Poughkeepsie Journal on October 24, 2009.

11:04-01 PUBLIC HEARING

For The Preliminary Budget Adoption

As The Town Budget in November

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie adopted its Preliminary Budget for the year 2009 on October 21, 2009; and

WHEREAS, the Town Board set November 4, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the date of the public hearing on said Preliminary Budget; and

WHEREAS, said public hearing was held on November 4, 2009 at 7:00 PM at the Town Hall of the Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby adjourn the public hearing in regard to the adoption of the Preliminary Budget, as amended, as the Town of Poughkeepsie Budget for the year 2010 to November 13, 2009 at 6:00 PM at the Town Hall, Town of Poughkeepsie, Overocker Road, Poughkeepsie, NY.

SO MOVED: J. Baisley/M. Cifone

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

CARRIED: 5-0

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

CARRIED: 5-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 5-0

11:04-02 SET DATE FOR PUBLIC HEARING Amend Town Code, Chapter 195, Entitled "Vehicles And Traffic", Specifically Section 195-31 Entitled "Restriction of Parking on Private Lands"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 18th day of November, 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 195-31, Paragraph B (1) ADD: at line 9

"...industrial park or industrial complex, **or public parking lots for railroad facilities,**" (new material in bold print)

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

SO MOVED: D. Seminara/J. Baisley

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

CARRIED: 5-0

11:04-03 SET DATE FOR Amend Town Code, Chapter 195, Entitled "Vehicles And Traffic", Specifically Section 195-39 Entitled "Schedule IV; One – Way Streets"

& Section 195 – 7, Entitled “One-Way Streets”

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 18th day of November, 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 195-7 and Section 195-39, Schedule IV, entitled One-Way Streets, which amendment is authorized by Section 195-31 B (1)(g), which allows the Town to regulate traffic control in certain areas of private property, which amendment would be as follows:

ADD:

NAME OF STREET	DIRECTION OF TRAVEL	LIMITS
Metropolitan Transportation Authority (MTA) Parking Lot Southern Driveway off County Route 28 (New Hamburg Road)	West	No Entrance from County Route 28 (New Hamburg Road) into Metropolitan (MTA) Parking Lot

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

SO MOVED: M. Cifone/J. Baisley

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

CARRIED: 5-0

11:04-04 SET DATE FOR PUBLIC HEARING Amend Town Code, Chapter 203, Entitled “Water”, Specifically Section 203 – 8 Entitled “Rates, Charges and Billing”

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 18th day of November, 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 add Section 203-8(L) and (M) as follows:

L. Various fees.

¾ in. Meter Installation	\$300.00 From \$150.00
1 in. Meter Installation	\$350.00 From \$150.00
Water Service Fee	\$35.00 From \$25.00
Sewer Service Fee	\$35.00 From \$25.00

M. Unit Fees for Infrastructure Permits.

Water:

Appurtenances (Meter Pits, Water Mains, Backflow Devices, Fire Hydrants, and Misc. Appurtenances)	\$35.00/each From \$25.00
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Sewer:

Appurtenances (Manhole, Grease Traps, Sewer Mains, Laterals, and

Misc. Appurtenances)

\$35.00/each From \$25.00

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby declare itself as Lead Agency, does determine that this is a Type II Action, and does further determine that no further environmental action is required; and

BE IT FURTHER RESOLVED, that said local law, upon adoption, will become effective upon filing with the Secretary of State as prescribed by law.

SO MOVED: T. Tancredi/M. Cifone

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

CARRIED: 5-0

11:04-05 SET DATE FOR
PUBLIC HEARING

Amend Town Code, Chapter 203,
Entitled "Water", Specifically
Section 203 – 5 Entitled
"Connection With Mains"; Section
203-8 Entitled "Rate, Charges And
Billing" and Section 203-6 Entitled
"Meters: Civil Penalties"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 18th day of November, 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 of Poughkeepsie Code, specifically Chapter 203, entitled "Water", which amendment would be as follows:

Section 203-5 – Connection with Mains

I. DELETE:

Section 203-5 (A)(3) – "Building requiring fire line services must have a separate domestic water service. Combination fire and domestic water services are not permitted."

II. AMEND (new material in bold print):

E. Copper Type K is the only acceptable pipe for service laterals up to 2" and under 200' long. **Services 1" and up to 2" over 200' long that require a meter pit may be installed using 200 psi PE (Polyethylene) plastic pipe between the meter pit and the house.** Type K Cooper must be used from main to curb box and curb box pit. The CTS (Copper Tubing Size) Poly pipe connect using stainless steel sleeves and compression fittings. Plastic pipe must have 5' cover and be installed with a tracer wire for locating purposes. Services larger than 2" must be ductile iron pipe. Fittings must be compression type for copper pipe. Non-draining curb boxes only.

III. AMEND (new material in bold print):

Section 203-8-Rate, charges and billings

D. Tap charges

(1) The charge for taps of ¾" and 1" size shall be increased to **\$150** from \$55 and increased to **\$185** from \$65, respectively. Materials to be supplied by others.

(2) The charge for taps from 1 ¼" to 2" size shall be **\$275**. Materials to be supplied by others.

(3) The fee of **\$750** for a standard large tap, and **\$950** for 20" or larger tap shall be charged. Material to be supplied by others.

IV. AMEND (new material in bold print):

Section 203-6-Meters, civil penalties.

C. Change penalty from \$75 to **\$150**.

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby declare itself as Lead Agency, does determine that this is a Type II Action, and does further determine that no further environmental action is required; and

BE IT FURTHER RESOLVED, that said local law, upon adoption, will become effective upon filing with the Secretary of State as prescribed by law.

SO MOVED: Supervisor Myers/M. Cifone

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

CARRIED: 5-0

11:04-06 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 18th day of November, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, NY as for the time, date and place of a public hearing to consider an amendment to the Town of Poughkeepsie Plumbing Code, Section 154-31, entitled "Homeowner's Plumbing Permit", which amendment would be as follows:

AMEND (new material is in bold print):

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 within the dwelling** on his or her own property. The purpose of the examination is to enable the administrative authority to assess the capability of the individual to deter abuse of this privilege. The terms of this provision are applicable only to residential properties owned and occupied as the homeowner's principal residence **and shall not be construed or interpreted as authorizing any work by a non-licensed plumber between the water main and the house and such activity is expressly prohibited.**

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby declare itself as Lead Agency, does determine that this is a Type II Action, and does further determine that no further environmental action is required; and

BE IT FURTHER RESOLVED, that said local law, upon adoption, will become effective upon filing with the Secretary of State as prescribed by law.

SO MOVED: J. Baisley/M. Cifone

According to the way the Resolution reads: The Board feels the homeowner should not be told they can not do work within their own home with or without a permit. State specifically what types of work the homeowner should be able to perform themselves in their own home.

Michael Schnorr, Plumbing Board Chairman: Really, this would be anything requiring a permit.

You don't need a permit to change a shower head or a trap. If you are going to put in a new boiler or a new bathroom, you would need a permit. So, if the homeowner wants to do that kind of work, he has to come in and take a test. This has been on the books for a long time. Keith in the Sewer Department has come forward to us and let us know that he has been having issues with the infrastructure work outside.

Councilman Seminara: I have no objection to that. All I am asking you to do is to go back and make it crisp exactly the work that we are not going to allow a homeowner to do without a permit. I'm not too sure about the putting in of the bathroom. A lot of people can put in a bathroom. Getting into heating systems and outside the home ground work, that's different. I just think we need to define what we are after to bring people in for a permit.

Motion made to Table:

TABLED UNTIL FURTHER INFORMATION IS GATHERED

11:04-07 AUTHORIZE

TruFleet, Ltd. Contract Extension

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby extend the current agreement between the Town of Poughkeepsie and Trufleet, Ltd. For one (1) year from October 1, 2009 through September 30, 2010, with a 0% increase, and does further ratify and extend all other terms and conditions of the existing agreement by attaching a certified copy of this resolution to the existing contract.

SO MOVED: D. Seminara/T. Tancredi

Councilman Baisley commended Bill Galbraith and thanked him for coming forth during the budget process and agreeing with us during these tough times for a 0% increase because it made negotiations a little easier.

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

CARRIED: 5-0

11:04-08 DISCUSSION

Town of Poughkeepsie Little League Submitted
A Grant Application For Additional Lights To
Crestwood Field for \$50,000 to The Baseball
Tomorrow Fund and Requests a Letter of Support
From the Town Board

Supervisor Myers: I think it is commendable that the Little League wants to put up lights on the field but I don't know how they can do it when they don't own the property. Crestwood Park is Town property. I don't think Crestwood is the right venue for lights either, as it is right in the middle of a residential neighborhood and I don't think anybody would want those lights in their backyard all night. If they could switch this to Jackson Road, which is a complex of fields where it wouldn't bother anybody, I think it would be great, but I really can't support lights at Crestwood Park on Town property.

PRESENTATION AT NOVEMBER 18TH COW MEETING

11:04-09 NOTIFICATION

Liquor License Renewal:

- A. Waiver For Dough Boys Pizzeria
Located At 51 Fairview Avenue
- B. RR Poughkeepsie, LLC D/B/A Red
Robin Oakwood Commons Located
At 2511 South Road, Route 9

A.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Dough Boys Pizzeria, Inc., 51 Fairview Avenue, Poughkeepsie, NY for a waiver of the 30 day review period for renewal of liquor license; and

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

SO MOVED: M Cifone/D. Seminara

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

CARRIED: 5-0

B.

LIQUOR LICENSE RENEWAL NOTICE

A & B NOTED BY TOWN BOARD

11:04-10 NOTICE OF
CLAIM

Tim Molon V. Town for Damage
to His Automobile on Davis Avenue
From Hole Cut in Road

REFERRED TO LEGAL DEPARTMENT

11:04-11 AUTHORIZE

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. Authorize Supervisor to Sign

Federal Aid Highway and Marchiselli Aid
Local Project Agreement – Creek Road
Pavement Rehabilitation

SC 2. Notice of Claim

Vaughn Vs. Town

SC 3. Notification

Public Hearing – Town of Wappinger

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: T. Tancredi/M. Cifone

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

CARRIED: 5-0

11:04-SC 1 AUTHORIZE
SUPERVISOR
TO SIGN

Federal Aid Highway & Marchiselli Aid
Local Project Agreement For Creek
Road Pavement Rehabilitation With
NYSDOT

Councilman Tancredi: Now, this is stimulus money? (Yes) Does this mean that we have been approved for this project?

Supervisor Myers: Yes, the Governor has signed it. As soon as we start sending in bills, they will start sending us money.

Councilman Seminara: You might recall also, that we have to jump through additional types of hoops to pave our road with somebody else's money and I really think this is an inefficient way of doing things. This really gets me. This resolution alone, that we have to prepare to keep them happy and do it in just manner, is just indicative of how ridiculous this is.

Councilman Baisley: I agree, going back and forth to DOT six and seven times. This State is ridiculous. But, that's government. If we don't take it, someone else will.

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

CARRIED: 4-1

11:04-SC 2 NOTICE OF CLAIM

Keith L. Vaughan V. Town for Loss of
Electrical Lateral to Building Due to Tree
Trimming Truck

REFERRED TO LEGAL DEPARTMENT

11:04-SC 3 NOTICE OF
PUBLIC HEARING

Town Board of Wappinger Will Hold a
Public Hearing November 23, 2009 to
Amend Chapter 230, Entitled "Vehicles
And Traffic" For Prohibiting The Parking
Of Heavy Commercial Vehicles on Town
Roads

NOTED BY TOWN BOARD

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

CARRIED: 5-0

NO SPEAKERS CAME FORWARD

Peter Valdez: My comments today are in regards to the Arlington Fire District Special Meeting which was held on Monday regarding the 2010 Budget. The Board members approved the budget. The good news is that thanks to Doreen, Jim, Bob, and a lot of the other residents that spoke up, we were able to reduce that budget significantly and we should all be proud and the residents should know that this is our Fire District, we pay the taxes and 99 cents out of every tax dollar goes to fund the Fire District and the residents spoke about the budget and they have a say in what goes on. We just can't leave it up to the fire commissioners to make all the decisions. We have a say as to how we want that district run. I'm very proud that we were able to get that message across.

Councilman Seminara commended the residents and people who go out to the Fire Board Meetings, Budget Meetings, Board Meetings, Planning Board Meetings, etc. and make their wishes known. "Thank you."

Doreen Tignanelli: Just wanted to make a few more comments about the Fire District Budget. Its good it came down, but it still up a million dollars over last year. I've been looking over their budget worksheets and it's really troubling to me, some of the expenses. When they are proposing double digit increases to people who are losing their jobs and struggling to pay for their homes and pay their bills, and yet for September alone there was a transaction of paying \$800 for the new Fairfields Sparklers Drum Corp. to come and march in their Pleasant Valley Day Parade. When I asked one of the Commissioner's if that was necessary, they said, "Well, we need that to keep the volunteers happy." It seems unimaginable to be spending that in times

like this. Also, the PR materials they give out cost almost \$6,000.; \$3,500 for pencils and stickers, \$1,100 for coloring books and \$1,372 for fire hats for children.

Councilman Baisley: Doreen, in their defense, that's their educational process going into the schools. That is #1 Fire Safety by going into the schools and educating the children. If you can prevent the children from getting injured or killed in fires due to poor knowledge, that \$6,000 is well worth its weight in gold.

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

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

CARRIED: 5-0

MEETING CLOSED AT 7:58 PM

SJM:lkm

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

CARRIED: 5-0