

effective January 4, 2010, which appointment is subject to a probationary period of not less than 8 nor more than 52 weeks per Civil Service Law.

SO MOVED: J. Conte/S. Krakower

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

Nays: None

CARRIED: 7-0

12:02-04 ADOPT

Police Department Policy & Procedure
For Emergency Response Driving &
Vehicle Pursuit Management

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby adopt the new Police Department Policy and Procedure for Emergency Response Driving and Vehicle Pursuit Management, copies of which are attached hereto.

SO MOVED: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 7-0

PROCEDURES ATTACHED TO FINAL BOOK COPY

12:02-05 SET DATE FOR
PUBLIC HEARING

Amend Town Plumbing Code, Chapter
154, Entitled "Plumbing", 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 16th day of December, 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 Plumbing Code, Section 154-31, entitled "Homeowner's Plumbing Permit", which amendment would be as follows:

AMEND (new material in bold print)

Section 154-31. Homeowner's Plumbing Permit.

- a. 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 **under the circumstances as described in Section 154-4 of the Town Code, which established the need for the permit.** 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.

ADD:

- b. In precedence over any other sections or provisions of Town Code, the Town

Board duly recognizes a homeowner's right to make basic indoor plumbing repairs (as noted below) without requirement of payment of fees of any kind, and without requirement to obtain Town permit of any kind, within premises such homeowner owns and occupies.

- c. **{“Basic indoor plumbing repairs” include: replacement of, and/or replacement or repair of components of, showers, bathtubs, toilets, sinks, drains, faucets and associated piping, within 12” of the fixture.”}**

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, if adopted, shall become effective immediately upon filing with the Secretary of State as prescribed by law.

SO MOVED: S. Krakower/M. Cifone

Councilman Cifone: The Plumbing Board Members met and this basically doesn't take away thing from the homeowner for repair work in their own home. We are not out to hurt anyone, we just don't want to hurt anyone, this allows them to do that, we just don't want them to touch the laterals to the street is all.

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

Nays: None

CARRIED: 7-0

12:02-06 SET DATE FOR
A PUBLIC HEARING

Amend Town Code, Chapter 105,
Entitled “Fees”

AMENDED
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 16th day of December, 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 the amendment to Chapter 105-4 of the Town Code of the Town of Poughkeepsie entitled “Fee schedule” a copy of which is attached hereto; and

BE IT FURTHER RESOLVED, that said Town Board does hereby waive the verbatim Reading of the amended local law and does hereby authorize that said amendment be spread across the record as if, in fact, read verbatim; and

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby declare itself to be Lead Agency under the New York State Environmental Quality Review Act and does determine that the proposed action set forth herein is a Type II Action and as a matter of law will not require an environmental review; and

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

SO MOVED: T. Tancredi/S. Krakower

Supervisor Myers: I don't mind voting for this for a Public Hearing, but I really have a problem with some of the fees that are proposed in this. The one that caught my eye in particular is... “The replacement of windows, doors, equipment, etc.” I think that is absurd. If I want to replace a window because it is bad or I want to be more energy efficient, that I have to buy a window, hire somebody and then pay \$75 to the Town plus \$5.00.

Councilman Tancredi: Yes, I agree 100%, I didn't think that was supposed to be in here.

Councilman Cifone: I talked to Tim Sickles on that and he said that the State required that based on the energy efficiency of the window. I agree, it shouldn't make a difference.

Councilman Krakower: Isn't there a threshold that it has to be a certain percentage of the windows in the house?

Neil Wilson: I spent some time with Tim going over these as well and I know that Todd had had some concerns about an earlier draft on this. Right now, if someone is replacing windows or doors on a house or commercial building, you are supposed to come in, very often they don't as we can all recognize. The problem is with the fee schedule and I'm going to point to page 2 of the proposed amendments. The way that this is set out is we have renovations and alterations; Level 1, Level 2 and Level 3. Right now, if someone was to come and wanted to replace a door or window on a commercial building, there is no way to properly break that down on the sq. footage basis, what this \$200+ 20 cents per sq. ft. is. What we are trying to do is to actually go to a unit cost for those types of replacements. It's a fairer system in terms of assessing the fee. He is collecting it now for those types of renovations anyway.

Supervisor Myers: For residential renovations?

Neil Wilson: Yes.

Councilman Seminara: I have to agree 100%. Once again, if a homeowner wants to replace windows or doors, there are many home owners very much capable of doing that job without any interference from their government. So, we are going to have to rewrite some more Code here.

Councilman Tancredi: I agree 100% on that also. If we have to go and rewrite this, that's fine with me, but the residents are taxed and pay enough. I don't want them getting a fee every time they want to do a simple door or window replacement on their home.

Councilman Baisley: We discussed that that shouldn't have been in there.

Councilman Seminara: I think this has to be no fee and no permit either.

Neil Wilson: We can take that out.

Councilman Krakower: Is this required at a State Level? Can we alter that at the Town Level when it's a Building Code? This is not saying the homeowner can't do it themselves, it's saying that he has to get a permit and have it inspected and that's a public safety issue, so my question is, if it's required at a State level, can we take it out at the Town level?

Supervisor Myers: We could certainly not charge them \$75 + \$5 a window.

Town Attorney Mahar: The answer to the first question is, if it is required by the State, we do not have the authority to just unilaterally change it. But the rest of the answer is basically you don't have to impose a fee. I'm sure there is some general procedure in there and details of which I do not know.

Supervisor Myers: One of my other concerns in here is in the resolution that just passed. In the public hearing for the plumbing it says we are not going to charge them, and we have the charge in here for the homeowner test, that should be removed.

Town Board decided to put the resolution on for a Public Hearing.

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

Nays: None

CARRIED: 7-0

REVIEW FEES & AMENDMENTS ATTACHED TO FINAL BOOK COPY

12:02-07 SET DATE FOR
A PUBLIC HEARING

Amend Town Code, Chapter 106,
Entitled "Fees" Engineering,

Legal And Consultant”

AMENDED
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 16th day of December, 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 the amendment of Chapter 106 of the Town Code of the Town of Poughkeepsie from “Fees: Engineering, Legal and Consultant” to “Review Fees, with additional amendments, a copy of which is attached hereto; and

BE IT FURTHER RESOLVED, that said Town Board does hereby waive the verbatim reading of the amended local law and does hereby authorize that said amendment be spread across the record as if, in fact, read verbatim; and

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby declare itself to be Lead Agency under the New York State Environmental Quality Review Act and does determine that the proposed action set forth herein is a Type II Action and as a matter of law will not require an environmental review; and

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

SO MOVED: Supervisor Myers/J. Conte

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

Nays: None

CARRIED: 7-0

12:02-08 CALL SPECIAL
MEETING

Wednesday, December 9, 2009 At
7:00 PM at Town Hall for:

1. Set Date for Public Hearing -
SEQRA & Zoning Amendments for
Ginsburg
2. Any other matters that May Legally
Come Before the Board

AMENDED
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby call a Special Town Board meeting for Wednesday, December 9, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie for the following:

1. Set Date for Public Hearing – SEQRA & Zoning Amendments
2. Any other matters that may legally come before the Board

SO MOVED: J. Baisley/M. Cifone

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

Nays: None

CARRIED: 7-0

12:02-09 ACCEPT

Gift To Town of 7.5 Acres From Dr.
Yung Lee of Land Located Off of
Lorraine Boulevard & Abutting The
Wappinger Creek

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the gift of land offered by Lee, located off Lorraine Boulevard and abutting the Wappingers Creek, provide that the grantor (Lee) acquires a subdivision of the parcel and submits the proper Deed, Capital Gains Affidavit, and Real Property Tax Report to the satisfaction of the Director of Municipal Development and Engineering Department.

SO MOVED: D. Seminara/J. Conte

Town Attorney Mahar: After this resolution was prepared and distributed, I received a letter from Dr. Lee's attorney, Robert Butts, indicating that they wanted to proceed under the provision for Open Space area, which is a little different procedure involved. So, it would take us over at least into January of 2010. Unfortunately, I talked to Mr. Wilson today and there are additional problems with a simple resolution like Item 9 and I am going to defer to him and let him explain it to us.

Neil Wilson explained that the 7 ½ acres proposed does not exist as its own lot, it is actually part of a building lot and it is Lot #4 of the subdivision. It could be created either through another subdivision procedure or through a lot line revision. At this point he was leaning toward the subdivision as opposed to the lot line revision, so it is its own lot instead of combining it with the adjoining lands owned by the Town. Keep those separate. In any event, the Town does not have an application for either lot line or subdivision approval for this month's Planning Board Meeting which has been moved up to next Thursday. The earliest it could be put on the agenda would be for the January 21st Planning Board Meeting. The dead line is December 28th. In other words, it's not going to happen this year.

Town Attorney Mahar advised that the Resolution could be Tabled. It could also be considered as a non-binding Resolution because of the conditions that we have imposed on Dr. Lee or simply withdraw it.

Councilman Seminara: Could we accept the lot with conditions?

Town Attorney Mahar: Right, that's the way it is reading right now.

Councilman Seminara: I think we ought to go through with it and approve it at this point and when the conditions are met, come up with another resolution and approve the conditions.

Supervisor Myers: Would it muddy the waters at all? (No)

Neil Wilson: What you are basically doing is sending a message to Dr. Lee to proceed with the creation of the lot with the understanding that when it is created, the Board will accept the gift.

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

Nays: Councilman Krakower

CARRIED: 6-1

12:02-10 ACCEPT

Course Certification From the Dutchess
County Planning Federation Issued To Richard
W. Davison, Marvin Bennett, John T. Weisman &
Ed LaPerche For Training Course Entitled "State
Environmental Quality Review Act-SEQRA"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Course Certification from the Dutchess County Planning Federation issued to Richard W. Davison, Marvin Bennett, John T. Weisman and Ed LaPerche for the 2 hour training course entitled "State Environmental Quality Review Act-SEQRA", a copy of which is attached hereto.

SO MOVED: J. Conte/D. Seminara

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

Nays: None

CARRIED: 7-0

CERTIFICATES ATTACHED TO FINAL BOOK COPY

12:02-11 APPROVAL

30TH Knights of Columbus Holiday Run on
December 5, 2009 Through the Village of
Wappinger Falls & Town of Poughkeepsie
Sponsored by the Road Runners Club of
America

RESOLUTION

WHEREAS, the Knights of Columbus has submitted an application to hold its 30th
Annual Holiday Run on Saturday, December 5, 2009; and

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

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby
approve and grant permission to the Knights of Columbus to hold its 30th Annual Holiday Run
on Saturday, December 5, 2009.

SO MOVED: M. Cifone/J. Conte

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

Nays: None

CARRIED: 7-0

12:02-12 ACCEPT

November 2009 Minutes:
November 4, Regular Board Meeting
November 13th, Special Board 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:

November 4- Town Board Meeting
November 13-Special Town Board Meeting

SO MOVED: S. Krakower/M. Cifone

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

Nays: None

CARRIED: 7-0

12:02-13 WAIVER

Original Liquor License Application
For Mediterranean Cuisine of Nazareth, Inc. D/B/A
Mediterranean Cuisine of Nazareth Located at 260
North Road, Unit 1, With Waiver of 30 Day
Waiting Period

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Mediterranean Cuisine of Nazareth, Inc., 260 North Road, Unit 1, Poughkeepsie, NY 12601, for a waiver of the 30 day review period for an original application for a liquor license; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the (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: T. Tancredi/S. Krakower

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

Nays: None

CARRIED: 7-0

12:02-14 NOTIFICATION

Application For On-Premises Liquor License For ARAMARK Educational Services, LLC, For Matthew's Mug Located At 124 Raymond Avenue

WITHDRAWN

12:02-15 NOTICE OF CLAIM

Moulton Paving, LLC V. Town for Breach of Contract, Tortuous Interference With A Contract & Interference With A Prospective Business Advantage

REFERRED TO LEGAL DEPARTMENT

12:02-16 NOTICE OF CLAIM

Elgen Associates V. Town For Return of Unexpended Escrow For Maple Lane Mobile Home Park

WITHDRAWN

12:02-17 AUTHORIZE

Special Consent Item SC 1

RESOLUTION

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

1. Notice of Public Hearing

Town of Marlborough

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: Supervisor Myers/M. Cifone

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

Nays: None

CARRIED: 7-0

12:02-SC 1 NOTIFICATION

Notice of Public Hearing of Town of Marlborough on December 14, 2009 In Marlborough Town Hall in Milton, NY, For Proposed Local Law To Amend Provisions in Chapter 155 "Zoning", Related To Signs

NOTED BY TOWN BOARD

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

CARRIED: 7-0

Victor Gennodie said that about 3:30 AM Tilcon started up their crusher and their equipment on the property to go to work. He called the Town Police. He also stated that the Planning Board approved of the asphalt plant on Sheafe Road and the Attorney and the Planning Board gave them the permission to fire up at 3 AM in the morning. "How can the Planning Board go against the Town Law and make their own laws? The residents of Sheafe Road want that act rescinded. The act of approving that law is illegal." He stated he has been pleading in front of these Boards for 20 years to do something about this plant.

Supervisor Myers assured Mr. Gennodie that they are looking into doing something about it.

Mr. Gennodie assured the Board he was going to be a thorn in their finger and be back again and again until this is taken care of.

Doreen Tignanelli: Sympathized with Mr. Gennodie. The SEQRA conference the Planning Board Members went to, the law firm that gave the presentation, talked about how important it is to have public comment. So, I really was glad that some Planning Board Members were there. They also recommended that even if it's not a public hearing, that public comments should be included as part of the record. When we give public speaking now, they say we can speak, but it won't be part of the record. I have a question about the November 13th Agenda. The Supervisor had read a proclamation from the Town Board congratulating the Arlington Fire District for being honored by the Omega Fraternity for the Outstanding Organization of the Year. Who asked for that proclamation to be read?

Councilman Tancredi: Joe Davis, he is a member of that fraternity. He had asked for a proclamation to honor the fire department.

Doreen Tignanelli: At the last meeting of the Fire Department, I asked them if there were any taxpayer dollars involved in the Culinary Institute of America dinner honoring the Fire Department and I was told that some of the commissioners that attended that dinner at \$65 or \$70 a person, were at taxpayer's expense. How do you like that!!? A fraternity is honoring an organization and the taxpayers are paying for it. I filed the FOIL request for this information. It's great that they want to honor someone, but honor them at the Fraternity's expense, not the taxpayer's. That to me is totally out of line. There is a fire commissioner's election, Dec. 8th, 6-9 PM for Wards 3, 4 and 6 you can vote at the headquarters on Burnett Blvd. and for Wards 1, 2 and 5 at the Red Oaks Mill Fire Co. on Vassar Road and the only way to hold the commissioner's accountable that you want responsibility and you don't think they are doing a good job. Elect someone else.

Peter Veldez, Candidate for Arlington Fire Commissioner: Just mentioning also the vote for the Fire Commissioner and I had an opportunity to go to the Croft Corners Meeting and they had their company elections and to take away from that meeting No. one, how dedicated the fire volunteers are and No. two, the critical need in this community for volunteers for fire and EMS. I think it is really important that we work with the Town and come up with ways to recruit more members. It's a great service to the community and critically needed.

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

CARRIED: 7-0

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

Nays: None

CARRIED: 7-0

RESOLUTION

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

1. Contract Negotiations
2. Confidential communication between Attorney and his client/Town Board based on Attorney/Client privileges.

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

SO MOVED: J. Baisley/D. Seminara

CARRIED: 7-0

Councilman Seminara: I see there is a prospective Councilman in the audience and I want to know if it is appropriate to invite him into Executive Session.

Town Attorney Mahar: The Town Board has the authority to invite anyone they wish into Executive Session.

Councilman Seminara: I would then like to invite future Town Councilman Sean Eagleton into Executive Session. Seconded by Supervisor Myers

“Ok, we invite Mr. Eagleton and also Mr. Nelson”

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

Nays: None

CARRIED: 7-0

TOWN BOARD ADJOURNED AT 8:16 PM

INTO EXECUTIVE SESSION AT 8:20 PM

BACK FROM EXECUTIVE SESSION AT 8:50 PM

NO ACTION WAS TAKEN

Motion made to have Supervisor sign the remediation agreement between the Town of Poughkeepsie and Upstate Concrete and Masonry Contracting Co., Inc. Motion made by Supervisor Myers and Seconded by M. Cifone

12:02-PES 1

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the Remediation Agreement between the Town of Poughkeepsie and Upstate Concrete and Masonry Contracting Co., Inc. in regard to the work on Collegeview Avenue.

SO MOVED: Supervisor Myers/M. Cifone

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

Nays: None

CARRIED: 7-0

12:02-PES 2

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize and direct the Town Attorney to advise the attorney for the Resource Recovery Agency that the tender of Resolutions purporting to exercise its option for use of the Town of Poughkeepsie sewer services is hereby rejected.

SO MOVED: Supervisor Myers/M. Cifone

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

Nays: None

CARRIED: 7-0

Motion made to Close the Meeting: Supervisor Myers/T. Tancredi

CARRIED: 7-0

SJM:lk

MEETING CLOSED AT 8:52 PM