

3. Discussions Regarding Possible Litigation

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

SO MOVED: R. Lecker/T. Tancredi

CARRIED: 3-0

SPECIAL TOWN BOARD MEETING ADJOURNED AT 6:34 PM

DEPUTY SUPERVISOR KELLER-COFFEY INVITED MR. PAT BROWN,
MR. BOB CACCHIO, MR. KYLE BARNETT AND MR. NEIL WILSON TO ATTEND
EXECUTIVE SESSION

TOWN BOARD AND GUESTS ENTERED INTO EXECUTIVE SESSION
AT 6:36 PM

TOWN BOARD RETURNED FROM EXECUTIVE SESSION AT 7:05 PM

NO ACTION WAS TAKEN

SPECIAL TOWN BOARD MEETING CLOSED AT 7:06 PM

**MINUTES OF REGULAR TOWN BOARD MEETING HELD ON
JUNE 2, 2010 AT 7:07 PM AT TOWN HALL, ONE OVEROCKER
ROAD, POUGHKEEPSIE, NEW YORK**

PRESENT: Deputy Supervisor Keller-Coffey
Councilman Lecker
Councilman Eagleton
Councilman Conte
Councilman Krakower
Councilman Tancredi
Town Attorney Hagstrom
Town Clerk Miller

ABSENT: Supervisor Myers
Councilman Cifone

- **NOTE: Attachments pertaining to a particular Town Board Meeting will be found after the final 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

7:07 PM

CALL TO ORDER

SALUTE THE FLAG

Motion made to suspend the rules for public speaking on Public Hearing #1: R. Lecker/T. Tancredi

CARRIED: 5-0

NO SPEAKERS CAME FORWARD

Motion made to resume the rules: R. Lecker/S. Krakower

Councilman Krakower: This property is in desperate need of clean up and the Town has to step in and get involved in this one and the neighbors there have been patient but this is just horrendous. It backs up on to the creek and that another issue and who knows what has been dumped into the creek and is causing potential problems with the creek as well. So, this needs the desperate attention of the Town and the new vacant property ordinance we put on the books a while back is the perfect solution to this long term problem. The property was posted on the 24th of May.

Sarah Davis, Zoning Administrator: I have been working on this since December 2008. I was dealing with the owner of the property and I gave him a ticket in March and he failed to appear in court. The tickets were for waste, debris and (inaudible). Then he did appear in court and we worked out a deal where he got rid of the cars and he was going to start working on the other stuff. Then he stopped coming to court and we then issued a bench warrant and that obviously went nowhere. Then on or about February of this year I was contacted by a Real Estate Broker

and the attorney and they were selling the house because both owners were put into nursing homes and no longer capable of owning the property. I spoke to them about cleaning it up after purchasing it. Then at the end of April, they discovered a Federal Tax Lien on the property. Now it is just property that no one wants to touch and remains empty.

Town Attorney Hagstrom: For the record, there are guardians appointed for each of the two owners and they are not capable of acting due to dementia and the guardians were also served appropriately by certified mail as the statute requires and I have had a communication from the guardian for the husband and he is not coming and he understands what is happening. This was all done very openly. I also spoke with the wife's guardian and she indicated she would not be coming to this hearing and I told her we would send her the results of it. She understands the mess this is. We could put a lien on the property, but, quite frankly, I don't believe that is going to occur. But something has to happen here. Finally, I would like the photos to be introduced as part of the record.

Councilman Krakower: We are going to have to either pay someone to do it or have our Town employees clean it up and then we can bill it back again to the property, correct? Will that be added to the tax bill and become a tax lien?

Town Attorney Hagstrom: That's exactly what happens.

Councilman Krakower: I think we should pursue it and file a lien against the property in a timely manner so that if it does sell, we have some shot at collecting the money back.

Town Attorney Hagstrom: I will work with Mr. Wotjowicz, our Town Comptroller on that.

Councilman Krakower: Either way, this has to be cleaned up. It's a shame that the people who live over there had to deal with this so long. The Town has bent over backwards to work with the owners, but they had some serious issues.

Councilman Conte: The power equipment there, I will be willing to take that and donate it to the local schools for the kids to work on.

Town Attorney Hagstrom: Well, we may have to be careful with that. As a further resolved on the Resolution we should add that the Highway Department is authorized to clean up the solid waste, debris and litter.

Robert Ruben: In relation to this, who is going to make sure no additional items are dumped on this property and your efforts do go in vain, a month, two months or six months from now and you wind up with a similar condition?

Councilman Krakower: Up to this point, the problem was that the owners were occupying the property, but at this point the property is now vacant as the owners are in a nursing home. It is a very visible corner lot and it would be easy to see people if they came in from the surrounding area to dump on the property, and once it's cleaned up, it shouldn't be an ongoing problem.

Motion made to close the public hearing and resume the rules: S. Eagleton/T. Tancredi

CARRIED: 5-0

Town Clerk Miller: I do hereby file the affidavit of posting on May 20, 2010 and publishing in the Poughkeepsie Journal on May 22, 2010.

Town Attorney Hagstrom: I just want to say that the Legal Department has made the appropriate notices by Certified Mail to the owners and their representatives and the posting was done by the Zoning Administrator as required by the Town Code.

6:02-01 PUBLIC HEARING

Property Maintenance Violations Located
At 2 Bird Lane

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on June 2, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, under Chapter 159 of the Town of Poughkeepsie Code, entitled "Property Maintenance", does hereby determine that said property located at 2 Bird Lane, Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6162-04-616245, owned by Athanasios and Effie Panagiotopoulos, is in violation of Chapter 195 insofar as solid waste, debris and litter have been abandoned/left on the premises including matter attractive to vermin; and

BE IT FURTHER RESOLVED, that said determination is based on the presentation, the report and pictures submitted at the public hearing by the Zoning Administrator of the Town of Poughkeepsie; and

BE IT FURTHER RESOLVED, that said owners of 2 Bird Lane have not complied with the Orders to Remedy; and

BE IT FURTHER RESOLVED, that the Town shall cause the removal of said solid waste, debris and litter; and

BE IT FURTHER RESOLVED, that the charges shall be sent to the registered owner of said property for reimbursement; and

BE IT FURTHER RESOLVED, that if said costs and disbursements are not reimbursed within thirty (30) days of the bill, said charges shall be added to the next , state, county and town tax bill pursuant to the provisions of Section 159-13 of the Town Code and shall become a lien against the property and filed with the Dutchess County Clerk and the Dutchess County Commissioner of Finance.

SO MOVED: S. Eagleton/J. Conte

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Krakower and Tancredi
Nays: None CARRIED: 5-0

Motion made to suspend the rules for public speaking on Public Hearing #2: S. Eagleton/T. Tancredi

CARRIED: 5-0

Sarah Davis, Zoning Administrator: I received a complaint concerning this property in the condition you see in the photos I gave you and I started it in April and have had no contact with the any owners. I've mailed two notices by Certified Mail. I've posted the building and no one has contacted me. Other people have attached notices to the front door stuff looking for money or to clean it up.

Councilman Tancredi: The house is vacant, right?

Sarah Davis: Yes. I spoke with Marc and he didn't think it would be more than a truck load to clean it up. It's attracting vagrants is what's happening. People are going through it, in fact, there is less stuff than there used to be.

Mr. Keller-Coffey: I have a question. Generally, what is the method of tracking down the owner. There must be some legal work to finding them.

Sarah Davis: I've had to register with the County and I've send them Certified letters.

Mr. Keller-Coffey: There are no listings of nearest relatives or anything like that?

Sarah Davis: No.

Town Attorney Hagstrom: Once again I want to say, the Legal Department has sent out the appropriate notices and are posted.

Town Clerk Miller: I hereby filed the affidavit of posting on May 20, 2010 and published it in the Poughkeepsie Journal on May 22nd, 2010.

Town Attorney Hagstom: I also want to request, the photographs that have been produced by Sarah Davis be made a part of this record.

Motion made to close the public hearing and resume the rules: S. Eagleton/T. Tancredi

CARRIED: 5-0

PHOTOS ATTACHED TO FINAL BOOK COPY

06:02-02 PUBLIC HEARING

Property Maintenance Violations Located
At 194 Violet Avenue

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on June 2, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, under Chapter 159 of the Town of Poughkeepsie Code, entitled "Property Maintenance", does hereby determine that said property located at 194 Violet Avenue, Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6162-07-533965, owned by William & Beatrice Storms, 194 Violet Avenue, Poughkeepsie, NY 12601, is in violation of Chapter 195 insofar as solid waste, debris and litter have been abandoned/left on the premises including matter attractive to vermin; and

BE IT FURTHER RESOLVED, that said determination is based on the presentation, the report and pictures submitted at the public hearing by the Zoning administrator of the Town of Poughkeepsie; and

BE IT FURTHER RESOLVED, that said owners of 194 Violet Avenue have not complied with the Orders to Remedy; and

BE IT FURTHER RESOLVED, that the Town shall cause the removal of said solid waste, debris and litter; and

BE IT FURTHER RESOLVED, that the charges shall be sent to the registered owner of said property for reimbursement; and

BE IT FURTHER RESOLVED, that if said costs and disbursements are not reimbursed within thirty (30) days of the bill, said charges shall be added to the next state, county and town tax bill pursuant to the provisions of Section 159-13 of the Town Code and shall become a lien against the property and filed with the Dutchess County Clerk and the Dutchess County Commissioner of Finance.

SO MOVED: J. Conte/S. Eagleton

Town Attorney Hagstrom: Would you please add that the Highway Department is authorized to clean up at all expenses.

ROLL CALL ON AMENDMENT: Ayes: Councilmen Lecker, Eagleton, Conte, Krakower and Tancredi

Nays: None

CARRIED: 5-0

ROLL CALL ON RESOLUTION: Ayes: Councilmen Lecker, Eagleton, Conte, Krakower and Tancredi

Nays: None

CARRIED: 5-0

PHOTOS ATTACHED TO FINAL BOOK COPY

Motion made to suspend the rules for public speaking on agenda items: S. Eagleton/R. Lecker

CARRIED: 5-0

Doreen Tignanelli: I have a question about #10. The inspection and sample analysis of the White House building. What sampling would that be?

Councilman Tancredi: The sampling would be for a pre-inspection report, or pre-demolition Report. Basically, they are looking for asbestos, lead paint or anything that might be a concern later on.

Doreen Tignanelli: Is there any known contamination at that site.

Councilman Tancredi: No, none that we know of.

Motion made to resume the rules: R. Lecker/S. Eagleton

CARRIED; 5-0

PHOTOS ATTACHED TO FINAL BOOK COPY

06:02-03 PROCLAIM

July 2010 As Watershed Awareness Month

RESOLUTION

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

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

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

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

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

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

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

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie proudly proclaims the month of July 2010 as Watershed Awareness Month and encourages all municipal officials and citizens and visitors to participate in the scheduled activities to learn more about watersheds, how they contribute to health and the quality of life, the recreational activities they provide, and how daily actions can affect the quantity and quality of water in watersheds.

SO MOVED: S. Krakower/J. Conte

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Krakower and Tancredi
Nays: None CARRIED: 5-0

06:02:04 AUTHORIZE Sewer Tenancy Agreement Between Town,
SUPERVISOR Arlington Sewer District, Etc., & DeGarmo 44,
LLC For Lot A

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a Sewer Tenancy Agreement between DeGarmo 44, LLC, the Town of Poughkeepsie, Arlington Sewer District, Arlington Sewer District Capital, Arlington Sewer District Main, Arlington Sewer Service Area and Arlington Sewer Service Area #1 to provide sewer service to property fronting on Route 44, Town of Poughkeepsie, identified as Lot A, Block 4, a copy of which is attached hereto.

SO MOVED: T. Tancredi/J. Conte

Councilman Krakower: What is this property?

Town Attorney Hagstrom: This is opposite the Purple Car Wash. There is going to be a new Walgreens there. Richard Cantor represents the developer of this and it is actually where the old Duncan Donuts was. It is before the Planning Board. What's the status, Mr. Wilson?

Neil Wilson, Development Director: The Planning Board issued a conditional Site Plan and Sub-divisional Approval for this project several months ago. One of the conditions of approval was because they were out of district, was that both the properties, there was a subdivision to allow for the Walgreens, which would be on its own property, roughly in the spot of the former Duncan Donuts. There is an existing building, both a pizza parlor and a Chinese restaurant which will remain, but that will be on its own property and so there are actually two sewer tenancy agreements on the agenda tonight for approval. That's one of the conditions of the Planning Board's approval.

Councilman Tancredi: I always thought that, just thinking back years ago, that they didn't have sewer up there. I thought it only went as far as Adams.

Neil Wilson: They are going towards Pleasant Valley and then bringing it back up through the Toll Brothers Project.

Councilman Conte: I was actually contacted by the owner of the Purple Parlor Car Wash and felt he wanted to be included in this as well. I haven't had a chance to talk to him too deeply, but I believe he had some concerns about it as well.

Attorney Richard Cantor: Several points, one, I urge you in the strongest terms to act on this this evening. The time limits for, on the private side, for financing and getting this project done are on the edge of running out and the project can't survive any significant delay. That's one point. The second point is, although initially, both parcels will be owned by DeGarmo 44, because it is subdivided, there is the possibility that in the future, they may be separately owned and that is why we are asking for two tenancy agreements, one for each of the properties and finally, the sewer line that is being proposed, to be built by a developer, is a private sewer line, it is not proposed to be dedicated to the Town of Poughkeepsie and there is no legal way other than by agreement between private parties for anyone else to connect. This line will be built at the expense of the developer and will be maintained at the expense of the developer down 44 and making a left turn going up hill until it reaches a public main and those were the terms upon which the Planning Board approved this so that the Town had no responsibility, not only for not building, but no responsibility for maintaining it. Whatever the need of other properties, they are welcome to ---

Neil Wilson: The Planning Board didn't negotiate the agreement, it is simply required the developer to make arrangements with the Town Board for the agreement.

Town Attorney Hagstrom: I was involved with the negotiations of these and these are virtually based upon the agreement with Adams Fairacre Farms. So, once it got to this point, it came to the Legal Department.

Councilman Krakower: Well, what I'm saying is we would have been in the loop a little sooner and there wouldn't be in any time constraints at this time.

Richard Cantor: Ok, again, with those points, I would urge, whatever the needs of anyone else, that you would approve these agreements. I would be happy to speak with any other property in the area and put them in contact with the representatives of 44 DeGarmo.

Councilman Krakower: We have people come in where there properties are full of sewage and there are all kinds of problems up there and Mr. Casement who used to own the property had come in and we had a referendum to vote on sewer up there. There are definitely issues up there. This is major work on 44. This is just one piece of the puzzle.

Neil Wilson: I agree, I would love to revisit the question of sewer for that area and I think it should be done.

AND BE IT FURTHER RESOLVED, that the upon adoption of this resolution said resolution shall be sent to the 911 Facilities for Dutchess County by the Town Clerk of the Town of Poughkeepsie.

SO MOVED: S. Eagleton/J. Conte

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Krakower and Tancredi
Nays: None CARRIED: 5-0

06:02-07 AUTHORIZE
SUPERVISOR
TO SIGN

Inter-Municipal Agreement With City Of
Poughkeepsie For Use Of Spratt Park
Pool & Related Facilities & Either
Supervisor Or Director Meyering To
Obtain Liability Insurance

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie wishes to enter into a written agreement with the City of Poughkeepsie, Dutchess County, New York, to formalize the terms of their partnership in the operation of the Spratt Park Pool and related facilities for the 2010 summer season, the cost of which shall be generated by daily and seasonal fees collected, with any additional costs split equally between the City and Town; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve and authorize the Inter-Municipal Agreement with the City of Poughkeepsie, a copy of which is attached hereto; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to execute said Agreement on behalf of the Town of Poughkeepsie, and

BE IT FURTHER RESOLVED, that Patricia Myers, Supervisor, or Thomas Meyering, Recreation Director, are authorized to obtain liability insurance for the Town of Poughkeepsie in regard to the operations of the Spratt Park Pool during the 2010 summer season at approximately the cost of \$2,500.00.

SO MOVED: J. Conte/S. Eagleton

Councilman Tancredi: Are there or are there not lockers there?

Tom Meyering: When I was there, I did not see lockers there. They may have been there and I missed them, however.

Councilman Tancredi: If we move forward with this, I just think the first year in we should be as conservative as possible. You've add concessions. You've added lockers. I just as soon as

forget this portable locker idea, at least for the first year to keep things as simple as possible. Maybe somewhere down the road, but, I think that's just more that can go wrong. Let's keep things simple.

Councilman Krakower: The estimate for income might be a little optimistic. I'm not completely comfortable with it. The expenses from last year, match up to the expenses of this year. Correct, so we are basically saying we may be able to do a better job of generating more people in to the swimming program and the pool. I'm willing to take the risk for the year and see how it goes. I do think that, when you are a little over optimistic with income, there is a good chance we may run in the negative on this. As long as it's not too far in the negative and you have a plan to pay for that if it does happen and I know you do have a plan to do with it if there is a down side on this. It's nice that we are working with the City of Poughkeepsie to try and get this program going and try and get more Town residents involved. It's a nice park and nice area, hopefully it will all work out. I do appreciate all the effort you have put in on this. I do agree with Todd of trying to keep it simple and try to get it to work before we grow our business here. It's best to stick with the basics. It's one less problem to worry about in the process.

Councilman Lecker: Why are you estimating your labor to be lower than what the actual was at Catherine Center when you already said that you had inclement weather last year? These are hourly workers.

Tom Meyering, Recreation Director: When I looked at their actual budgets from last year, it appears to me that they didn't take any steps at all to reduce their staff on rainy days or the very hours when you don't have people in the pool, you don't need x amount of life guards.

Councilman Eagleton: These life guards are going to be hired with the stipulation that they can't collect because it's a part time and seasonal type of job and they can't go and collect unemployment afterwards because that will boost up hours.

Tom Meyering: I don't believe we can legally do that. If you could check on that, I would appreciate it.

Councilman Lecker: Have you had a chance to look at liability being addressed by having signs up by the lockers saying the Town would not be responsible for or anything like that? When I read this in the paper, I know I was excited about it and people I spoke with liked the idea that there would be something available for folks in the Town and I know amenities like locking your things up would be something that people would like, but I understand you don't want to put the Town in a bad position.

Councilman Tancredi: Especially if lockers are already there. I've been told that there are. If they are not there, there must be a reason why the City took them out. I was told by two people that when they went there, there were lockers. My feeling would be, that if the City took them out there must be a good reason.

Tom Meyering: I did not look into that, but I'm sure we can. My understanding is that at this point we are going to drop the lockers.

ROLL CALL: Ayes: Councilmen Eagleton, Conte, Krakower and Tancredi
Nays: Councilman Lecker CARRIED: 4-1

INCOME/EXPENSE ATTACHED TO FINAL BOOK COPY

06:02-08 APPROVAL Fireworks Display At Dutchess Golf & Country Club Located at 2628 South Road On July 03, 2010 For Their Independence Day Celebration

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from the Dutchess Golf & Country Club to include a fireworks display at their Independence Day Celebration to be held on Saturday, July 3, 2010; and

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

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

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application as submitted for a fireworks display to be held on Saturday, July 3, 2010 at 9:00 PM at the Dutchess Golf & Country Club, 2628 South Road, Poughkeepsie, NY.

SO MOVED: J. Conte/T. Tancredi

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Krakower and Tancredi
Nays: None CARRIED: 5-0

06:02-09 AUTHORIZE Supplement Agreement To Reduce The Construction Phase With Economic Recovery Stimulus Funds for The Sheafe Road Pavement Rehab Project
SUPERVISOR
TO SIGN

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor and the Town Attorney to execute the Supplement Agreement to reduce the construction phase with Economic Recovery Stimulus funds for the Sheafe Road Pavement Rehab Project, from \$1,600,000.00 to \$960,724.00, based on the low bid amount, a copy of which is attached.

SO MOVED: S. Krakower/S. Eagleton

Councilman Tancredi: How did we start out with \$1,600,000.00 and end up with \$960,724.00?

Speaker not identified: The bid came in a lot better than we intended.

Councilman Krakower: We must have already approved the bid, right?

Speaker: Yes. Then the jobs came in a lot lower.

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Krakower and Tancredi
Nays: None CARRIED: 5-0

AGREEMENT ATTACHED TO FINAL BOOK COPY

06:02-10 AUTHORIZE

Envirologic of New York To Perform An
Inspection & Sample Analysis of The White
House Building Located At 1 Overocker
Road & To Prepare A Pre-Demolition
Survey

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize Envirologic of NY to perform an inspection and sample analysis of the building known as the White House located at One Overocker Road, Poughkeepsie, NY and to prepare a Pre-Demolition Survey, which cost of same will be paid by Neptune Capital Investors; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to send a letter to Envirologic of NY stating the Town's permission to perform the above work, on the condition that any damage to the building during the testing and sampling shall be repaired at the sole cost of Neptune Capital Investors.

SO MOVED: T. Tancredi/S. Krakower

Town Attorney Hagstrom: What I did in the beginning was to write a letter to Don Beer and asked if he thought there would be any disruptive sampling and he said maybe minor, but usually none. So, I wanted to make sure Neptune Capital Investors would pay for it and repair it. I think that it should also read "Neptune Capital Investors or Envirologic of NY." Because both of them are going to be doing it.

Motion made to Amend by adding "and/or Envirologic of NY": T. Tancredi/S. Krakower

ROLL CALL ON AMENDMENT: Ayes: Councilmen Lecker, Eagleton, Conte, Krakower and
Tancredi
Nays: None CARRIED: 5-0

ROLL CALL ON RESOLUTION: Ayes: Councilmen Lecker, Eagleton, Conte, Krakower and

Tancredi
Nays: None

CARRIED: 5-0

06:02-11 AUTHORIZE

Return of Recreation Fees & Drainage Fees
For The Abandoned Arico Subdivision

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the return of the Recreation Fees and Drainage Fees paid for the Arico Subdivision upon proof of filing the abandonment of the subdivision in the Dutchess County Clerk's Office, pursuant to the documentation from the Director of Municipal Development attached hereto.

SO MOVED: R. Lecker/J. Conte

Councilman Conte: Neil, I've talked to you about this earlier and I told you I've gone by the property a few times and saw a lot of trees lying down and some debris that needs to be cleaned up and as I read through your letter here: "Mr. Arico has the responsibility to file the abandonment plat with the County Clerk and to show proof of such filing to the Planning Department and as of this date the proof of filing had not been received." Has it been received yet?

Neil Wilson: No.

Councilman Conte: Should we wait for that before we offer any money, or what should we do?

Neil Wilson: You could, and I had advised Mr. Arico to make an appearance tonight to discuss this matter with the Board. He is not here. Basically, I passed along the request, that he is abandoning and he has expressed his intention of abandoning the subdivision. Two weeks ago, the Planning Board Chairman was authorized to sign the Abandonment Plat because the Clerk would not accept the plat without his signature. That was done, the maps were picked up, but we have not received the filing receipt and so I'm not sure where it sits.

Councilman Conte: My personal opinion is that we say "No" to this and before I would consider giving any of this money back to him, we would like to see the abandonment plat filed with the County Clerk, which he has not done yet and I would like to see the property cleaned up.

Neil Wilson: Absolutely. The staff actually was out there a couple of weeks ago, based on some of the complaints from the neighbors, and we had the Town Engineer and one of the Planners as well and talked with Mr. Arico and discussed with him the minimum requirements for rodent control and clean up the property and to date I don't believe anything has been done. He has cleared some trees, however.

Neil Wilson and Town Attorney Hagstrom both advised the Council to Table this item.

Motion made to Table this resolution indefinitely: S. Krakower/J. Conte

Carried 5-0

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Krakower and Tancredi
Nays: None CARRIED: 5-0

TABLED INDEFINITELY

06:02-12 SET DATE
FOR PUBLIC
HEARING

To Amend Town Code, Chapter 210,
Entitled "Zoning", Specifically Section
210-160, Entitled "Exemptions"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 7th day of July, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, as and for the date, time and place of a public hearing to consider an amendment to the Town Code of the Town of Poughkeepsie, Chapter 210, entitled "Zoning", specifically Section 210-160, entitled "Exemptions", which amendment would be as follows:

DELETE – Section 210-160

ADD – Section 210-160. Exemptions.

- (A) Filed subdivision plats. The construction of a single family dwelling on a residential building lot created pursuant to a subdivision approval by the Planning Board prior to September 27, 2007 and which is depicted on a plat filed in the Office of the Dutchess County Clerk prior to September 27, 2007, may proceed without the need for area variances despite the failure of said dwelling, as located on the lot, to meet the minimum setback and bulk requirements of the zoning district in which said lot is located, provided: 1) said subdivision has not been abandoned; 2) the boundary lines of the lot on which the dwelling is to be constructed have not, subsequent to the initial filing of the plat, been altered or amended; and 3) there are no violations in regard to such lot.
- (B) For the purpose of this section only, and to the extent that this section is inconsistent with Town Law Sections 265-a, 274-a, 277 or any other provision of Article 16 of the Town Law, the provisions of this chapter are expressly intended to and do hereby supersede any such inconsistent provisions.

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 amendments to the Dutchess County Department of Planning and Economic Development 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: S. Eagleton/J. Conte

Councilman Eagleton: This is very specific to September 27th, 2007 and I'm a little concerned about that specificity.

Neil Wilson: That was by design, you may recall back in March, I had set up an amendment to this Section 210-160 in further consideration to the Section relative to Subdivisions. Originally, the intention was to delete that entire section based upon conversations with staff, Legal Department as well as our Counsel for the Planning and Zoning Boards. It was determined that the better course would be to carve out a very specific exemption for lots that were part of a Subdivision Plat filed prior to the date of adoption of the current Zoning Code. Specifically what has been happening is, we have a number of projects where there has been a substantial amount of infrastructure, roads, other utilities that have been installed as part of the Subdivision Scheme and we have lots that remain unsold and undeveloped that as the economy is slowly improving are now coming back on line. What has been happening is the lots themselves as to the area, let's say they are in an R-20 Zone, if they are an existing lot of 15,000 sq. ft. lot, as an existing lot they can be developed, there is no need for an area variance for the area, but when you start laying out under the revised, amended zoning regulations for set backs, we are triggering variances, so this is intended to address those specific lots that were previously approved under a prior zoning scheme to eliminate the need to come in for those variances every six months. It's also specific to residential subdivisions.

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Krakower and Tancredi
Nays: None CARRIED: 5-0

06:02-13 ACCEPT

Bond For Williams Revised Land Contour
At 33 Cardinal Drive

AMENDED
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Bond, subject to Town Attorney review and approval, in the amount of \$25,220.00 posted by David Williams on behalf of the Williams Revised Land Contour at 33 Cardinal Drive, Poughkeepsie, NY, Grid #6159-01-152632-0000, pursuant to the recommendation of the Director of Development, a copy of which is attached hereto.

SO MOVED: J. Conte/T. Tancredi

Councilman Krakower: Where on Cardinal Drive is this?

Neil Wilson: Second house on the right hand side as you make the turn.

Councilman Krakower: My concern is that the land contour change up there is going to affect the people down---

Neil Wilson: Well, the bond is actually a part of the land contour permit requirements. This is one where about a year and a half ago the business representative came in along with his neighbor and they both received permits for minor land contour permits which limits the amount of sales to 300 cubic yards. Fine. The problem was is that the materials they were receiving were coming from the rock crushing and excavation being done at the South Hills Mall and they had a lot of it and they had well exceeded the 300 cubic yards allowed under their minor permit. The Town commenced enforcement action against them and Mr. Williams was the only one who came back and said, "Fine" and he submitted an application for a major land contour permit and his lot is deeper than his neighbors and all of the material that he deposited is on his property.

Councilman Krakower: Are there houses on the lots or are they vacant?

Neil Wilson: There has been houses on the lots for some time.

Councilman Krakower: If the Town gives him a land contour permit and he ends up flooding out the Townhouses below ---

Neil Wilson: The Townhouses are some distance away. It won't.

Councilman Krakower: But, with this bond, does it cover – how long will this bond be in place and maybe a year or two after the subdivision is built and the neighbors are flooded out.

Neil Wilson: It's not for that purpose. It's for the purpose of insuring that he implements the approved plan.

Councilman Krakower: So, there is nothing if he creates damage to other lots.

Neil Wilson: No. But there has been a full Engineering review on this.

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, and Tancredi

Nays: Councilman Krakower

CARRIED: 4-1

06:02-14 ACCEPT

2010 Minutes

May 5, Regular Meeting

May 12 Committee of the Whole Meeting

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the minutes for the following 2010 Town Board Meetings, to wit:

May 5, 2010
May 12, 2010

SO MOVED: S. Krakower/J. Conte

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Krakower and Tancredi
Nays: None CARRIED: 5-0

06:02-15 APPROVAL Antique Car Show At Locust Grove, The Samuel Morse Historic Site, Located on 2683 South Road on Sunday, July 11, 2010

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 11, 2010 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: T. Tancredi/S. Krakower

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Krakower and Tancredi
Nays: None CARRIED: 5-0

06:02-16 AUTHORIZE Special Consent Items SC 1, SC 2, SC 3, SC 4, SC 5, SC 6, SC 7, and SC 8

RESOLUTION

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

- | | |
|-----------------|---|
| SC 1. Authorize | Advertisement for Bid Sodium Hypochlorite |
| SC 2. Authorize | Keith Ballard – Reinstate vacation |
| SC 3. Accept | Bid Award for Highway Garage |

- | | |
|---------------------------------------|---|
| SC 4. Accept | Course certification for Carl Whitehead |
| SC 5. Accept | Course certification for Bob Gorman |
| SC 6. Approve | Block Party – McAlpine Drive |
| SC 7. Set Date for
Special Meeting | June 9, 2010 at 7:00 PM |
| SC 8. Notification | 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: R. Lecker/J. Conte

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Krakower and Tancredi
Nays: None CARRIED: 5-0

06:02-SC 1 AUTHORIZE Advertisment For Bids For Sodium Hypochlorite
15% in 55 Gallon Plastic Returnable Drums To Be
Used At The Arlington Treatment Plant

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie, pursuant to the request of the Sewer Department, does hereby authorize the advertisement for bids for Sodium Hypochlorite 15% Solution in 55 gallon plastic returnable drums to be used at the Arlington Treatment Plant, pursuant to the specifications heretofore filed in the Town Clerk's Office; and

BE IT FURTHER RESOLVED, the Town Board reserves the right to reject any and all bids in whole or part.

SO MOVED: S. Eagleton/J. Conte

Councilman Lecker: I didn't see anything on how many drums. (60 drums)

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Krakower and Tancredi
Nays: None CARRIED: 5-0

06:02-SC 2 APPROVE Reinstatement of Keith Ballard's Vacation
Time

RESOLUTION

WHEREAS, Keith R. Ballard, by Resolution 3:24-11 of 2010, was appointed permanent Water Maintenance Supervisor, and

WHEREAS, Keith R. Ballard has, in total, 21 years of service with the Town of Poughkeepsie, now, therefore,

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the reinstatement of Keith Ballard's vacation time to equal five (5) weeks per year effective as of January 1, 2010.

SO MOVED: J. Conte/T. Tancredi

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Krakower and Tancredi
Nays: None CARRIED: 5-0

06:02-SC 3 AWARD Bid For A New Single-Ply, Membrane, Flat Roofing System For The Highway Garage At 8 Burnett Boulevard

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the bid for a new single-ply, membrane, flat roofing system for the Highway Garage at 8 Burnett Boulevard to Cunningham Roofers at the bid price of \$110,550.00, pursuant to the recommendation of the Superintendent of Highways.

SO MOVED: S. Krakower/S. Eagleton

Councilman Tancredi: How many people bid on it, 5?

Councilman Conte: Did anybody, by chance, look at the Court Building?

Marc Pfeifer, Highway Superintendent: I believe Tom Meyering did have them over there. (Inaudible) different style.

Councilman Tancredi: Are they going to remove the concrete that's up there now?

Marc Pfeifer: The concrete stays, the stone gets removed and they put on an insulation board. and then a new PVC roof goes on top of that.

Councilman Tancredi: How long do they warranty it for?

Marc Pfeifer: It's a 15 year manufacturer's warranty.

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Krakower and Tancredi
Nays: None CARRIED: 5-0

06:02-SC 4 ACCEPT

Course Certifications Issued To Carl H.
Whitehead From The Dutchess County
Planning Federation

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the following Course Certifications, copies of which are attached hereto issued to Carl H. Whitehead as follows:

1. Dutchess County Planning Federation for a course entitled “Groundwater Quality and Management”, and
2. Dutchess County Planning Federation for a course entitled “Watershed and Biodiversity Mapping at a County Scale: Defining Greenspace for Centers and Greenspaces Planning.

SO MOVED: T. Tancredi/S. Krakower

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Krakower and Tancredi
Nays: None CARRIED: 5-0

06:02-SC 5 ACCEPT

Course Certifications Issued To Bob Gorman
From The Dutchess County Planning
Federation

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 Bob Gorman for a course entitled “Watershed and Biodiversity Mapping at a County Scale: Defining Greenspace for Centers and Greenspaces Planning”, a copy of which is attached hereto.

SO MOVED: R. Lecker/S. Eagleton

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Krakower and Tancredi
Nays: None CARRIED: 5-0

06:02-SC 6 APPROVE

Block Party On McAlpine Drive On
July 3, 2010 From 2:00 PM to 9:00 PM

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Rachel Calli to hold a block party on McAlpine Drive on July 3, 2010 with a rain date of July 4, 2010 from 2:00 PM to 9:00 PM, and does hereby authorize the Highway Department to close said street, but allowing access for emergency vehicles, from 2:00 PM to 9:00 PM; and

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

SO MOVED: S. Eagleton/J. Conte

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Krakower and Tancredi
Nays: None CARRIED: 5-0

06:02-SC 7 SET DATE FOR SPECIAL MEETING June 09, 2010 At 7:00 PM For The Following Agenda:

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby call a Special Meeting on June 9, 2010 at 7:00 PM for the following:

- 1. Presentation Soccer Club
- 2. Authorize Change Order – Greenvale Park Irrigation Project
- 3. Executive Session
 - a. Confidential Communications between the Attorney and his client, the Town Board, based on the attorney/client privilege regarding Altieri Homes
 - b. Discussions regarding potential litigation with Altieri Homes
- 4. Authorize Accept Logan Court – Altieri Homes
- 5. Authorize Supervisor to Sign Stormwater Inspection & Maintenance Agreement For Marist
- 6. Authorize Supervisor Sewer Tenancy Agreement Between Town, Arlington Sewer District, Etc., & DeGarmo 44, LLC For Lot A

7. Authorize Supervisor to Sign

Sewer Tenancy Agreement Between Town,
Arlington Sewer District, Etc. & DeGarmo 44,
LLC For Lot B

SO MOVED: J. Conte/S. Eagleton

Motion made to add an amendment #6: R. Lecker/J. Conte

CARRIED: 5-0

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Krakower and Tancredi
Nays: None

CARRIED: 5-0

06:02-SC 8 NOTIFICATION

Town of Marlborough Proposed Local Law No. 5
Of 2010 To Amend Various Sections Within
Chapter 155, Entitled "Zoning" Of The Town
Code At Public Hearing In Marlborough Town Hall
On June 14, 2010 At 6:30 PM

NOTED BY TOWN BOARD

Motion made to suspend the rules for public speaking: R. Lecker/J. Conte

CARRIED: 6-0

Doreen Tignanelli: I would like to say that for item number 4 tonight, I was glad to see that there was a discussion about the Sewer Tenancy Agreement. A lot of times at the Planning Board Meetings, sometimes they start to talk about potential impacts from projects or how things could be made better and then it just gets brought back into that particular project and there isn't a lot of thought about surrounding areas. A lot of times it's because of pressure from the lawyers, they want to push it forward for their clients and they say it is costing them money and so I'm glad to see that the Town Board did have a good discussion on that. Thank you.

Bob Casement: I also would like to commend you on questioning this sewer hookup at the drug store there. I'm glad you haven't completely forgotten us on Ridge Road. We have the sewage which was connected to the storm sewers 50 years ago by the Town of Poughkeepsie Highway Department with permission from the Health Department, which was supposed to be temporary. Now, I don't think 50 years is temporary. This water is going into the storm drains and into the creek and I think it is a health hazard and I don't think it should be put up for a vote. I think this is something that is a health hazard and should be corrected without voting on it. As far as the drug store business, I think all those businesses along there need it just as bad as they do, especially the restaurant and the car wash. They use a lot of water and they have a very bad situation there with their sewage. I'm glad to know you are questioning some of these things and maybe something good will come out of it. Thank you

Motion made to resume the rules: S. Krakower/T. Tancredi

CARRIED: 5-0

Motion made to close the meeting: R. Lecker/T. Tancredi

CARRIED: 5-0

MEETING CLOSED AT 9:09 PM

SJM:lk