

**MINUTES OF TOWN BOARD MEETING HELD ON
AUGUST 18, 2010 AT 7:00 PM AT TOWN HALL, ONE
OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

PRESENT: Supervisor Myers
Councilman Lecker
Councilman Eagleton (Arrived at 7:02 PM)
Councilman Conte
Councilman Cifone
Councilman Krakower
Councilman Tancredi
Town Attorney Hagstrom
Town Clerk Miller

***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

7:00 PM

CALL TO ORDER

SALUTE THE FLAG

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

CARRIED: 6-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 6-0

Town Clerk Miller: I did hereby file the affidavit of posting on July 28, 2010 and published in the Poughkeepsie Journal on July 30, 2010.

**08:18-01 PUBLIC
HEARING**

Amend Town Code, Chapter 210, Entitled
"Zoning", Specifically Article VIII, Section
210-104.1, Entitled "Sidewalk Seating &
Tables For Patrons"

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on 18th day of August, 2010 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town Code, Chapter 210, entitled “Zoning”, specifically Article VIII, Section 210-104.1, entitled “Sidewalk seating and tables for patrons”, which amendment is as follows:

DELETE: Section 210-104.1. Sidewalk seating and tables for patrons.

ADD: Section 210-104.1. Sidewalk seating and tables for patrons.

- A) Purpose. It is the intent of these regulations to allow establishments that serve food and beverages to provide tables and chairs for patron use on the sidewalk at the front entrance to such establishments. The provisions of this section are distinguished from the provisions of Section 210-102 since the placement of any tables and chairs is a temporary accessory use and does not include the installation of permanent structures or improvements that would serve to delineate the sidewalk seating area. In addition, the placement of tables and chairs on a public sidewalk is subject to the jurisdiction of the town, county, state or federal agency that may own the affected right-of-way.

- B) Criteria. In any district where permitted sidewalk seating and tables for patrons shall comply with the following provisions:
 - (1) Only tables and chairs placed directly on the sidewalk shall be permitted. The use of platforms on which tables and chairs would be placed shall be prohibited. Umbrellas that are supported on a post that is affixed to or supported by tables are also permitted. Freestanding umbrellas shall be prohibited. Additionally, temporary self-supporting dividers (i.e. velvet rope fences, chain or fabric) not exceeding four (4) feet in height measured from the sidewalk grade upward are permitted as required to comply with the New York State Alcohol Control Board requirements for outside service of alcoholic beverages.
 - (2) The placement or installation of light fixtures, planters, trash receptacles, signs, posts, ropes, signage, service stands, or any other freestanding, self-supported, or permanent fixtures not specifically permitted herein on the sidewalk is prohibited.
 - (3) Tables, chairs, umbrellas and dividers shall be moveable and shall not be affixed to the ground, the building, or to the sidewalk.
 - (4) Tables, chairs, umbrellas and dividers shall not be placed on any sidewalk before 7:00 AM and shall be removed not later than 10:00 PM or the close of business, whichever occurs first.
 - (5) Tables, chairs, umbrellas and dividers shall be located so as to provide not less than five (5) feet of open sidewalk space for unimpeded pedestrian passage between the curb line and the tables located between the curb line and the sidewalk the minimum five (5) feet of open sidewalk space shall be measured from the edge of the planted area inward toward the building front.

In addition, tables and chairs shall be located to maintain not less than eight (8) feet of open space from the edge of any designated crosswalk.

- (6) The placement of tables, chairs, umbrellas and dividers at or near the curb line so that pedestrians must pass between the tables, chairs, umbrellas and dividers and the building front shall be prohibited.
- (7) All food and beverages shall be dispensed from the interior of the establishment. No outdoor service bar or counter shall be permitted.
- (8) No outdoor music or sound amplified from the interior of the building shall be permitted.
- (9) The placement, installation, and use of sound amplifiers or public address systems shall be prohibited.

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

BE IT FURTHER ENACTED, that written recommendations were received from the Dutchess County Department of Planning and Economic Development and the Town of Poughkeepsie Planning Board; and

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

SO MOVED: R. Lecker/J. Conte

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

Supervisor Myers: The next several hearings are property violation hearings.

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

CARRIED: 7-0

(TAPE SCREECHING-INAUDIBLE)

Town Zoning Administrator: (Inaudible)

Town Attorney Hagstrom requested that the public hearings be adjourned until September 1, Town Board Meeting.

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

CARRIED: 7-0

08:18-02 PUBLIC
HEARING

Violation of Chapter 159, Entitled
“Property Maintenance”, Specifically
Section 159-13, Entitled “Removal By
Town: Charges” For 525 Haight Avenue

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on August 18, 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 525 Haight Avenue, Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6161-08-868785--0000, owned by Irene Gonzales, Trustees, 525 Haight Avenue, Poughkeepsie, NY 12603, is in violation of Chapter 159 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 525 Haight 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 continuing thereafter if the premises continues not to be properly maintained; and

BE IT FURTHER RESOLVED, that the charges shall be sent to the 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; and

BE IT FURTHER RESOLVED, that the Highway Department is authorized to remove the solid waste, debris and litter, and continuing thereafter if the premises continues to be properly maintained.

SO MOVED:

Town Attorney Hagstrom: (SCREECHING TAPE - INAUDIBLE)

Recommended that this item be adjourned to September 1, 2010

Motion made to adjourn the Public Hearing until September 1, 2010: Supervisor Myers/T. Tancredi

CARRIED: 7-0

PUBLIC HEARING ADJOURNED UNTIL SEPTEMBER 1, 2010

Motion made to open the public hearing for 245 Wilbur Blvd.: Supervisor Myers/T. Tancredi

CARRIED: 7-0

Zoning Administrator Davis: Yesterday I was contacted by a relative (SCREECHING TAPE – INAUDIBLE)

Motion made to adjourn the Public Hearing until September 1, 2010: Supervisor Myers/T. Tancredi

CARRIED: 7-0

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

CARRIED: 7-0

08:18-03 PUBLIC
HEARING

Violation of Chapter 159, Entitled
“Property Maintenance”, Specifically
Section 159-13, Entitled “Removal By
Town: Charges” For 245 Wilbur Boulevard

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on August 18, 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 245 Wilbur Blvd., Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6160-01-295538-0000, owned by Stanley & Bernice Millspaugh, Trustees, 17 Rosalind Road, Poughkeepsie, NY 12601, is in violation of Chapter 159 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 245 Wilbur Blvd. 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 continuing thereafter if the premises continues not to be properly maintained; and

BE IT FURTHER RESOLVED, that the charges shall be sent to the 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; and

BE IT FURTHER RESOLVED, that the Highway Department is authorized to remove the solid waste, debris and litter, and continuing thereafter if the premises continues not to be properly maintained.

SO MOVED: S. Eagleton/T. Tancredi

Motion made to adjourn this Public Hearing to September 1, 2010 Board Meeting: Supervisor Myers/T. Tancredi

FAILED: 0-7

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

Nays: None

CARRIED: 7-0

PICTURE ATTACHED TO FINAL BOOK COPY

Motion made to open public hearing for 32 Streit Avenue: Supervisor Myers/T. Tancredi

CARRIED: 7-0

(SCREECHING OF TAPE CONTINUES)
INAUDIBLE

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

CARRIED: 7-0

08:18-04 PUBLIC
HEARING

Violation of Chapter 159, Entitled
"Property Maintenance", Specifically
Section 159-13, Entitled "Removal By
Town: Charges" For 32 Streit Avenue

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on August 18, 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 32 Streit Avenue, Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6161-07698772-0000, owned by Torrance Williams, 32 Streit Avenue, Poughkeepsie, NY 12603, is in violation of Chapter 159 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 owner of 32 Streit Avenue has 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 continuing thereafter if the premises continues not to be properly maintained; and

BE IT FURTHER RESOLVED, that the charges shall be sent to the 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; and

BE IT FURTHER RESOLVED, that the Highway Department is authorized to remove the solid waste, debris and litter, and continuing thereafter of the premises continues not to be properly maintained.

SO MOVED: J. Conte/S. Krakower

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

PICTURE ATTACHED TO FINAL BOOK COPY

Motion made to open public hearing for 144 Manchester Road: Supervisor Myers/T. Tancredi

CARRIED: 7-0

Town Zoning Administrator Davis: (Inaudible)

Motion made to close public hearing: Supervisor Myers/T. Tancredi

CARRIED: 7-0

08:18-05 PUBLIC
HEARING

Violation of Chapter 159, Entitled
“Property Maintenance”, Specifically
Section 159-13, Entitled “Removal By
Town: Charges” For 144 Manchester Road

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on August 18, 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 144 Manchester Road, Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6261-01-223601-0000, owned by Nicole Herring, 144 Manchester Road, Poughkeepsie, NY 12603, is in violation of Chapter 159 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 owner of 144 Manchester Road has 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 continuing thereafter if the premises continues not to be properly maintained; and

BE IT FURTHER RESOLVED, that the charges shall be sent to the 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; and

BE IT FURTHER RESOLVED, that the Highway Department is authorized to remove the solid waste, debris and litter, and continuing thereafter if the premises continues not to be properly maintained.

SO MOVED: M. Cifone/S. Krakower

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi, and
Supervisor Myers

Nays: None

CARRIED: 7-0

PICTURE ATTACHED TO FINAL BOOK COPY

Motion made to open Public Hearing on 18 Creek Road: Supervisor Myers/T. Tancredi

CARRIED: 7-0

Zoning Administration Davis made the recommendation to adjourn this Public Hearing to September 1, 2010 Town Board Meeting.

(Speaker) (Inaudible) (SCREECHING OF TAPE)

Nancy (Rochdale Road) : Against these citations on property owners. Getting too involved in people's lives. People, particular elderly, may be having a hard time and the Town coming down on them on top of it and I just think this is wrong. When people bought their property, they didn't sign any condo contract and it's nice to have neighbors keep up their property up, but on the other hand, it's private property and they bought it and there were no strings attached, and unless you put these into the deeds, you should stay out of it.

Motion made to close public hearing: Supervisor Myers/T. Tancredi

CARRIED: 7-0

08:18-06 PUBLIC
HEARING

Violation of Chapter 159, Entitled
"Property Maintenance", Specifically
Section 159-13, Entitled "Removal By
Town: Charges" For 18 Creek Road

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on August 18, 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 18 Creek Road, Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6162-02-667528-0000, owned by Cetek, Inc., 19 Commerce Street, Poughkeepsie, NY, 12603, is in violation of Chapter 159 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 owner of 18 Creek Road 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 continuing thereafter if the premises continues not to be properly maintained; and

BE IT FURTHER RESOLVED, that the charges shall be sent to the 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; and

BE IT FURTHER RESOLVED, that the Highway Department is authorized to remove the solid waste, debris and litter, and continuing thereafter if the premises continues not to be properly maintained.

SO MOVED: S. Krakower/T. Tancredi

Motion made to Table to September 1, 2010 Town Board Meeting: Supervisor Myers/T. Tancredi

CARRIED: 7-0

TABLED UNTIL SEPTEMBER 1, 2010 MEETING

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

CARRIED: 7-0

Pat Brown: This is regarding Special Consent #4: I was wondering if there were any significant changes from the original contract: Go to page 22, the proposal to keep the benefit and wages package of any employee they take on. Has that changed?

Supervisor Myers: According to these things, yes. You are referring to section H-1? "The proposer will now be responsible to pay all wages and benefits as they seem fit. Maintaining at current levels is no longer required."

Pat Brown: Why will we do that?

Supervisor Myers: I don't know.

Pat Brown: Same page, there is the 24 hour-7 day week, maintain and operate the plant -40 hour week for a 4A operator. Is the proposer going to be allowed to run this plant less than 24 hours, 7 days a week? If we are going to allow this, which we have been operating that way since 1974, of course, the numbers are going to be less.

Supervisor Myers: #5 It says, operator maintains 24/7 being required to staff 24/7 and the response is “No”.

Pat Brown: What does that mean?

Supervisor Myers: I guess it means that it doesn’t have to be staffed.

(TAPE SCREECHING)

Pat Brown is very upset that men in that plant will be losing jobs.

Doreen Tignanelli: (Inaudible)

Motion made to resume the rules: Supervisor Myers/M. Cifone

CARRIED: 7-0

08:18-07 APPROVAL

Police Policy & Procedure #9-1100
“Notification Of Next Of Kin”

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the Town of Poughkeepsie Police Department Policy and Procedure #9-1100, entitled “Notification of Next of Kin”, which policy is attached and incorporated herein.

SO MOVED: T. Tancredi/S. Krakower

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

POLICY ATTACHED TO FINAL BOOK COPY

08:18-08 RESCIND/
AUTHORIZE

Resolution August 04-#13, 2010 &
Authorize Hudson Valley Historical
Miniatures Guild Scale Modelers
Society To Post 5 Directional Signs

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby rescind Resolution 8:4-13 of 2010, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize William Donohue, on behalf of the Hudson Valley Historical Miniatures Guild Scale Modelers Society, to post ten (10) signs fourteen (14) days prior to the event on October 23, 2010 at the Poughkeepsie Elks Club, and to set up five (5) directional signs on the day of the event, provided they are not sandwich board signs, with all signs to be retrieved within one (1) week following the event.

SO MOVED: S. Krakower/M. Cifone

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

08:18-09 BUDGET
MODIFICATION

Planning Department For Section 8

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the 2010 Budget, pursuant to the attached Budgetary Transfer Request Form submitted by the Comptroller, to allow for payment of attorney fees for a Section 8 matter, as follows:

FROM:

CD 8610.0101	Regular Pay	\$1,410.00
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TO:

CD 8610.0495	Contr. Serv. – Legal Fees	\$1,410.00
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SO MOVED: Supervisor Myers/M. Cifone

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

08:18-10 SET DATE FOR
PUBLIC HEARING

Violation of Town Code Chapter 106,
Entitled “Fees, Review” For Dunkin Brands
D/B/A Dunkin Donuts Located At 756-764
Main Street

RESOLUTION

WHEREAS, Dunkin Brands, applicant for the redevelopment of properties known as 756-764 Main Street, Poughkeepsie, NY with Grid Nos. 6161-07-717826, 721825, 729823 and 732822, the owner of which is CRE Poughkeepsie, LLC, Attn: Third Dunkin Donuts Real, 120 Royall Street, Canton, MA 02021 is in default of Chapter 106 of the Town Code, entitled “Fees,

Review”, which allows for the Planning Board to retain third party engineering and legal consultants to assist the Board, the cost of which is borne by the applicant; and

WHEREAS, the review fee established for this project has been depleted; and

WHEREAS, the applicant has been notified of said depletion with no response as of this date; now therefore

BE IT RESOLVED, that the amount required to re-activate this account is \$1,500, which amount will be remedied by charging said sum against the real property which is the subject of the land development application, by adding said charge to, and making it a part of, the next annual real property tax roll of the Town of Poughkeepsie; and

BE IT FURTHER RESOLVED, pursuant to the Town Code Section 106-1 G (2), prior to charging such tax to the subject property, a public hearing is hereby set for September 1, 2010 at 7:00 PM to afford the applicant/owner the opportunity to be heard and object before the Town Board to the additional proposed real property tax.

SO MOVED: R. Lecker/T. Tancredi

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

08:18-11 APPROVE

Fireworks For Vassar College Serenading
On September 4, 2010 at 9:00 PM at Sun Set
Lake Hill

(APPROVED BY FIRE DEPT.)

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Vassar College to include a fireworks display at their Serenading Event to be held on Saturday, September 4, 2010; and

WHEREAS, the applicant has notified the Arlington 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 September 4, {2010} at 9:00 PM on Vassar College property, Raymond Avenue, Poughkeepsie, New York.

SO MOVED: S. Eagleton/T. Tancredi

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

08:18-12 APPROVE

Our Lady of Lourdes High School Annual 5K
Run on September 26, 2010 on Boardman Road
& Zach's Way From 9:30 AM to 11:00 AM
(APPROVED BY POLICE DEPT.)

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Our Lady of Lourdes High School to hold its Annual 5K Run on Sunday, September 26, {2010} on Boardman Road and Zack's Way; and

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

SO MOVED: J. Conte/S. Krakower

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi, and
Supervisor Myers

Nays: None

CARRIED: 7-0

08:18-13 APPROVE

Kelly Auriemmo's Application For a Block Party
On September 4, 2010 on Alfred Drive Between
#1 - #30 From 12:00 PM to 10:00 PM with Rain
Date of 09/05/10
(APPROVED BY ARLINGTON FIRE DEPT.
AND BY POLICE DEPARTMENT)

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Kelly Auriemmo to hold a block party on Alfred Drive on September 4, 2010 from Noon to 10:00 PM, with a rain date of September 5, 2010, and does hereby authorize the Highway Department to close said street, but allowing access for emergency vehicles, from Noon to 10:00 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: M. Cifone/S. Krakower

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi, and
Supervisor Myers

Nays: None

CARRIED: 7-0

08:18-14 ACCEPT

2010 Minutes
July 21 Town Board 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:

July 21 – Regular Town Board Meeting

SO MOVED: S. Krakower/J. Conte

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi, and
Supervisor Myers

Nays: None

CARRIED: 7-0

08:18-15 APPROVE

Bike New York Discover Hudson Valley Ride
On August 22, 2010 Starting At Dutchess
Community College & Limited To 1,500
Participants

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Loreen Domijan on behalf of Bike New York to hold a cycling event on Sunday, August 22, 2010, which cycling route is outlined in the attached documentation, starting and finishing at Dutchess Community College; and

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

SO MOVED: T. Tancredi/S. Krakower

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi, and
Supervisor Myers

Nays: None

CARRIED: 7-0

08:18-16 ACCEPT/
AUTHORIZE

For Dedication A Road Known As Logan Court
In Gagliardo Subdivision, Authorize Return of
Arch Subdivision Bond SU5018699 & Authorize
Supervisor To Execute A General Release Of
Arch & Altieri As To The Gagliardo Subdivision

RESOLUTION

WHEREAS, O'Donnell & Sons, Inc. ("O'Donnell") received Town Planning Board approval for the "Gagliardo Subdivision", shown on Dutchess County filed map No. 11850, on July 29, 2005, and

WHEREAS, title to the subdivision was transferred by O'Donnell to Altieri Homes of New York LLC ("Altieri") by deed recorded January 5, 2006 as document No. 02-2006-63 in the Dutchess County Clerk's Office, and,

WHEREAS, Altieri secured its obligations to the Town by providing "A Bonding Security Agreement for Road, Water and Drainage" and Subdivision Bond, No. SU5018699 dated December 6, 2005 in the amount of four hundred fifty-three thousand three hundred ninety-five and no/100 (\$453,395.00) dollars, issued by the Arch Insurance Company, and

WHEREAS, prior to transferring title, O'Donnell deeded to the Town of Poughkeepsie an Irrevocable Offer of Cession to the roads, easements and areas devoted to related public improvements referred to therein and on the subdivision map, which offer was recorded in the Dutchess County Clerk's Office on September 28, 2005 as document No. 02 2005 8680, and

WHEREAS, on September 28, 2005 O'Donnell recorded in the Dutchess County Clerk's Office a Declaration of Restrictions as to the lands in the Gagliardo Subdivision as document No. 02 2005 8681, and

WHEREAS, Altieri failed to perform the obligations which it owed to the Town of Poughkeepsie, and on August 8, 2008 by Resolution 8:6-11 of 2008 this Town Board authorized taking all steps necessary to collect the Subdivision Bond proceeds for the purpose of completing and fulfilling the obligations of Altieri Homes, and

WHEREAS, it appears that the Offer of Cession referred to above is in form sufficient for the Town to accept the roads, easements and areas devoted to related public improvements referred to therein, and

WHEREAS, the Town Highway Superintendent has advised that the roads, easements and public improvements in the Gagliardo Subdivision are in acceptable condition, and

WHEREAS, the Town Engineer has advised that the conditions for acceptance of the road, easements and public improvements in the subdivision are in acceptable condition, and

WHEREAS, it appears that the roads, easements and public improvements in the subdivision have been in acceptable condition for in excess of the one (1) year period that would have been covered by a maintenance bond, and that the Subdivision Bond has not yet been released, and

WHEREAS, the Town wishes to accept the roads, easements and public improvements, and to resolve its differences with Altieri's bonding company regarding the failure to fulfill the conditions for acceptance, and

WHEREAS, Arch Insurance Company has offered to pay the Town twenty-five thousand and no/100 (\$25,000.00) dollars in full and final satisfaction of all claims against it and Altieri if no maintenance bond is required, and

WHEREAS, it further appears that the acceptance of that sum will allow the Town to recoup the expenses which it has accrued on the subdivision to date, and

WHEREAS, it appears that the resolution of these issues is a matter of ongoing Town administration, not requiring any review under the New York State Environmental Quality Review Act.

NOW, BE IT RESOLVED that the Town Board of the Town of Poughkeepsie does hereby:

- Accept the road, designated as Logans Court, esements and public improvements pursuant to the Irrevocable Offer of Cession recorded in the Dutchess County Clerk's Office on September 28, 2005 as document No. 02 2005 8680, and waives the requirement for a maintenance bond,
- Release and authorize the return of Arch Subdivision Bond SU 5018699,
- Authorize the Supervisor to execute and deliver a General Release of Arch and Altieri as to the Gagliardo Subdivision, and such other documents as are required to effect the aforesaid acceptance and releases,

And to be effective upon:

- The Town obtaining title insurance for the Offer of Cession in form acceptable to the Town Attorney,
- Receipt of an Engineering Certification from Altieri's engineer at the quoted cost of seven hundred fifty and no/100 (\$750.00) dollars, and
- Receipt of the twenty five thousand and no/100 (\$25,000.00) settlement proceeds.

SO MOVED: Supervisor Myers/J. Conte

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

08:18-17 APPROVE/
CONSENT

Joint Water Board Appointment Of Randy Alstadt, P.E. As Joint Water Plant Administrator

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve and consent to the appointment by the Joint Water Board of Randy Alstadt, P.E. to the position of Joint Water Plant Administrator at the annual salary of \$111,000.

SO MOVED: R. Lecker/T. Tancredi

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

08:18-18 NOTICE OF CLAIM

Frederick G. Olita V. Town of Poughkeepsie For Damage To Automobile

REFERRED TO THE LEGAL DEPARTMENT

08:18-19 NOTIFICATION

Notice of Petitions For Review of Tax Assessments

(LIST OF PETITIONERS ATTACHED TO FINAL BOOK COPY)
(NOTED BY TOWN BOARD)

08:18-20 NOTIFICATION

Notice of Petitions For Small Claims Assessments

(LIST OF PETITIONS ATTACHED TO FINAL BOOK COPY)
(NOTED BY TOWN BOARD)

08:18-21 AUTHORIZE

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

RESOLUTION

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

SC 1 Budget Modification

Engineering

SC 2 Accept/Authorize

Legislative Grant – Purchase of Rescue Truck

SC 3 Set Date for Public Hearing

Amend V & T – Section 195.39 – One Way Streets and Section 195.44 -Stop Intersections

SC 4	Proposed Answers to Proposers'	Sewer Plant RFP
SC 5	Notification	Dutchess County Night Paving
SC 6	Notification	Town of Lloyd-Public Hearing
SC 7	Notification	Town of Marlborough-Public Hearing

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: S. Eagleton/J. Conte

Councilman Eagleton: On Item 4, I am not comfortable voting on that without a little more knowledge about the 24 hour requirement. That sounds like a safety requirement.

Councilman Krakower explained the 24 hour a day operation of the plant and there was an option to truck out the sludge rather than burn it. The third shift may be the only change.

Councilman Eagleton stated that the issue he had with it was that it was not automated and leaving it unattended, would be a risk.

Councilman Krakower said that the proposal would take that into consideration when making an upgrade.

Supervisor Myers: At whose expense would the upgrades be?

Councilman Krakower: Right now, the Board approved \$17,000.

Supervisor Myers: So, we would upgrade it to make a third party contractor happy?

Councilman Krakower: No. The upgrades are co-ordinated with the operations.

Councilman Eagleton: The question I have is, can this resolution be removed and reviewed later?

Councilman Krakower: Delaying it further puts us further out of the process and puts us further out of our Budget cycle.

Supervisor Myers: And all our questions have to be submitted by September 1st and so if there are any more questions after they receive these, we will need a new time frame to submit again.

Councilman Eagleton: I just wanted some safe guard in the RP so that whoever bids on this realizes that they just can't eliminate around the clock watch until they automate the facility.

Councilman Krakower: Everything will be factored in. The upgrade, the annual operations, the plan for capital improvements over the 5 and 10 years requested. We are looking for the best possible and cost efficient way to run that plan.

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

08:18-SC 1 BUDGET
MODIFICATION

Engineering For Additional Repairs &
Maintenance Monies

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the 2010 Budget, pursuant to the attached Budgetary Transfer Request Form submitted by the Comptroller, to allow for additional Repairs & Maintenance monies in 2010, as follows:

FROM:

SL 5182.0211	Other Equipment	\$5,000.00
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TO:

SL 5182.0443	Repair & Maintenance	\$5,000.00
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SO MOVED: J. Conte/S. Eagleton

Councilman Cifone: We had asked before to be let in on more clearly as to what the repairs are for.

Supervisor Myers: These are street lights.

Town Clerk Miller: This is if a light goes out on the street light, then it is repaired by Central Hudson. If there is something wrong with the head of the light itself, or internal wiring, then the Town is required to pay it. Right now there is no money for the Town to repair any of the street lights we are obligated to fix for. I believe that this is what this resolution covers. I believe we have about three lights now that needs repair and we haven't been able to repair them because we have no money in the budget.

Supervisor Myers: The \$5,000 is still within the Street light Account, it's not coming from any other source or budget line.

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

08:18-SC 2 ACCEPT/
AUTHORIZE

NYS Division of Criminal Justice Services
Legislative Grant For Purchase of New
Tactical Deployment/Rescue Truck

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept a Legislative Grant from the New York State Division of Criminal Justice Services in the amount of \$40,000.00, which funds will be used for the purchase of new Tactical Deployment/Rescue Truck; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Police Department to purchase said vehicle under a State Contract Bid of \$65,981.00.

SO MOVED: M. Cifone/S. Krakower

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi, and
Supervisor Myers

Nays: None

CARRIED: 7-0

(SCREECHING BEGAN AGAIN)

08:18-SC 3 SET DATE FOR
PUBLIC
HEARING

Amend Town Code, Chapter 195,
Entitled "Vehicle And Traffic" Specifically
Sections 195:39 Entitled "Schedule IV:
One-Way Streets" & 195.44 Entitled
"Schedule IX: Stop Intersections"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 1st day of September, 2010 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 amendments to the Town of Poughkeepsie Code, Chapter 195, entitled "Vehicles and Traffic", specifically Article VI, Section 195.39, Schedule IV, entitled "One-Way Streets and Article VI, Section 195.44, Schedule IX, entitled "Stop Intersections", which amendments would be as follows:

ADD: Article VI, Section 195.39, Schedule IV: One Way Streets:

Name of Street

Bridge Street Extension

Direction of Travel

Northwest

Limits

From Main Street
(New Hamburg) to
Bridge Street

ADD: Article VI, Section 195.44, Schedule IX: Stop Intersections:

Stop Sign On	Direction of Travel	At Intersection of
Main Street (New Hamburg)	East	Main St. (New Hamburg) and New Hamburg Road All Way
Bridge Street	South	Bridge Street and Main Street (New Hamburg) All Way

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

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

SO MOVED: S. Krakower/M. Cifone

ROLL CALL: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0

**PUBLIC HEARING TO BE HELD AT THE SEPTEMBER 1, 2010
TOWN BOARD MEETING**

08:18-SC 4 PROPOSED Sewer Plant RFP
ANSWERS TO
ENGINEERING
PROPOSERS' QUESTIONS
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie approves the draft answers to the proposers' questions in regard to the Sewer Plants Request for Proposals, in the form attached.

SO MOVED: T. Tancredi/S. Krakower

(AMENDMENT INAUDIBLE)

Motion made to Amend Resolution:

ROLL CALL ON AMENDMENT: Ayes: Councilmen Lecker, Eagleton, Conte, Cifone,
Krakower, Tancredi,
Nays: Supervisor Myers CARRIED: 6-1

**NOTED BY TOWN BOARD AND
DONALD BEER, ENGINEERING**

**MR. BEER SENT OUT TO PROPOSERS ON 8/19/10 VARIOUS RESPONSES BY
THE TOWN TO QUESTIONS**

FORM ATTACHED TO FINAL BOOK COPY

08:18-SC 5 ANNOUNCEMENT

From Dutchess County Department of
Public Works That Roadway Paving From
August 18, 2010 To the Middle of
September For Main Street From the City
Line to Taft Avenue & County Routes 27,
35, 77, 93 & 114

NOTED BY TOWN BOARD

08:18-SC 6 ANNOUNCEMENT

Town Board of the Town of Lloyd Will
Hold a Public Hearing At The Lloyd Town
Hall at 7:30 PM on September 8, 2010 to
Consider The Adoption of Local Law No.
M-2010, to Amend Chapter 100 of the
Town Code on Zoning to Modify Wording
Of Certain sections

NOTED BY TOWN BOARD

08:18-SC 7 ANNOUNCEMENT

Town Board of the Town of Marlborough
Will Hold a Public Hearing at 6:30 PM at
The Marlborough Town Hall on August 23,
2010 on Proposed Local Law #8 of 2010,
Amending Section 130-14.16 of Chapter
130, "Streets and Sidewalks" Regarding
Private Roads

NOTED BY TOWN BOARD

**SUPERVISOR MYERS AND THE TOWN BOARD THANKED THE HIGHWAY
DEPARTMENT AND THE SEWER SEPARTMENT FOR ALL THEIR CONTINUING
HARD WORK DURING THE LATEST STORM TO CLEAR STREETS AND TAKE
CARE OF SEWER PROBLEMS CREATED BY THE STORM. SUPERVISOR MYERS**

**ALSO STATED THAT THE TOWN DOES NOT SUPPLY DRY ICE TO RESIDENTS,
CENTRAL HUDSON PERFORMS THAT SERVICE.**

TOWN BOARD MEETING CLOSED AT 8:42 PM