

**MINUTES OF TOWN BOARD MEETING HELD ON
JULY 20, 2011 AT 7:02 PM AT TOWN HALL, ONE
OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

PRESENT: Supervisor Myers
Councilman Cifone
Councilman Krakower
Councilman Tancredi
Town Attorney Nelson
Town Clerk Miller

ABSENT: Councilman Lecker
Councilman Eagleton
Councilman Conte

- **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 or amendments to

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: 4-0

NO SPEAKERS CAME FORWARD

Motion made to resume the rules: Supervisor Myers/S. Krakower

CARRIED: 4-0

Town Clerk Miller: I did hereby file the affidavit of posting on July 7, 2011 and published in the Poughkeepsie Journal on July 9, 2011.

07:20-01 PUBLIC
HEARING

Amend Town Code, Chapter 195,
Entitled "Vehicles And Traffic",
Specifically Section 195-48 Entitled
"Schedule XIII: Parking Prohibited
At All Times" For DeGarmo Road

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 20th day of July, 2011 at 7:00 PM at the Town Hall, Town

of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town of Poughkeepsie Code Chapter 195, entitled "Vehicle & Traffic", specifically Section 195-48, Schedule XIII, entitled "Parking Prohibited at All Times", which amendment is as follows:

Amend Section 195-48, Schedule XIII as follows:

ADD:

Name of Street	Side	Location
DeGarmo Road	West	At Intersection with Overlook Road, Traveling Southbound to 191 Feet South of Overlook Road Intersection

AND BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does determine that this action is a Type II Action requiring no environmental review; and

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

SO MOVED: M. Cifone/S. Krakower

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

CARRIED: 4-0

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

CARRIED: 4-0

Sarah Davis, Zoning Administrator: I don't have photographs because it was cut today by us. I asked Marc to cut the front so the neighbors could get out of their driveways and he cut it all.

NO OTHER SPEAKERS CAME FORWARD

Motion made to close the public hearing: Supervisor Myers/S. Krakower

CARRIED: 4-0

Town Clerk Miller: I did hereby file the affidavit of posting on July 7, 2011 and published in the Poughkeepsie Journal on July 9, 2011.

07:20-02 PUBLIC
HEARING

Property Maintenance Violation Of 221
Beechwood Avenue

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on July 6, 2011 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 221 Beechwood Avenue, Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6160-01-130950, owned by Mark & Liza Dolan, is in violation of Chapter 195; and

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

BE IT FURTHER RESOLVED, that said owner of 221 Beechwood Avenue has not complied with the Order to Remedy; and

BE IT FURTHER RESOLVED, that the Town shall cause the repair or removal of all solid waste, debris, litter, garden waste, fallen tree limbs and shall cut the grass to a height not to exceed 4 inches, and any continued maintenance thereafter if the premises continues not to be properly maintained 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; and

BE IT FURTHER RESOLVED, that the Highway Department or an appointed contractor is authorized to remove all solid waste, debris, litter, garden waste, fallen tree limbs and cut the grass.

SO MOVED: S. Krakower/M. Cifone

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

CARRIED: 4-0

Motion made to suspend the rules for public speaking on Public Hearing # 3: Supervisor Myers/M. Cifone
CARRIED: 4-0

Doreen Tignanelli: Would you please explain what the changes are on this or is it for a particular parcel? It would be helpful if you might consider in the future putting these on-line so people can look at them on the website, if possible.

Councilman Krakower: The resolutions aren't put out until they have been approved by the Board.

Neil Wilson, Planning Administrator: Basically, what this is doing is taking the existing Senior Overlay District, which right now applies only to certain properties that are large enough and meet the road frontage criteria in the BH Zone and would extend that to properties in the OR Zone and those properties that are zoned both OR as well as BH. We do have some that are split.

Doreen Tignanelli: Ok, while you are here, could you please explain #6 ?

Neil Wilson: That's actually the property that the Planning Board knows as Ashbin Park. It was originally OR and had been for a very long time and it's the last remaining corner at Old Post Road and Route 9 and Spring Road that is undeveloped. It had been in a large OR district under the old Zoning, it was changed to BH in 2007 and it is now proposed to go back to OR.

Rub Rubin: I agree with Doreen, I believe that any of these items that you wish to talk about on the agenda, should be posted on the on-line so we, the community, could look at it. We have an open forum here wherewith being asked to give in-put, and it is very hard to impossible to comment on some of these items without knowing what it is being proposed beforehand.

Councilman Krakower: The agenda is up on the website on Friday afternoon and I believe it's been the Town Board policy not to publish or put resolutions out until they have actually been voted on because they are subject to change prior to the Board Meeting or at the Board Meeting. So, the subject matter is out there. If you do have a question regarding any item on the agenda posted on the web-site, you can always call the Supervisor or any one of the Board Members and ask questions and get more information.

Supervisor Myers: In a way, I think he's right. These are Public Hearings, these are not just regular ordinary agenda things. We said two weeks ago that this is going to be a Public Hearing and we are going to seek comments on them, but if they don't know what they are going to have to comment on, it's going to be difficult to make an intelligent comment on it if they haven't seen the materials. So, maybe things we are proposing for Public Hearing should be out there because we can't change it once we post a public hearing until after we hold it right. We could put in just that we are having one.

Rub Rubin: Thank you, that is something to please consider.

John Baisley: I did get the information from my Councilman and I'm looking at this, one of the issues in here is, it's OR and it's a seven story building. Isn't this wrong? If you are on a business highway, it's one thing. I think the tallest building now is five stories. To take something like this on a small lot, two acre minimum, and seven stories is absolutely ludicrous. Some of the points in here are off. I think you should take this whole package back. There are some good points in here like its close to shopping and everything, but some of the other things in here should be looked at as a Town on a whole. Maybe it should say what zones it CAN'T be in instead of what zones it CAN be in. I think you should take it back and look it over and make it more generic. It makes it too complicated for the normal person to read.

Motion made to resume the rules: Supervisor Myers/S. Krakower

Motion made to resume the Public Hearing at the meeting on August 3, 2011: Supervisor Myers/T. Tancredi

CARRIED: 4-0

Town Clerk Miller: I did hereby file the affidavit of posting on June 28, 2011 and published in the Poughkeepsie Journal on July 1, 2011.

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

CARRIED: 4-0

07:20-03 PUBLIC
HEARING

Amend Town Code, Chapter 210, Entitled
"Zoning", Specifically Section 210-20, Entitled
"Senior Housing Overlay District (SHOD)" For
Development Of Age Restricted Housing

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie pursuant to a public hearing held on the 20th day of July, 2011 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 Section 210-20 regarding Senior Housing Overlay District regulations, which amendment is attached hereto and incorporated herein; and

BE IT FURTHER ENACTED, that the Town Board does hereby waive the verbatim reading and does direct that said amendments be spread across the record as if it, in fact, had been read verbatim;

AND BE IT FURTHER ENACTED, that the Town Board has previously declared its intent to act as Lead Agency under the New York State Environmental Quality Review Act and does declare said action to be an Unlisted Action; and

BE IT FURTHER ENACTED, that the Town Board has reviewed the Short Form Environmental Assessment Form (EAF) dated June 22, 2011 prepared by the Director of Municipal Development and hereby determines that 1) the adoption of the herein zoning amendment would not have a significant adverse effect on the environment and; 2) a draft environmental impact statement will not be required for the reasons set forth in Part II of the EAF and; 3) a Negative Declaration is hereby issued; and

BE IT FURTHER ENACTED, that a written recommendation dated July 7, 2011 was received from the Dutchess County Department of Planning and Development and that said recommendation stated that the adoption of the herein zoning amendment is a matter of local concern; and

BE IT FURTHER ENACTED, that a written recommendation dated July 15, 2011 was received from the Town of Poughkeepsie Planning Board in which said Board recommended adoption of the herein Zoning Amendment; and

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

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

CARRIED: 4-0

CONTINUED UNTIL THE AUGUST 3, 2011 TOWN BOARD MEETING

Motion made to suspend the rules for public speaking on Public Hearing #4: Supervisor Myers/T. Tancredi

CARRIED: 4-0

Joseph Matrando: I just want to point a couple things out to the Town Board. There still is an active law suit between TLP and myself in regards to the properties in question for Zoning change and in recommendation from my lawyer it was to make sure that the Town is aware of that. It may have been thought that the law suit was over. But, it has been appealed.

Supervisor Myers: This is between you and them, right?

Joseph Matrando: Yes, and what I also would like to voice my opinion about is the property value in McKinley Lane. It stays at a low because of the construction activities, noise, dust and the road, which is unrelated to the now Public Hearing, has been in need of repair and it has always been in need of repair since they put the new sewer lines in which was way back. What I would like to say is that the Zoning change does not --- I think it can be acceptable in regards to the rest of the neighborhood is changed along with it. Because the residential property and construction, industrial, commercial business area is not going to be desired on the market. If the property is all turned into a commercial business district, however classified, there will be a value there to that

market in a future sale. The only way we can find value in that neighborhood is if the change was made to all. Then we wouldn't be a minority in the construction center. The values of our properties are not attractive because of the commercial construction, etc. If it was marketed with the respect that the future it was zoned correctly for what ever else is in the neighborhood, then maybe there would be an opportunity for value in the future. That's my opinion on it and I just wanted the Town to know I'm still in a lawsuit there and I don't want any type of change that would affect my lawsuit. (He had some pictures for the Town Board to see). I also have a letter from my lawyer who states that this could affect this change.

(Gentleman did not identify himself) As far as I know, there is no active lawsuit. Basically it's been settled. I don't know where that's coming from. The Zoning property that was brought to us for a change, has nothing to do with any of the property that was in the (inaudible) Basically, (inaudible) we've been there so we can (inaudible) and we've been grandfathered on a big chunk of our property. We brought property around our property to try and calm the noise factor and everything else. The houses we bought we rented out and tried to clean up. Basically, as any business, we try to economize our space as much as possible, but, by property, we had to expand somewhat because we are still expanding as the business grows. The change in Zoning is really for the land we already own. We are not asking to change anyone else's property. Basically, the property that would get changed we are using for storage. We are not digging or putting up buildings or anything. We are a construction outfit and have been there since the 40's. We try to keep everything clean and neat as best we can. Remember also, it was paved back when Stanley Still was a Highway Super. The street that gets used by us is also used by the City of Poughkeepsie Department of Public Works, because it's right up on the hill. Is there traffic? Yes, there is. Most of our traffic goes from our office out to Salt Point. We don't go the other way. Our land is Grandfathered into the Zoning for what we do. I disagree with Mr. Matrando. To me, his Zoning request for his property is that he is running a business out there in a Residential Zone far longer than we have and we don't bother him and same for him, he doesn't bother us.

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

CARRIED: 4-0

07:20-04 PUBLIC
HEARING

Amend Town Code, Chapter 210, Entitled
"Zoning", Specifically Section 210-11,
Entitled "Zoning Map" For McKinley Lane

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 20th day of July, 2011 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 Section 210-11, which amendment hereby changes the zoning designation of tax parcel numbers 6162-15-693398-0000, 6162-15-687395-0000, 6162-15-686390-0000, 6162-15-691395-0000, and 6162-15-

687379-0000, said tax parcels also being known as 40-42 McKinley Lane, 36 McKinley Lane, 34 McKinley Lane, 32 McKinley Lane, 30 McKinley Lane respectively, from Residence Multifamily (R-M) District to Neighborhood Business (BN) District; and

AND BE IT FURTHER ENACTED, that the Town Board has previously declared its intent to act as Lead Agency under the New York State Environmental Quality Review Act and does declare said action to be an Unlisted Action; and

BE IT FURTHER ENACTED, that the Town Board has reviewed the Short Form Environmental Assessment Form (EAF) dated June 22, 2011 prepared by the Director of Municipal Development and hereby determines that: 1) the adoption of the herein zoning amendment would not have a significant adverse effect on the environment and; 2) a draft environmental impact statement will not be required for the reasons set forth in Part II of the EAF and; 3) a Negative Declaration is hereby issued; and

BE IT FURTHER ENACTED, that a written recommendation dated July 7, 2011 was received from the Dutchess County Department of Planning and Development and that said recommendation stated that the adoption of the herein zoning amendment is a matter of local concern; and

BE IT FURTHER ENACTED, that a written recommendation dated July 15, 2011 was received from the Town of Poughkeepsie Planning Board and that said recommendations recommended adoption of the herein zoning amendment; and

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

Motion made to Table this resolution and continue it until the August 3, 2011 Town Board: Supervisor Myers/M. Cifone

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

CARRIED: 4-0

Town Clerk Miller: I did hereby file the affidavit of posting on June 28, 2011 and Published in the Poughkeepsie Journal on July 1, 2011.

CONTINUED UNTIL THE AUGUST 3, 2011 TOWN BOARD MEETING

Motion made to suspend the rules for public speaking on Public Hearing #5: Supervisor Myers/M. Cifone

CARRIED: 4-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 4-0

Town Clerk Miller: Id did hereby file the affidavit of posting on June 28, 2011 and Published in the Poughkeepsie Journal on July 1, 2011.

07:20-05 PUBLIC
HEARING

Amend Town Code, Chapter 210, Entitled
“Zoning”, Specifically Section 210-11,
Entitled “Zoning Map” For Friendly Honda
Located At Dutchess Turnpike

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 20th day of July, 2011 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 Section 210-11, which amendment hereby changes the zoning designation of tax parcel number 6362-01-100640-0000, 6362-01-120653-0000, 6362-01-128675-0000, 6362-01-145678-0000, 6362-01-160689-0000, and 6362-01-170698-0000, said tax parcels also being known as 1121-1123 Dutchess Turnpike, 1135 Dutchess Turnpike, 1143 Dutchess Turnpike, 1147 Dutchess Turnpike, 1155 Dutchess Turnpike, 1159 Dutchess Turnpike respectively, from Neighborhood Business (BN) District to Highway Business (B-H) District; and

AND BE IT FURTHER ENACTED, that the Town Board has previously declared its intent to act as Lead Agency under the New York State Environmental Quality Review Act and does declare said action to be an Unlisted Action; and

BE IT FURTHER ENACTED, that the Town Board has reviewed the Short Form Environmental Assessment Form (EAF) dated June 22, 2011 prepared by the Director of Municipal Development and hereby determines that: 1) the adoption of the herein zoning amendment would not have a significant adverse effect on the environment and; 2) a draft environmental impact statement will not be required for the reasons set forth in Part II of the EAF and; 3) a Negative Declaration is hereby issued; and

BE IT FURTHER ENACTED, that a written recommendation dated July 7, 2011 was received from the Dutchess County Department of Planning and Development and that said recommendation stated that the adoption of the herein zoning amendment is a matter of local concern; and

BE IT FURTHER ENACTED, that a written recommendation dated July 15, 2011 was received from the Town of Poughkeepsie Planning Board in which said Board recommended adoption of the herein zoning amendment; and

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

SO MOVED: T. Tancredi/M. Cifone

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

CARRIED: 4-0

Motion made to suspend the rules for public speaking on Public Hearing #6: Supervisor Myers/T. Tancredi

NO SPEAKERS CAME FORWARD

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

CARRIED: 4-0

07:20-06 PUBLIC
HEARING

Amend Town Code, Chapter 210, Entitled
“Zoning”, Specifically Section 210-11,
Entitled “Zoning Map” For 2055 South
Road & 79 Old Post Road

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 20th day of July, 2011 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 Section 210-11, which amendment hereby changes the zoning designation of tax parcel numbers 6159-03-375410-0000 and 6159-03-357374-0000, said tax parcels also being known as 2055 South Road and 79 Old Post Road respectively, from Neighborhood Highway Business (B-NH) District to Office Research (OR) District; and

BE IT FURTHER ENACTED, that the Town Board has previously declared its intent to act as Lead Agency under the New York State Environmental Quality Review Act and does declare said action to be an Unlisted Action; and

BE IT FURTHER ENACTED, that the Town Board has reviewed the Short Form Environmental Assessment Form (EAF) dated June 22, 2011 prepared by the Director of Municipal Development and hereby determines that: 1) the adoption of the herein zoning amendment would not have a significant adverse effect on the environment and; 2) a draft environmental impact statement will not be required for the reasons set forth in Part II of the EAF and; 3) a Negative Declaration is hereby issued; and

BE IT FURTHER ENACTED, that written a recommendation dated July 7, 2011 was received from the Dutchess County Department of Planning and that said recommendation stated that the adoption of the herein zoning amendment is a matter of local concern; and

BE IT FURTHER ENACTED, that a written recommendation dated July 15, 2011 was received from the Town of Poughkeepsie Planning Board in which said Board recommended adoption of the herein zoning amendment; and

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

SO MOVED: Supervisor Myers/M. Cifone

Town Clerk Miller: I hereby filed the affidavit of posting on June 28, 2011 and published in the Poughkeepsie Journal on July 1, 2011.

Councilman Krakower: I think this item should be adjourned to the August meeting also because the property owner here is looking at the Senior Housing Overlay, correct?

Neil Wilson: It's some of the items we discussed, yes. Actually, the representative of the owner left after the first discussion. There is no reason not to move forward on it. It's consistent with the conversations we've had with them. So, my recommendation is to move on it. It's something we intend to do, anyway.

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

CARRIED: 4-0

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

CARRIED: 4-0

Doreen Tignanelli: Special Consent Item #3: Amend Town Code Chapter 159 entitled Property Maintenance, to also apply to occupied properties. What does that entail?

Councilman Krakower: It will give you a schedule as to when to cut your lawn.

Councilman Tancredi: I have a home in my Ward that the grass basically looks like all these homes that are unoccupied. It has not been mowed yet this year. The occupant has told our Zoning Administrator that he has no plans to cut it. So, the resolution before us is in response to this. This gentleman who lives in a very nice neighborhood has just decided he was not going to mow his lawn. I'm just trying to get help for the people who live next door to this property.

Doreen Tignanelli: So what would be the height of the grass?

Councilman Tancredi: Unoccupied can be no more than 6 inches.

Councilman Krakower: The trouble is, if you are not careful in how you word the law, it can be used against everybody and that's what's wrong.

Doreen Tignanelli: Well, I will get with you later to discuss this further because I'm concerned about it in general and I want to review it with you. My next item I want to question is Special Consent #4. Reduction of Performance Bond for the Grand Meadows Subdivision. Last time it was voted down, I believe. There were issues about the stormwater inspections.

Supervisor Myers: We have a letter that says everything is ok now.

Rob Rubin: Special Consent #3, does that also include things like a dead tree and it may impose a threat to structures on adjoining properties?

Councilman Tancredi: I don't know, we can look at that. That's a good point.

Rob Rubin: I was concerned about 7:20-09 with Morris Associate's and expenditure on 7:20-12 of \$50,000 from the Recreation Fund and Special Consent #2, Also with Morris Associates. I know with the first one, Pat, that this was Federal Money that we would be reimbursed on. Are we going to be competitive bidding any of these items? Even if it is Federal money, that's still taxpayer money and my money and I would like to know that that is going out to bid.

Supervisor Myers: They will be preparing the specs to go out to bid for the energy grant for that.

Rob Rubin: No, I mean bidding for the engineering services.

Supervisor Myers: I think this is something that Susan Roller-Brown worked on with Tim Sickles, so this is probably the way that the Feds are suggesting that we do it. Get your attorney and then go to bid. The Recreation fund is for to fix the walking trail around the Golf Course that is deteriorated and that is the money to fix that to not impact the taxpayers, it comes out of the Recreation Trust Fund. Mark is going to do it and that dose no need to go out to bid. The last one with Morris is, Morris has already done the mapping, but we need more extensive mapping because of the location of the sewer lines on Tucker.

Rob Rubin: I would ask in general that if there is going to be a line item on the agenda that we are talking about possible spending of taxpayer money, if that could also be posted so that we as citizens could look at that and comment on it before the meeting. I realize nothing is written in stone, but, it gives us something to read about and we can then come out and talk about that. So, I would like to make that request.

Motion made to resume the rules: Supervisor Myers/S. Krakower

CARRIED: 4-0

MOTION MADE FOR AGENDA ITEM #07:20-SC 1 TO BE ADDRESSED AFTER #07-20-06 PUBLIC HEARING

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

CARRIED: 4-0

07:20-SC 1 PRESENTATION

Cal Ripken Foundation's Badges For
Baseball Program

Video was shown to show how the foundation was started and then Jane Rodgers & Jane Lecapitaine were representatives for United Water and Badges for Baseball, a Youth Development Program funded by United Water for the benefit of children of Poughkeepsie, NY. Badges for Baseball is in partnership with the Cal Ripken, Sr. Community together around a ball field to: Offer the opportunity to bring kids into a safe, fun environment, teach life lessons through the game, provide an alternative to drugs, gangs and other high risk behavior and builds relationships with law enforcement officers in their community.

WELCOMED BY TOWN BOARD

07:20-07 AUTHORIZE

Hudson Valley Historical Miniatures
Guild-Scale Modelers Society For
Sign Posting Prior To Event On
October 22, 2011

RESOLUTION

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 22, 2011 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: M. Cifone/S. Krakower

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

CARRIED: 4-0

07:20-08 ADOPT

Base Proportions
A. Current & Adjusted Base Proportions
B. Local Adjusted Base Proportions –
Spackenkill School District

A.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby adopt and certify the current base proportions, as follows:

	H	NH
Town	51.23659	48.76341
Town outside village	48.73301	51.26699
Consolidate Light	52.53150	47.46850
Spackenkill School	40.67802	59.32198
Arlington School	64.18226	35.81774
Wappingers School	62.97062	37.02938

AND BE IT FURTHER RESOLVED, that the Town Board of Poughkeepsie does hereby adopt and certify the adjusted base proportions, as follows:

	H	NH
Town	51.12077	48.87923
Town outside village	48.61976	51.38024
Consolidated Light	52.39486	47.60514
Spackenkill School	40.70527	59.29473
Arlington School	63.82825	36.17175
Wappingers School	62.98765	37.01235

SO MOVED: S. Krakower/M. Cifone

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

CARRIED: 4-0

B.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby adopt and certify the local adjusted base proportion for the Spackenkill School District, as follows:

H	NH
42.910699	57.089301

SO MOVED: T. Tancredi/M. Cifone

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

CARRIED: 4-0

BASE PROPORTIONS ATTACHED TO FINAL BOOK COPY

07:20-09 RETAIN

Morris Associates To Provide General
Mechanical & Engineering Services
Regarding Town Hall HVAC Units
Upgrades

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby retain Morris Associates to provide general mechanical and engineering services regarding the upgrade of the HVAC units and controls at the Town Hall at a cost not to exceed \$5,000, pursuant to the attached proposal dated June 29, 2011.

SO MOVED: Supervisor Myers/T. Tancredi

PROPOSALS ATTACHED TO FINAL BOOK COPY

07:20-10 APPOINTMENT

Water Department of Michael Raffaele As
Laborer

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Michael Raffaele to the position of Laborer with the Town of Poughkeepsie Water Department, effective July 25, 2011, at an annual salary of \$34,545.00, together with all accrued benefit time accumulated during his employment with the Town of Poughkeepsie Sewer Department, such appointment being subject to a probationary period of not less than 8 nor more than 26 weeks per New York Civil Service Law.

SO MOVED: M. Cifone/S. Krakower

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

CARRIED: 4-0

07:20-11 AUTHORIZE

Water Department Of Promotion For
Brandon Lakin To Water Maintenance
Mechanic

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby promote Brandon Lakin from the position of laborer to Water Maintenance

Mechanic with the Town of Poughkeepsie Water Department, effective July 25, 2011, at an annual salary of \$39,312.00, such promotion being subject to a probationary period of not less than 8 nor more than 26 weeks per Civil Service law.

SO MOVED: S. Krakower/M. Cifone

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

CARRIED: 4-0

07:20-12 AUTHORIZE Expenditure Of \$50,000 From Recreation
Trust Fund To Resurface Wilbur Boulevard
Bike & Walking Trail

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the expenditure of \$50,000 from the Recreation Trust Fund to pay the Highway Department's expense to resurface approximately 3,500 linear feet of the Wilbur Boulevard bike and walking trail.

SO MOVED: T. Tancredi/S. Krakower

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

CARRIED: 4-0

07:20-13 SET DATE Property Maintenance Violation For 11
FOR PUBLIC Shelley Road
HEARING

WITHDRAWN

07:20-14 SET DATE Property Maintenance Violation For 11
FOR PUBLIC Donny Drive
HEARING

WITHDRAWN

07:20-15 BUDGET Water Department
MODIFICATION

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the 2011 Budget, pursuant to the attached Budgetary Transfer Request

Form submitted by the Comptroller, to allow for funding for two Water Department positions, as follows:

FROM:

F 8320-0211	Other Equipment	\$11,946.00
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TO:

F8340-0101	Regular Pay	\$ 9,692.00
F8340-0811	Social Security	742.00
F8340-0812	Retirement	1,512.00

SO MOVED: T. Tancredi/M. Cifone

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

CARRIED: 4-0

07:20-16 SET DATE FOR PUBLIC HEARING	Amend Town Code, Chapter 210, Entitled “Zoning”, Specifically Section 210-79 Entitled “Land Contour Changes”
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RESOLUTION

WHEREAS, the Town Board has received a communication from the Director of Municipal Development recommending amendment of Chapter 210-79 of the Zoning Law in regard to the security requirements for land contour change permits; and

WHEREAS, the amendment would allow the Town Attorney to approve the form of the performance security, and authorize the use of other forms of security such as cash, letters of credit, etc., in addition to performance bonds, to be used as security for land contour change permits that an applicant shall provide to the Town; and

WHEREAS, the amendment is attached hereto and incorporated herein and the Town Board does hereby waive a verbatim reading of said amendment and does direct that said amendment be spread across the record as if it, in fact, had been read verbatim; and

WHEREAS, the action to amend the Zoning Law is an Unlisted Action under the New York State Environmental Quality Review Act; and

WHEREAS, the Town Board has determined that the proposed amendment must be referred to the Dutchess County Department of Planning and Economic Development and to the Town Planning Board for review and recommendation; and

WHEREAS, the amendment of Section 210-79(C)(12) requires a public hearing.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby states that because only the Town Board can consider and adopt changes to the Town Code that it is the only involved agency, and the Board hereby declares that it is the Lead Agency for purposes of coordinating the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law; and
2. The Town Board hereby sets a public hearing on the proposed amendment to Chapter Section 210-79(C)(12) of the Town Code for August 24, 2011 at 7:00 PM, or as soon thereafter as the matter may come to be heard, in the Town Hall, One Overocker Road, Poughkeepsie, New York; and
3. The Town Board refers this matter to the Dutchess County Department of Planning and Economic Development for a recommendation pursuant to GML 239-m; and
4. The Town Board refers this matter to the Planning Board for an advisory report pursuant to Town Code Sections 210-154; and
5. The Town Board directs the Town Clerk to notify the Town Clerks of the surrounding Towns, the Chamberlain of the City of Poughkeepsie, and the Clerk of the Village of Wappinger Falls of the public hearing pursuant to GML 239-nn; and
6. Said local law, if adopted, shall take effect immediately upon filing with the Secretary of State.

SO MOVED: Supervisor Myers/T. Tancredi

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

CARRIED: 4-0

07:20-17 NOTIFICATION

Notice Form For Renewal Application For
An On-Premises Alcoholic Beverage
License For

- A. Taco Land, Inc. D/B/A Salsa Located At
2585 South Road, Unit 480
- B. New Hamburg Yacht Club, Inc. D/B/A
New Hamburg Yacht Club Located At 1
Water Street, New Hamburg
- C. Arlington Bar & Grill, Inc. Located At
770 Main Street

REVIEWED BY POLICE
NOTED BY TOWN BOARD

07:20-18 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. Presentation | Cal Ripken Foundation's Badges for Baseball Program |
| SC 2. Authorize | Morris Associates to Amend the Map, Plan & Report – Tucker Drive Sewer Line |
| SC 3. Set Date for Public Hearing | Amend Chapter 159 – Property Maintenance To Apply to Occupied Properties |
| SC 4. Authorize | Bond Reduction – Grand Meadows Subdivision |
| SC 5. Approve | Marist College Fireworks |
| SC 6. Authorize | Liquor License Waivers
A. Pizzeria Uno – Poughkeepsie
B. Uno's Chicago Grill – Wappingers |
| SC 7. Notification | Town of Newburgh Public Hearings
A. Subdivision of Land
B. Zoning – Buildable Area
C. Zoning – Residential Lot
D. Zoning – Senior Citizen Housing |

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: M. Cifone/S. Krakower

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

CARRIED: 4-0

07:20-SC 1 PRESENTATION

Cal Ripken Foundation's Badges For Baseball Program

PRESENTED AFTER 07:20-06

07:20-SC 2 AUTHORIZE

Morris Associates To Perform Necessary
Surveying & Engineering Services To
Amend The Map, Plan & Report For The
Tucker Drive Sewer Line Extension

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie, by Resolution 9:22-#9 of 2010, authorized Morris Associates to perform surveying and engineering services as necessary to prepare a Map, Plan and Report for the Tucker Drive Sewer Line Extension at a cost not to exceed \$8,000.00; and

WHEREAS, due to the need to comply with the Department of Environmental Conservation's protocols for the excavation in this area an amendment to the Map, Plan and Report is required; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize Morris Associates to perform the necessary surveying and engineering services to amend the Map, Plan and Report as required for the Tucker Drive Sewer Line Extension, at a cost not to exceed \$3,500; and

BE IT FURTHER RESOLVED, that this is a Type II Action requiring no review under the New York State Environmental Conservation Law.

SO MOVED: S. Krakower/T. Tancredi

Councilman Krakower: Is this being paid by the property owners over there?

Supervisor Myers: Yes.

Councilman Krakower: Only if it goes forward though, right? If they don't vote for a sewer district, it comes back to the Town and as a Town charge, is that right? (Yes) Now, the change to comply with DEC's protocols, was that something new and unexpected?

Neil Wilson: Yes. The contract here is about the sewer line that we've been working on for some time, but the matter actually arose in the context of the work that Marc had been doing out there in regard to a drainage line. Specifically, a representative from the DEC showed up and said, "You are not supposed to be digging here without our prior permission" and they are also looking for a certain design protocols to be built into any of the design work. Specifically about the sewer line as well as anything being installed into the former landfill. They are concerned about making sure that anything that gets put into the ground does not result in creating any conveyance of weed shape into an outside location. So, what has happened is, the Map, Plan and Report has to be amended to take that into account along with going forward. The idea here is that if you are digging the garbage out and putting something into the ground there is a certain volume of garbage

that can't go back into the ground because you now put a pipe or something else and so we have to raise your separate disposal.

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

CARRIED: 4-0

Councilman Tancredi: SC 3 I would like to Table until the first meeting in August so people have time to look at the ordinance and we can adjust it and then set the public hearing. I'm willing to adjust it to the extent as simple as possible to just address the current problem I have and then if later on we want to expand it or make sure it covers other areas, I'm fine with that, but my intension is to address the problem I have in my Ward. Motion was seconded by Supervisor Myers.

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

CARRIED: 4-0

07:20-SC 3 SET DATE
FOR PUBLIC
HEARING

Amend Town Code Chapter 159, Entitled
"Property Maintenance", To Also Apply To
Occupied Properties

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 3rd day of August, 2011 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, New York, as and for the time, date and place of a public hearing so to consider the adoption of Chapter 159, entitled "Property Maintenance", as follows:

REPEAL: Chapter 159. Property Maintenance

ADD: Chapter 159. Property Maintenance

SEE ATTACHMENT – EXHIBIT "A"

AND BE IT FURTHER RESOLVED, that the Town Board does hereby waive verbatim reading and does direct that said local law shall be spread across the record as if it, in fact, had been read verbatim; and

BE IT FURTHER RESOLVED, the Town Board of the Town of Poughkeepsie does determine that said action is a Type II action for the purposes of the New York State Environmental Quality Review Act pursuant to 6 NYCRR Section 617.5(20) & (27) and therefore no further review is required; and

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

TABLED UNTIL AUGUST 3, 2011 TOWN BOARD MEETING &
THEN SET THE PUBLIC HEARING

07:20-SC 4 AUTHORIZE CARRIED 4-0
Reduction Of Performance Bond
For The Grand Meadows
Subdivision

RESOLUTION

WHEREAS, the attorney for Grand Meadows Subdivision has requested that the performance bond originally posted in the amount of \$1,119,800 be reduced; and

WHEREAS, the Town Engineer has reviewed and approved portions of the required improvements for the subdivision and has provided a calculation for security to guarantee performance of the remaining improvements yet to be installed by the applicant; and

WHEREAS, the Town Board has received a recommendation from the Town of Poughkeepsie Planning Board by memorandum dated June 17, 2011; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the request for a reduction of the performance bond from \$1,119,800 to \$224,000 for the Grand Meadows Subdivision.

SO MOVED: T. Tancredi/M. Cifone

Supervisor Myers: The latest letter from Joe Dennis says that these things have been addressed.

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

CARRIED: 4-0

07:20-SC 5 APPROVE Application From Marist College To Include
A Fireworks Display At Their Block Party
Event To Be Held On Sunday, August, 28,
2011 At 9:00 PM

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Marist College to include a fireworks display at their Block Party event to be held on Sunday, August 28, 2011; and

WHEREAS, the applicant has notified the Fairview 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 Sunday, August 28, 2011, at 9:00 PM on Marist College property, 3399 North Road, Poughkeepsie, New York.

SO MOVED: Supervisor Myers/M. Cifone

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

CARRIED: 4-0

07:20-SC 6 AUTHORIZE

Waiver Of 30 Day Hold On Renewal
Application For An On-Premises
Alcoholic Beverage License
A. Banta Properties, Inc. D/B/A
Pizzeria Uno Located At 842
Main Street

A.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Glen F. Kubista & Associates, on behalf of Banta Properties, Inc., Pizzeria Uno, 842 Main Street, Poughkeepsie, NY 12603, for a waiver of the 30 day review period for a liquor license renewal; and

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

SO MOVED: M. Cifone/S. Krakower

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

CARRIED: 4-0

REVIEWED BY TOWN POLICE

NOTED BY TOWN BOARD

B. AUTHORIZE

Waiver of 30 Day Hold on renewal
Application For An On-Premises
Alcoholic Beverage License
B. Banta Properties, Inc., Uno
Chicago Grill, 1794 South Road
Wappinger Falls, NY 12590

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Glen F. Kubista & Associates, on behalf of Banta Properties, Uno Chicago Grill, 1794 South Road, Wappinger Falls, NY 12590, for a waiver of the 30 day review period for a liquor license renewal; and

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

SO MOVED: S. Krakower/T. Tancredi

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

CARRIED: 4-0

REVIEWED BY TOWN POLICE
NOTED BY TOWN BOARD

07:20-SC 7 NOTIFICATION

Notice of Public Hearings On
July 25, 2011 At The Newburgh
Town Hall Starting At 7:00 PM
A. A Local Law Amending
Chapter 163 Entitled
“Subdivision Of Land” – Lot
Line Changes
B. Zoning – Buildable Area
C. Zoning – Residential Lot Area
Exception For Projects With
Final Planning Board Approval
D. Zoning – Senior Citizen Housing

NOTED BY TOWN BOARD

Supervisor Myers made the announcement that there is going to be some serious heat problems on Thursday and Friday and the Community Room at the Police Facility is going to be available for anyone who needs a cooling center to get out of the heat. Gary Hulbert, our Community Police Officer is in charge and he has also contacted all of the Seniors that have signed up on our list to make sure they understand and know this. This is not available, however, to just seniors, this is available for anyone in need of a cool off place if they don't have an air conditioner or it's broken, whatever. I was also contacted by a representative from Nan Hayworth's Office. She is setting up mobile offices and so she is going to be using the Conference Room here in Town Hall between 2:00 and 4:00 o'clock the last Monday of each month starting in July. I have no idea if it is her or a representative from her office and so if there are any constituents wish to come in and speak to her.

Councilman Krakower: One other thing. There is a deer that got hit by something on Route 9 between Kingwood Park and Spackenkill Road Exit on the State Road and that's the State's responsibility to pick those deer up. The deer was bigger than me. They left it there. It rotted on the side of the road, they were made aware of it, and at some point they threw lime on it to kill the smell, but it is unbelievably disgusting and I can't imagine the State budget is to the extent that they can't afford someone to go out and pick that up.

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

CARRIED: 4-0

Rob Rubin: As a member of the Town Preservation Commission, I got an e-mail recently and I would like to just share this and maybe someone in the community can help in this research request. I found this very interesting. This person was asking for information on the history of the Rochdale Section of the Town of Poughkeepsie. Apparently the company that they work for, which is also in the Town, has business relationships with a similar company in England and they had a photo of a member of Parliament in England holding a picture of the Rochdale signs from the Town of Poughkeepsie. They wanted some more information as to how it was related in England and how it developed. So, if any one has any information, please let the Preservation Commission know and if you want to e-mail me at oldsmobile9at hotmail.com and I will report back what we find out. I would love to get this information back to this gentleman who sent this e-mail on this.

Doreen Tignanelli talked about the Budget time in the Arlington Fire District coming up. She reported that the fire districts can decide that they are not going to adhere to the 2% tax cap by just passing a resolution by three out of the five Commissioners. She had concerns about that because the Arlington budget went from six million to fifteen million dollars in ten years. She also reported that a charge of a detailing job on one of the Assistant Chief's car, washing, vacuuming, etc. and storing an old ladder truck and they said they were storing it at Page's and I asked them for how much and they said "Well, around \$300 a month, but we really don't know because we haven't been billed yet." Well gee, I would think I would like to know how much before I contracted for it. It was supposed to be stored there until the weather broke. Well, the weather has broken and it

is still there and we are paying \$500 a month. There are pages and pages in the abstract that I just can't believe how they spend some of our taxpayer money.

Marvin Bergman: Spoke about the Fire Department and the need for a Townwide ambulance and fire district. Not just for Arlington, but for Fairview and New Hamburg as well.

Motion made to resume the rules: Supervisor Myers/T. Tancredi CARRIED: 4-0
Town Clerk Miller: I got a call from the Police this afternoon and the Arlington Bar and Grill was reviewed by the Police and the waivers of the 30 day holds on SC 6 were Reviewed by the Police.

07:06-ES 1 ADJOURN TO

To Enter Executive Session To
Consider Following Matters:

- A. Confidential Communication
Between Attorney And His Client,
The Town Board, Based On
Attorney/Client Privilege

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

CARRIED: 4-0

TOWN BOARD MEETING ADJOURNED AT 8:51 PM

TOWN BOARD ENTERED EXECUTIVE SESSION AT 8:55 PM

TOWN BOARD RETURNED TO TOWN BOARD MEETING AT 9:00 PM

NO ACTION WAS TAKEN

Motion made to close the meeting:

TOWN BOARD MEETING CLOSED AT 9:01 PM

SJM:lkM