

**MINUTES OF TOWN BOARD MEETING HELD ON
AUGUST 3, 2011 AT 7:00 PM AT TOWN HALL, ONE
OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

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

ABSENT: Supervisor Myers
Councilman Lecker

- **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

08:03-01 PRESENTATION

By Szewczak Associates Consulting
Engineers Concerning The Police/Court
Facility

Associate Engineer Don Beer: I am here to present a proposal for the Police/Court Facility structural analysis. About three or four months ago we had a structural engineer here that suggested the course of action. We went out for proposals and we received four proposals and we are here tonight to discuss the lowest proposal by Szewczak Engineers and Pete Szewella is here to explain to you what he is proposing to do. He is in line with the RFP and so we don't have any problem with recommending moving forward with it.

Peter Szewella: What we said in our proposal that we would do is that we would come and look at all the data that you have accumulated so far on the existing soil conditions that we would visit the site and evaluate the existing conditions, take enough measurements to determine if there is enough areas of problems or not problems, run some limited analysis to give us the ability to produce what would be a schematic design for a recommended solution that would be a 15% complete project document that would go out to contractors to get some preliminary pricing on our own. We would also provide an opinion of probable construction costs in order to complete the repairs and we would give some opinions on what it would take to relocate portions of the staff during construction and what construction costs might be associated to absorb that.

The structure would be all they would handle, not the roofing or mechanical systems or environmental concerns. We would also give recommendations on which repairs to do and offer also opinions on the difference of costs would be for repair or possible reconstruction of portions of the building.

Councilman Cifone: Did you take a look at some of the walls that are distorted?

Peter Szewella: Yes, there are some dramatic differences in distortion, but, I'm not convinced that it is all necessarily in the wall. It looks to me that it's the flap that's settled and it looks like your most significant areas of concern are in the Justice portion of the building. Not necessarily the Police Station, but we will have to take some more measurements to confirm that.

Councilman Eagleton: My concern would be, given the low cost, it may be underestimated what it is going to cost to do this. I don't know how many drawings that exist right now for that building. I'm also a little concerned that you mentioned the 15% complete type package and that that might be preliminary and my concern is that preliminary may not be enough.

Peter Szewella: I did talk to Don prior to this meeting about that and the way I read the RFP is that it was preliminary information that you were looking for. We are capable of doing the complete set of documents and taking it right through the construction documents going out for bid, but, it was not the way I interpreted the RFP to do that work. My estimate, if you felt it would be more necessary to have a complete set of construction documents, our costs would probably double or triple from what it is right now.

Councilman Tancredi: How long do you think it will take you to complete the work?

Peter Szewella: I would say about three to four weeks.

Councilman Tancredi: Also, will you be able to tell us whether the building is in danger of collapsing? And could you tell us approximately how long it would be safe for?

Peter Szewella: Yes, we will be able to evaluate that. Predicting years, however, that's not a precise science, but we could give an estimate. We will determine how much distortion is in the structure and see how much additional force forces that impact on the structure that was not intended by design. Looking at the structure right now, the steel framing itself does not look like it's got a lot of distortion in it, actually. I do think there is some settlement in the steel framing that is, I call, a shed roof that runs from the Police portion of the building over to the Court portion. I think the primary area of framing distortion occurred as opposed to slab distortion. The framing distortion is where we would have to analyze the safety in terms of if the building is going to stand up or if there is any danger of any kind of collapse in the foreseeable future or to the extent the building becomes unusable. There are two separate issues. One is the framing and what

is going on with the slabs. The slabs are much more dramatic, but not necessarily life safety. It's a billing issue.

Councilman Eagleton: How many sorts of analysis like this have you done?

Peter Szewerlla: Structural analysis, I've done thousands in my career. Do you mean in terms of buildings that have been settling like this? Not so many, because you hope not to find so many that are settling to that extent.

Councilman Eagleton: Don, how many drawings would he have to look at it.

Don Beer: We are very limited. I'm not sure if we've ever had drawings, I've not seen any. I went through the Legal Departments entire three or four filing cabinets and could not find any structural drawings at all. So, he is going to be going pretty much from scratch.

Councilman Eagleton: So, would that mean you would be probably have to prepare your own and do the analysis from your own drawings?

Peter Szewerlla: Well yes, but with the feed that we have now, we don't assume we have to produce a whole set of construction documents, documenting the existing building. We would not be doing that. We would document enough information to look at the areas of primary concern and determine solutions based on that.

Councilman Conte: During your analysis, you are going to be able to take a picture of any areas you see with an issue, so that we can take a look at it, right?

Peter Szewerlla: Yes. As part of our written report, that will be the final product, there will be some photographic material included with that.

Councilman Conte: Good, we would need to see that.

Councilman Eagleton: Do you feel that there is a chance that the information gathering should run beyond the \$8,000?

Peter Szewerlla: I don't foresee that, at this point, not for a schematic design.

INTRODUCTION AND FURTHER COMMENTS ATTACHED TO FINAL BOOK COPY

Motion made to suspend the rules for public speaking on agenda items: T. Tancredi/M. Cifone
CARRIED: 5-0

Rob Rubin: I have a question in regard to Items 1 and 2: Our Town Counsel, the keeper of the keys, is responsible for all the facilities of the Town forever and not only the Town Police and Court facilities, but for the Sewer Department and I believe the buildings are

not in good condition right now. My question is this; as a taxpayer in the Town of Poughkeepsie, I would like to make sure that whatever contract that may be awarded today that it be a fair contract to take action on the Town Police and the Town Court facilities that somehow we receive some type of guarantee, that as we proceed, we as taxpayers, are not going to find ourselves in a similar situation five or ten years from now where we are facing facilities that are sinking, structural problems, major difficulties with that building, that we shouldn't have to be looking at it again five or ten years down the line. I personally would like to see some guarantee that what we are attempting to do to rectify now, will not be a problem five or ten years down the road. When that facility was purchased, and I know there have been a lot of legal issues over the last 20 years or so concerning that facility, but that was supposed to be a state of the art greatest thing for the Town and there were problems almost from day one and I would like to make sure we don't have problems from day one again.

Councilman Conte: We don't either, Mr. Rubin.

Doreen Tignanelli: I have a question on Item #19. The PILOT Agreement with One Page Park, LLC.

Councilman Krakower: That's going to be withdrawn.

Doreen Tignanelli: Ok, the other question is on Item #5. Will that be available for review at the Clerk's Office?

Councilman Cifone: After today's voting on it.

Motion made to resume the rules: M. Cifone/S. Eagleton

CARRIED: 5-0

08:03-02 AUTHORIZE
SUPERVISOR
TO SIGN

Contract With Szewczak Associates
Consulting Engineers For Engineering
Services For The Police/Court Facility

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to enter into a contract with Szewczak Associates Consulting Engineers for structural engineering evaluation services and the preparation of preliminary structural engineering plans, pertaining to the property known as the Police Court Facility, Tucker Drive, Poughkeepsie, NY, consistent with the request for proposals issued by the Town, at a cost not to exceed \$8,000.00.

SO MOVED: S. Eagleton/J. Conte

ROLL CALL: Ayes: Councilmen Eagleton, Conte, Cifone, Krakower, and Tancredi.

Nays: None

CARRIED: 5-0

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

CARRIED: 5-0

Sharon (Inaudible): I would just like the Board to know how critical I think it is to have some Senior housing for people 55 and older. I see too many people move, I work in the Post Office, I see when people move and I see where they move to Highland and New Paltz to the 55 and older communities there. We are losing citizens in the Poughkeepsie area, which is less people living here and spending money here and paying taxes. I think there is a real lack of housing here for the seniors and I think this will be good for the community and for the tax rolls and for jobs and I don't see anything negative about it. I think it's something we desperately need in the Poughkeepsie area.

Doreen Tignanelli: Where there any changes that were made since the last time this was on the agenda on the 20th?

Councilman Cifone: There were no changes made on this document now, but Neil is working on another draft to come out with that will incorporate some of the concerns we had at that last meeting. Some questions arose at that last meeting and so within the next two or three weeks, we will be working on that. We will add this and it will be clearer where this district could go in other parts of the Town.

Doreen Tignanelli: Ok, so when will that document be available for review on the Public Hearing.

Councilman Krakower: We are looking to move forward on what the text is right now, but since this was put forward, we've had other property owners throughout the Town come forward and say that they would like to see it applied to other properties and other Zones in the Town, so, we are taking another look to see if there is a possibility to have it in other zones in the Town. But, for right now, there is not going to be a change in the text at this point.

Doreen Tignanelli: But, if you choose to expand on it, that would be another Public Hearing if rezoning and we would have another opportunity to look at that. (Yes) Ok. Based on what I have, which was dated June 15th, assuming there were no changes to that, I have some questions. One was about the landscape and buffer area. It allows minimum landscape requirements to be (Section 210-20 D5) satisfied in an adjoining right-of-way owned by DOT. I don't believe you should be using someone else's property to satisfy minimum landscaping requirements. Maybe if there isn't enough room for minimum landscaping, then potentially there might be a problem with the size of the project and it is also not clear what would happen as DOT often removes trees and vegetation in the Highway right-of-way, so what would happen if they were then to come along and say, for safety reasons or any other reasons, they needed to remove it, then have you mitigated any visual impacts from the site?

Councilman Krakower: I think that's been done on other projects throughout the Town, especially on Route 9 corridor and I want to say Bonefish property might be one of them, but I believe it has been done on the DOT right-of-way on some of the Route 9 properties through the planning process. I don't think it's unreasonable. It will go back to the Planning Board to decide what they are going to allow or not there.

Doreen Tignanelli: That is true, but I would be looking to you for guidance and for what you put forward in Zoning, they would have to comply with Zoning and if it says here that you would allow the minimum landscape areas, then that would be allowable and again, it's not saying you shouldn't do it, but you would like to have as much, I believe, landscaping as possible. If you are running the risk of DOT coming in for what reason and taking it down, it's an expense and I don't know if you would make any provisions if that were to happen. But, that's something to consider. My other question was about Section 20L "The Planning Board shall not approve any site plan that is not in substantial conformance with the Senior Housing Overlay District Designation", but I didn't see anything that defines "Substantial Conformance." So how is it determined? Is there any definitions or guidelines?

Neil Wilson, Development Director: That's the existing language as it stands today. The idea being that we did not define substantial conformance. I'm not even sure we could create a definition that would satisfy everybody. The idea is that this Board has to approve the Overlay District and then it goes back to the Planning Board for approval on the site plan. In reality, what happens is, and we've already done this once with the Seasons Assisted Living Center, which is also on the agenda for a time extension. The application for the overlay is made to this Board, the site plan application goes to the Planning Board. The Planning Board works out all the details. The Town Board is fully aware of what the project is and the details of the project and the Town Board acts first to authorize the creation of the Zone and then the Planning Board acts on the site plan and subdivision. The idea being that we don't want to set up a situation where the (inaudible) either at the time of original approval or later on when if there is a proposed plan amendment does something that is really out of whack from what the original Town Board approval was. So, the term "Substantial Conformance" is deliberately left undefined because I'm not even sure I could create a definition that would satisfy any instance. The Planning Board does have to pay attention to what the Town Board originally approved.

Councilman Krakower: I think the seniors having an Overlay District has some general criteria that they have to meet in order for the Town Board to approve it and then the entire package goes over to the Planning process at that point and so the Town Board is not going to get into the nitty-gritty detail that the Planning Board is going to get into, but, there is some general criteria in the Overlay District that clearly has to be met. From there it is the Planning Board's prerogative to fit the pieces into the puzzle and make sure the landscaping and everything else is done properly. It's an effort then for the Town Board not to overlap into what the Planning Board is doing and give the Planning Board enough discretion to make sure the project gets done correctly.

Doreen Tignanelli: Last question is, 210-20D-1B allows for 7 story buildings. There were some discussion at the last meeting about the Red Oaks Mill area. Is there anything in the Red Oaks Mill area that would allow for 7 story buildings there.

Councilman Krakower: I don't think so.

Councilman Eagleton: No, you can't go above, I think, 35 feet.

Councilman Krakower: I believe you are going to be specifically looking at the Route 9 corridor for anything like that.

Elizabeth Clark: I've lived in the area since 1965 and there is a point in our life where we are looking for senior housing and I do not find much available in the Town of Poughkeepsie and I hope that will change. I prefer to stay in the Town. There are some senior housing but a lot of them are for income restricted families, which we are not. My husband is still working. But, the time will come when we would probably like to move out of our house and yet remain very close to all the services we've enjoyed all these years.

Phyllis Rosenfield: I am presently a senior citizen who is very interested and looking to relocate and downsize from my home to senior 55 and over, but not income related or restricted and there is very little available. People of my age group prefer living close to activities and transportation and things that would offer me benefits within the City and Town of Poughkeepsie. I like living in this area and I don't want to move. I think it is very important to look ahead towards our aging population that want to stay and enjoy the Hudson Valley Area.

Name Inaudible: Many people like us seniors like the Hudson Valley area and we feel there is a great need for senior housing for people who can afford something a little better with all kinds of conveniences. The area of Route 9 close to shopping, restaurants and transportation. As we all know, not all senior citizen wants to move to Florida. We love this area and it's not that far from New York. I feel there is a great need for senior housing close to the malls, shopping, etc.

Motion made to resume the rules: T. Tancredi/M. Cifone

CARRIED: 5-0

08:03-03 PUBLIC HEARING

To 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 and the 3rd day of August, 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 amendments 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.

SO MOVED: J. Conte/T. Tancredi

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

CARRIED: 5-0

SENIOR HOUSING OVERLAY DISTRICT
ATTACHED TO FINAL BOOK COPY

Councilman Tancredi: I just wanted to make sure Mr. Wilson will work on putting language that will make this available to maybe other areas of the Town.

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

CARRIED: 5-0

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

CARRIED: 5-0

NO SPEAKERS CAME FORWARD

Motion made to resume the rules: S. Krakower/S. Eagleton

CARRIED: 5-0

08:03-04 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 20th day of July, 2011 at 7:00 PM and on the 3rd day of August, 2011 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 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.

SO MOVED: M. Cifone/J. Conte

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

CARRIED: 5-0

08:03-05 SET DATE FOR
PUBLIC HEARING

Amend Town Code Chapter 159, Entitled
“Property Maintenance”, To Also Add
Chapter 159A, Entitled “Property
Maintenance – Mowing Of Occupied
Properties”

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 24th 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 to consider the adoption of Chapter 159A entitled “Property Maintenance-Mowing of Occupied Properties: as follows:

ADD: Chapter 159A. Property Maintenance-Mowing of Occupied Properties

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, 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.

SO MOVED: S. Krakower/T. Tancredi

Councilman Tancredi: We discussed this at length at the last meeting and I think there were some good suggestions and good comments made, so, the item had been changed so that it only has to do with tall grass. This is very specific in my Ward because we have a home in the Sixth Ward where the homeowner still lives there and refuses to cut his grass. It hasn't been cut this year and the neighbors have to look at this property every day and they keep their lawns and homes very nice and the lawn height is about 12", which is really high. The Town can come in and cut the lawn and charge him on his taxes. That process would be for unoccupied homes, but in this case this homeowner told our Zoning Administrator that he was just not going to cut the grass. So, the residents are asking us to please help them and do something for them to get this property taken care of.

Councilman Krakower: Can't this be handled through the Building Department and fire inspector though?"?

Deputy Attorney Barnett: The problem with going through the Building Department, the Building Department Code won't allow the Town to go out and do remediation. All it does is to allow you to levy a fine.

Councilman Krakower: We could pull them into court, right.

Deputy Attorney Barnett: You could, but again, the Court doesn't have the authority to provide a judgment either, all they can do is levy a fine.

Councilman Krakower: Is there any jail time to it? (No) Could we make the penalty higher and stricter and give it teeth?

Deputy Attorney Barnett: No, because if you make the penalty any higher than it is, it will make it a misdemeanor and you would have to have a jury trial on it.

Councilman Krakower: But, we could do 15 days in jail without a jury trial.

Deputy Attorney Barnett: That's true. But, you would have to pass your own legislation because the Building Code doesn't allow a jail sentence.

Councilman Conte objected to the jail sentence.

Councilman Krakower suggested using the jail sentence tactic as a threat to get them to follow through with lawn maintenance, but not to literally do it. Most people would just heed the threat and take care of the lawn.

Councilman Krakower: The person living on the property is not the owner, correct? (No)
Have we tried to contact the owner? (No)

Neil Wilson: The owner is in Canada. We could refer to Sara, our Zoning Administrator, on it, but I don't think she's done any research on it because it is an occupied property and there is really no recourse on an occupied property.

Councilman Krakower: Well, we the Town could cut it, but we couldn't cut it again until it grew back to 12" right? (Right) That really doesn't solve the problem, does it? I suggest getting in touch with the homeowner before changing this law in the Code.

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

CARRIED: 5-0

PROPERTY MAINTENANCE CODE ATTACHED TO FINAL BOOK COPY

08:03-06 SET DATE FOR
PUBLIC HEARING

Amend Chapter 210, Entitled "Zoning"
Specifically Sections 210-9 Entitled
"Definitions" & Section 210-74,
Entitled "Home Occupations"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 24th day of August, 2011 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and place of a public hearing to consider an amendment to the Town Code, Chapter 210, entitled "Zoning", specifically Section 210-9, entitled "Definitions" and Section 210-74, entitled "Home Occupations", which amendments would be as follows:

SECTION 210-9. Definitions.

DELETE:

HOME OCCUPATION – An occupation or business activity which results in a product or service, not to include retail sales, conducted entirely within a dwelling unit. A home occupation shall be clearly subordinate to the residential use of the dwelling unit and shall not change the character thereof.

ADD:

HOME OCCUPATION – The use of a portion of a dwelling unit for non-residential purposes by a resident thereof.

HABITABLE SPACE – A space in a building for living, sleeping, eating or cooking, or used as a home occupation. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

210-74. Home occupations.

DELETE:

- A. The provisions of this section are intended to protect and maintain the residential character of the districts in which such uses are permitted.
- B. Only one home occupation per residential unit shall be permitted. A home occupation shall be clearly secondary to the residential use.
- C. All home occupation activities shall be conducted within the enclosed space of the principal building. No outdoor storage or displays shall be permitted.

(INSERT 2 ADDITIONAL PAGES)

(SEE NEXT TWO PAGES)

- b) No more than 25% of a residential building's floor area, as defined in Section 210-9, shall be devoted to such use.
 - c) Services and instruction offered shall be limited to no more than five clients or customers at a time.
 - d) Any additional parking spaces as may be required for the home occupation shall be provided in such a manner as to preserve the residential character of the parcel, subject to review and approval by the Zoning Board of Appeals.
- D) Occupations that do not meet the general criteria and either C(1) or C(2) of the specific criteria are not home occupations and are not permitted pursuant to this section.

AND BE IT FURTHER RESOLVED, that the Town Board declares its intent to act as Lead Agency under the New York State Environmental Quality Review Act and upon review of a Short Environmental Assessment Form does declare said action as an Unlisted Action; and

BE IT FURTHER RESOLVED, that the Town Board does authorize and direct the Town Clerk to submit the proposed zoning amendment to the Dutchess County department of Planning and Development for a recommendation pursuant to GML Section 239-m, and to the Town of Poughkeepsie Planning Board for an advisory report pursuant to Town Code Section 210-154; and

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

SO MOVED: T. Tancredi/M. Cifone

Councilman Cifone: The signs themselves, if someone has a sign that might be slightly larger, are we grandfathering them in?

Neil Wilson: They would anyway, yes. This entire section, the Board may recall, an earlier version had been sent over at the end of last year from the Planning Board with a recommendation for much of the language that was just read, along with the deletions read. Specifically what we are trying to do is to pull our zoning home occupation language more in line with what the Building Code lists a home occupation as. Page 3, A10 is the only change introduced here.

Councilman Krakower made a motion to table this item and refer to the Land Use and Planning Committee. Seconded by Councilman Conte.

ROLL CALL TO TABLE: Ayes: Councilmen Eagleton, Conte, Cifone, Krakower, and Tancredi.

Nays: None

CARRIED: 5-0

TABLED

08:03-07 AUTHORIZE

The Seasons Assisted Living Center-Time Extension Of The Senior Housing Overlay District Designation For The Application Of EBS Poughkeepsie, LLC

RESOLUTION

MATTER OF THE APPLICATION OF EBS POUGHKEEPSIE, LLC

WHEREAS, on August 12, 2009 the Town Board granted conditional approval for an application submitted by EBS Poughkeepsie, LLC for Senior Housing Overlay District designation of a proposed +- 14.51 acre parcel located at 2611-2629 South Road also presently identified as tax parcel number 6060-02-950800-0000 for a project known as “The Seasons Assisted Living at Poughkeepsie”, referred to herein as the “Application”; and

WHEREAS, said designation was made pursuant to Section 210-20 of the Town Code; and

WHEREAS, Section 210-20(D)(8) of the Town Code states that a Senior Housing Overlay District designation shall become null and void if construction work is not begun within two years of the date of Town Board approval and completed within two years of the date of Planning Board site plan and/or subdivision approvals; and

WHEREAS, the Application has not yet commenced construction due to delays in securing New York State Department of Health approvals for the project; and

WHEREAS, Section 210-20 (D) (8) of the Town Code states that the Town Board may, for good cause, authorize an extension to the Senior Housing Overlay District designation; and

WHEREAS, the Town Board has determined that the delay in securing State Agency approvals is the proximate cause of said State Agency, and that the delay is beyond the direct control of the applicant.

NOW THEREFORE BE IT RESOLVED THAT, the Town Board hereby grants a one year time extension for the Senior Housing Overlay District designation for the Application of EBS Poughkeepsie, LLC, said extension to expire on August 12, 2012 unless construction work on the Application is commenced before said expiration and completed within two years of the date of Planning Board site plan and/or subdivision approvals.

BE IT FURTHER RESOLVED THAT, this approval is for an extension of time only and that all prior conditions of Town Board approval as set forth in the August 12, 2009 resolution of the Board are applicable and shall be completed as a condition of the Town Board's approval.

SO MOVED: T. Tancredi/M. Cifone

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

CARRIED: 5-0

08:03-08 AUTHORIZE Engineering To Go To Bid For Construction Of
The Senior Recreation Center On The Town
Hall Campus & Prepare A Notice To Bidders
& Bid Documents

AMENDED
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Town Engineer to prepare a Notice to Bidders and Bid documents, and to go to bid for the construction of the Senior Recreation Center on the Town Hall Campus, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reserve the right to accept or reject all bids in whole or part.

SO MOVED: S. Eagleton/T. Tancredi

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

CARRIED: 5-0

08:03-09 ACCEPT Part-Time Animal Control Officer's
Resignation of Amanda Ghiotti

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the resignation of Amanda Ghiotti from her position as part-time Animal Control Officer with the Town of Poughkeepsie, effective September 2, 2011.

SO MOVED: J. Conte/S. Krakower

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

CARRIED: 5-0

08:03-10 APPOINT Cynthia Parow As Temporary Part-Time
Animal Control Officer

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Cynthia Parow, to a temporary part-time position of Animal Control Officer at the pay rate of \$28.00 per hour, not to exceed 20 hours per week, for up to 90 days, subject to being extended by the Chief of Police for up to an additional 90 days effective August 29, 2011.

SO MOVED: M. Cifone/S. Krakower

Councilman Krakower noted that it was a nice gesture on Cindy's part to come back and fill in until someone is found for the position. It's not an easy job. He felt it showed dedication on Cindy's part and he appreciated her coming back to help out.

Councilman Conte felt that there should be a revisit on fine fees to help pay for the "Full Time Position".

Councilman Krakower: Yes, I think it would be worth taking a look at it.

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

CARRIED: 5-0

08:03-11 ACCEPT

Amended Easement From New York State
Dormitory Authority For Formerly Known
Hudson River Psychiatric Center For A Right
Of Way To Install Water Lines

AMENDED
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie accepts an Amended Easement, ratifying the execution by the Supervisor of said Amended Easement and TP-584, reflecting a change in the location of a portion of the easement previously received from the Dormitory Authority of the State of New York for a right-of-way to install water lines in reference to tax parcel number 134689-6163-03-301169, formerly known as the Hudson River Psychiatric Center, which Amended Easement is attached, and authorizes the Supervisor to sign the Amended Easement and the TP-584.

SO MOVED: S. Krakower/J. Conte

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

CARRIED: 5-0

AMENDED EASEMENT ATTACHED TO FINAL BOOK COPY

08:03-12 ACCEPT

Amended Easement From Archdiocese of
New York For Formerly Known Hudson
River Psychiatric Center For A Water Line
& Accessories

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie accepts an Amended Easement, ratifying the execution by the Supervisor of said Amended Easement and TP-584, from the Archdiocese of New York to the Town of Poughkeepsie to include an indemnification and hold harmless clause for the Archdiocese, in reference to tax parcel number 134689-6163-03-219518, formerly known as the Hudson River Psychiatric Center, for a waterline and accessories, which Amended Easement and TP-584 are attached.

SO MOVED: T. Tancredi/M. Cifone

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

CARRIED: 5-0

AMENDED EASEMENT ATTACHED TO FINAL BOOK COPY

08-03-13 AUTHORIZE

Town Clerk To File Tax Relevy For 221
Beechwood Park

RESOLUTION

BE IT RESOLVED, that pursuant to Section 159-13 (B) of the Code of the Town of Poughkeepsie, based upon the reports of the Highway Department and Town Clerk of the Town of Poughkeepsie of the costs and expenses of clean-up, removal and proceeding, the Town Board ascertains the net expenses incurred are \$838.66; and

BE IT FURTHER RESOLVED, that the expense so assessed shall constitute a lien and charge on the real property, commonly known as 221 Beechwood Park, Town of Poughkeepsie, Dutchess County, State of New York, having tax grid number 6160-01-130950, and shall be levied against said property until paid or otherwise satisfied or discharged and collected in the same manner and at the same time as other Town charges, and

BE IT FURTHER RESOLVED, that the Town Clerk shall cause this said lien to be filed with the Dutchess County Clerk.

SO MOVED: S. Krakower/M. Cifone

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

CARRIED: 5-0

08:03-14 SET DATE FOR
PUBLIC HEARING

Property Maintenance Violations For 6
Van Wyck Drive

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 24th day of August, 2011 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 a recommendation from the Zoning Administrator, to remove all solid waste, debris, litter, garden waste, fallen tree limbs and to cut grass to a height not to exceed 6 inches, which Orders to Remedy are attached hereto, for property located at 6 Van Wyck Drive, Poughkeepsie, NY 12601, pursuant to Chapter 159, Section 159-13 of the Town of Poughkeepsie Town Code.

SO MOVED: S. Krakower/M. Cifone

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

CARRIED: 5-0

08:03-15 SET DATE FOR
PUBLIC HEARING

Property Maintenance Violations For
83 Marple Road Extension

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 24th day of August, 2011 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 a recommendation from the Zoning Administrator, to remove all solid waste, debris, litter, garden waste, fallen tree limbs and to cut grass to a height not to exceed 6 inches, which Orders to Remedy are attached hereto, for property located at 83 Marple Extension, Poughkeepsie, NY 12603, pursuant to Chapter 159 Section 159-13 of the Town of Poughkeepsie Town Code.

SO MOVED: J. Conte/M. Cifone

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

CARRIED: 5-0

08:03-16 AUTHORIZE

Waiver of Rental Fee For Use Of Basketball
Courts At Red Oaks Mill Park For
Alzheimer's Fundraiser August 13, 2011
From 1:00 PM to 6:00 PM

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the rental fee for the use of the basketball courts at the Red Oaks Mill Park for the Alzheimer's Association Fundraiser to be held on Saturday, August 13, 2011 from 1:00 PM to 6:00 PM; and

BE IT FURTHER RESOLVED, that the Alzheimer's Association has filed with the Town of Poughkeepsie a Certificate of Liability Insurance naming the Town as an additional insured.

SO MOVED: M. Cifone/S. Krakower

Motion made to amend to read: rain date to be within two weeks of the August 13th date:
S. Krakower/M. Cifone

ROLL CALL AS AMENDED: Ayes: Councilmen Eagleton, Conte, Cifone, Krakower,
and Tancredi.

Nays: None

CARRIED: 5-0

08:03-17 BUDGET
MODIFICATION

Legal Department

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 Legal Department to cover expenses of attorneys to the Town, as follows:

FROM:

A 1420.0101	Regular Salary	\$153,710.00
A 1420.0125	Medical Buyout	1,625.00
A 1420.0811	Social Security	11,880.00

TO:

A 1420.0481	Contracted Services	\$167,215.00
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SO MOVED: S. Krakower/M. Cifone

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

CARRIED: 5-0

08:03-18 SET DATE FOR
PUBLIC HEARING

Amend Town Code, Chapter 210, Entitled
“Zoning”, Specifically Section 210-36,
Entitled “Shopping Center Business (B-SC)
District

Amendments to Chapter 210 of the Town Code

WHEREAS, the Town Board has received a communication from the Director of Municipal Development recommending amendments to Chapter 210, “Zoning” concerning definitions, height regulations, exempt signs, veterinary offices in the Shopping Center Business District, and the time limit to appeal; and

WHEREAS, the proposed amendments are attached hereto and incorporated herein and the Town Board does hereby waive a verbatim reading of said amendments and does direct that said amendments be spread across the record as if they, 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 Board and to the Town Planning for review and recommendation; and

WHEREAS, the amendments require 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 amendments for September 7, 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.
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.

SO MOVED: T. Tancredi/J. Conte

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

CARRIED: 5-0

08:03-19 APPROVE

PILOT Agreement With One Page Park,
LLC

WITHDRAWN FROM THE AGENDA

08:03-20 APPROVE

Block Party On Cathy Road (From Sharon
Drive To St. Joseph's) August 13, 2011
From 12:00 Noon To 8:00 PM

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Terri Sheehan to hold a block party on Cathy Road (from Sharon Drive to St. Joseph's) on August 13, 2011 from 12:00 PM to 8:00 PM, and Does hereby authorize the Highway Department to close said street, but allowing access for emergency vehicles, from 12:00 PM to 8:00 PM; and

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

SO MOVED: S. Krakower/J. Conte

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

08:03-21 APPROVE

Block Party At 9 Conklin Street, New
Hamburg, On September 17, 18, 2011
From 2:00 PM to 10:00 PM

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Pam Kingsley to hold a block party on Conklin Street on September 17, 2011 from 2:00 PM to 10:00 PM, and does hereby authorize the Highway Department to close said street, but allowing access for emergency vehicles, from 2:00 PM 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: S. Eagleton/J. Conte

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

08:03-22 AUTHORIZE

Attorneys To The Town To Sign
Satisfactions Of Liens, Filed Under
The Town Code's Property
Maintenance Provisions

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Attorney to the Town, as counsel of record to the Town, on receipt of conformation of payment to the Town, to sign Satisfactions of Liens, filed under the Town Code's Property maintenance provisions.

SO MOVED: J. Conte/M. Cifone

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

08:03-23 ACCEPT

2011 Minutes:

June 1	Regular Meeting
June 8	Committee of the Whole Meeting
June 22	Regular Meeting
July 6	Regular Meeting
July 13	Special Meeting
July 13	Committee of the Whole Meeting
July 20	Regular Meeting

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the minutes for the following 2011 Town Board Meetings, to wit:

June 1, 2011 – Regular Meeting
June 8, 2011 _ Committee of the Whole Meeting
June 22, 2011 – Regular Meeting
July 6, 2011 _ Regular Meeting
July 13, 2011 _ Special Meeting
July 13, 2011 _ Committee of the Whole Meeting
July 20, 2011 – Regular Meeting

SO MOVED: M. Cifone/S. Krakower

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

08:03-24 NOTICE OF CLAIM

Jason & Michele Walden V Town
For Failure To Maintain The Storm
Drains In Front of Home & Flooding
Walden's Property & Damaging

Retaining Wall & Walkway

REFERRED TO LEGAL DEPARTMENT

08:03-25 NOTIFICATION

Renewal Application Notice Form
For An On-Premises Alcoholic
Beverage License For The
Poughkeepsie Lodge of Elks, Inc.
D/B/A BPO Elks #275 Located At
29 Overocker Road

NOTED BY TOWN BOARD

08:03-26 AUTHORIZE

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

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. Consent | Planning Board to be Lead Agency for South Hills Land, LLC Subdivision – Route 9D |
| SC 2. Notification | Planning Board SEQRA Lead Agency Intent
A. Rt. 9D Professional Office Park
B. 23 Davis Avenue – Solar Canopy (Dr. Modi) |
| SC 3. Accept | Certificate of Attendance – Robert Gorman |
| SC 4. Accept | Payment in Lieu of Landscaping – T-Mobile Northeast @ Hudson Plaza |
| SC 5. Set Date for Public Hearing | Amend Town Code Chapter 195, Section 195-46 Trucks Over Certain Weights Excluded – Heathbrook Drive |

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. Krakower/M. Cifone

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

08:03-SC 1 CONSENT Planning Board To Act As Lead Agency
For Project Known As South Hills Land,
LLC Subdivision, 237 Route 9D

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby consent to the Town of Poughkeepsie Planning Board to act as Lead Agency for the project known as South Hills Land, LLC Subdivision, 237 NYS Route 9D.

SO MOVED: T. Tancredi/J. Conte

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

08:03-SC 2 NOTIFICATION TO TOWH BOARD Recirculation of continued
Planning Board SEQRA Lead
Agency Intent
A. Route 9D Professional Office
Park-
Route 9D (East Side)
B. SEQRA Lead Agency
Declaration For Dr. Modi Solar
Canopy, 23 Davis Avenue

08:03-SC 3 ACCEPT Certificate of Attendance For Robert
Gorman From Cornell University
Cooperative Extension For Course
“Water Regulations & Enforcement
Of New York State”

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Certificate of Attendance for Robert Gorman from Cornell University Cooperative Extension, for the course entitled “Water Regulations and Enforcement of New York State”, a copy of which is attached.

SO MOVED: M. Cifone/J. Conte

CERTIFICATE ATTACHED TO FINAL BOOK COPY

08:03-SC 4 ACCEPT

Monetary Payment In Lieu Of Landscaping
For T-Mobile Northeast @ Hudson Plaza
Site Plan Project

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept a monetary payment in lieu of landscaping for the T-Mobile Northeast @ Hudson Plaza Site Plan project in an amount to be determined acceptable by the Planning Department, which funds are to be dedicated to use only for landscaping purposes in the Town at a time and location to be determined by the Town Board, pursuant to the recommendation of the Town of Poughkeepsie Planning Board, a copy of which is attached.

SO MOVED: M. Cifone/J. Conte

Neil Wilson: The resolution reads an amount to be determined by the Planning Staff and we actually have the amount, which is \$8,400 and we actually received the check yesterday and this is kind of a unique instance. I don't know if we will ever see this repeated again. This has to do with landscaping that was supposed to have been planted pursuant to a Planning Board approval back in 2003 for a co-location behind the Hudson Plaza. This involves the northern most flag pole. The approval was granted back in 2003 and the landscaping was never installed and plantings done. The Planning Board determined that the payment in lieu of. What this will do is to allow the deposit of these funds and the Town Board can then designate these funds for landscaping projects in the Town.

Councilman Krakower: I make an amendment to state that the monetary payment in lieu of landscaping will be in the sum of \$8,400.00.

SO MOVED: S. Krakower/T. Tancredi

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

Nays: None CARRIED: 5-0

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

08:03-SC 5 SET DATE FOR
A PUBLIC HEARING

To Consider Amending The Town Code,
Chapter 195, Entitled "Vehicle & Traffic",
Specifically Section 195-46 Schedule XI,
Entitled "Trucks Over Certain Weights

Excluded” For Heathbrook Drive

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 24th day of August, 2011 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and place of a public hearing to consider an amendment to the Town Code, Chapter 195, Entitled “Vehicle and Traffic”, specifically Section 195-46, Schedule XI, entitled “Trucks Over Certain Weights Excluded”, which amendment would read as follows:

ADD:

Name of Street	Weight Limit (Tons)	Location
Heathbrook Drive	5	Entire Length

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

SO MOVED: S. Eagleton/J. Conte

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

Motion made to suspend the rules for public speaking: S. Eagleton/J. Conte

CARRIED: 5-0

Victor Gennodi: I’ve been watching the last couple of months on the maintenance on the properties. People not mowing the grass, etc. It comes back to many, many years in the Town where I grew up and they had a little problem. There were a lot of people down there that worked for IBM and if you didn’t put a sign on the property, like a real estate sign, posting a warning on it stating “DO NOT REMOVE THIS SIGN UNDER PENALTY OF LAW” and what it does, it puts notice to every person in the neighborhood who may know who the owner may be and also, if you are not aware of it, most properties now that are out there, mortgage companies are watching and are hiring people that go every two weeks and drive around and take a photograph of the house and they put it on the computer and send it to the banks. They want to see the condition of the home and if it starts to be in disarray or abandoned, and the bank is then made aware of it. Also, if there is a real estate sign on it, the real estate company has entered into a

pay attention to that house to see it and in parts of that contract, they are liable for the proper maintenance of that property. So, you have an outlet there. Another thing. Stephan, at the last meeting, was reading a bunch of numbers into the minutes of the meeting, was that up on our taxes?

Councilman Krakower: No. Those were numbers that the Assessor comes up with as the tax rates going forth for the coming year.

Victor Gennodi: Right, in other words, basically, you go up a couple of numbers and you up their taxes.

Councilman Tancredi: No.

Councilman Cifone: The rate is what the rate is, it doesn't matter, the assessment changes based upon market value from year to year.

Councilman Krakower: The budget is revenue expenses, there are rates, Homestead and Non-Homestead is based on the increase or decrease in the assessed value of properties in the Town. Any increase or decrease in your taxes is done in the Budget process.

Victor Gennodi: I understand now that the new police cars are no longer available, the Crown Victorias. For stopped making them, so we have to look for different vehicles now. We really have to cut down that gas bill. Those cars were atrocious on gas. Another thing that is upsetting me and has been going on for quite a while, is Richard over here hasn't been showing up at the meetings. It's bothering me and I'm in the First Ward and I don't feel that I am being or any one else in the first Ward are being properly represented by him not being here. I think something has to be said to him and that he should at least show up at the meetings or if he can't represent this hob, step down and let someone else come in that can.

Councilman Cifone: We would love to have someone sitting in that seat, Vic. But, he's an elected official and we can't do anything about it. We can't replace him. If you need us Vic, call any one of us and we will do our best to help you out.

Doreen Tignanelli spoke about the Arlington Fire Department. Fire department is sending 4 people instead of 2 at \$2,000 a person at the August 1st Sopotium in the Sun.

Councilman Krakower felt Doreen was picking on the Fire Company without taking into consideration what the subject of the Sopotiums are. They are most likely going for the education and not the swimming in the sun.

Doreen Tignanelli: Maybe so, but then they should send one person and come back and share with everyone what he learned. It is too expensive to send 4 at a time.

Speaker unidentified: I just have a couple of comments. One is on the proposition for the property maintenance. Why can't you incorporate that one into the unoccupied. Why

Does there have to be a difference between occupied houses and unoccupied. Why does there have to be a difference?

Councilman Tancredi: Because the unoccupied has other language like the condition of the shrubs and other things other than the lawn. That was the issue we spoke about a couple of weeks ago.

Speaker: just because it's occupied, you can have a junk car at your house?

Councilman Krakower: No. That's not covered in that. When we originally approved the unoccupied property maintenance section, the Board had a long discussion about the concerns of 4 inches height of the grass (6"). We had a lot of concerns that if someone was away on vacation or ill, the ordinance could apply to people that we hadn't intended it to apply to. There were a lot of properties throughout the Town that were unoccupied and not only not being maintained but weren't going to be maintained going forward and so we wanted to address those first and foremost without dealing with a lot of other issues that come up with the occupied properties. I do think we do need to figure out something to deal with the occupied properties as well, though.

Speaker: You could have a hardship clause in there.

Councilman Krakower: Well, we want something that we can enforce unilaterally.

Nancy Zvara: I would like to apologize to Councilman Krakower, he was not the one that sent me to Mark. I haven't heard back concerning putting the Budget process as you say, as a direct input on how our taxes happen, into the Excel or CSE format since July 21st. Is it ok if I just e-mail Mark to ask him where we are?

Councilman Krakower: Did you speak to the Supervisor?

Nancy Zvara: No. I will e-mail you all and then the Supervisor will be involved. That will be easier. The other thing I wanted to say was that I would be very leery of what you start doing with occupied properties. If they own the property, I don't think people like to be told a lot. Most people want to make their neighbors happy. Those that don't, it's a neighbor thing. If I live next door to something and it irritated me all that much to go to you guys and have to get a law, I think I would just go over and mow the property or live next to it. I have property and live next to two pieces that are ready to be sold and he mows it twice a year and I'm happy that he at least mows it. I hope you would think twice.

Councilman Tancredi: I would just say, if you go to mow your neighbor's lawn, that they are ok with that. They could, otherwise arrest you.

Nancy Zvara: I understand that, you could also put up a fence, not to look at it.

Lydia Biskup: I would like to address this lawn situation. I live in that neighborhood and have to drive by it. Another concern a lot of our neighbors are having is that there are actually animals nesting and living in there and there are small children around. The Public Hearing now is August 24th and so now everyone has to wait and see and I'm very concerned about it all. I don't want to tell people how to live, but I think it's something we need to look at and come up with some kind of strategy in a compassionate way. Obviously, there is some sort of situation in this home.

Motion made to resume the rules: T. Tancredi/J. Conte

CARRIED: 5-0

Motion made to go into Executive Session: S. Eagleton/M. Cifone

CARRIED: 5-0

INTO EXECUTIVE SESSION AT 9:28 PM

BACK FROM EXECUTIVE SESSION AT 9:45 PM

Motion made to resume the rules: T. Tancredi/J. Conte

CARRIED: 5-0

NO ACTION WAS TAKEN

Motion made to close the meeting: J. Conte/S. Krakower

CARRIED: 5-0

MEETING CLOSED AT 9:46 PM

SJM:lkm