

**MINUTES OF TOWN BOARD MEETING HELD ON
AUGUST 24, 2011 AT 7:00 PM AT TOWN HALL, ONE
OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

***(NO AUDIO OR VIDEO TAPE OF THIS MEETING
WAS MADE DUE TO POWER FAILURE)**

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

ABSENT: 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.**

{ } designates corrections or amendments to

7:00 PM CALL TO ORDER SALUTE THE FLAG

Town Clerk Miller: I did hereby file the affidavit of posting on August 3, 2011 and published in the Poughkeepsie Journal on August 5, 2011.

08:24-01 PUBLIC Amend Town Code, Chapter 210, Entitled
HEARING "Zoning", Specifically Section 210-79
Entitled "Land Contour Changes"

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 24th 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 Article VIII, Section 210-79(C)(5) regarding the security requirements for land contour change permits, which amendment is as follows:

AMEND Section 210-79 (C)(5) to read as follows:

The applicant shall be required to furnish a security in an amount determined by the Town Engineer to be sufficient to guarantee completion and/or stabilization of the finished grading and drainage. Such security shall be approved as to form by the Town Attorney, and shall be approved by the Town Board, and shall be released only upon

certification by the Town Engineer that all requirements of the land contour permit have been complied with.

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 July 15, 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 28, 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 26, 2011 was received from the Town of Poughkeepsie Planning Board in which said Board recommended adoption of the herein Zoning Amendments and

BE IT FURTHER ENACTED, that the Town Clerk of the Town of Poughkeepsie did notify the surrounding municipalities pursuant to GML 239-nn; and

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

SO MOVED: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 6-0

Town Clerk Miller: I did hereby file the affidavit of posting on August 9, 2011 and published in the Poughkeepsie Journal on August 11, 2011.

08:24-02 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 ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 24th day of August, 2011 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, New York, does hereby Adopt Chapter 159A entitled “Property Maintenance-Mowing of Occupied Properties” as follows:

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

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

SEE ATTACHMENT – EXHIBIT “A”

AND BE IT FURTHER ENACTED, 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 ENACTED, the Town Board of the Town of Poughkeepsie has determined 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 ENACTED, that said local law shall take effect immediately upon filing with the Secretary of State.

SO MOVED: J. Conte/T. Tancredi

ROLL CALL: Ayes: Councilmen Conte, Cifone, and Tancredi

Nays: Councilmen Eagleton, Krakower and Supervisor Myers

FAILED: 3-3

Motion made to remove from Section 159A-4 “and other ground cover”: Supervisor Myers/M. Cifone (NOTED ON ATTACHED COPY OF CODE)

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

Nays: None

CARRIED: 6-0

Motion made to remove from Section 159A-6 “or imprisonment for a period not to exceed 15 days, or both” : Supervisor Myers/M. Cifone (NOTED ON ATTACHED COPY OF CODE)

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

Nays: None

CARRIED: 6-0

CODE 159 A ATTACHED TO FINAL BOOK COPY

Town Clerk Miller: I did hereby file the affidavit of posting on August 9, 2011 and published in the Poughkeepsie Journal on august 11, 2011.

08:24-03 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 ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 24th 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 195, entitled "Vehicle and Traffic", specifically Section 195-46, Schedule XI, entitled "Trucks Over Certain Weights Excluded", which amendment is as follows:

ADD:

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

AND BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie has determined 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/T. Tancredi

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

Nays: None

CARRIED: 6-0

08:24-04 PUBLIC
HEARING

Property Maintenance Violations For 6 Van Wyck Drive

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on August 24, 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 6 Van Wyck Drive, Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6162-07-548849, owned by Kathleen Walker, 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 6 Van Wyck Drive has not complied with the Orders 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 6 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

Zoning Administrator Davis spoke about the condition of the property and showed pictures of the condition of the property to the Town Board.

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

Nays: None

CARRIED: 6-0

08:24-05 PUBLIC
HEARING

Property Maintenance Violations For 83
Marple Road Extension

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on August 24, 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 83 Marple Road Extension Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6162-20-972068, owned by Heinz VanKurtly, 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 83 Marple Road Extension has not complied with the Orders 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 the height not to exceed 6 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: T. Tancredi/J. Conte

Zoning Administrator Davis spoke about the condition of the property and showed pictures of the condition of the property to the Town Board.

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

Nays: None

CARRIED: 6-0

08:24-14 WAIVER

Building Permit Fee For Eagle Scout Project
By Matthew Geisler To Erect A 12' X 12'
Pergola On The Martha Lawrence School
Property

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the Building Permit fee for the Eagle Scout project by Matthew Geisler to erect a 12' X 12' pergola on the Martha Lawrence School property, which pergola is subject to the issuance of a no-fee Building Permit, inspections and the issuance of Certificate of Occupancy by the Town of Poughkeepsie Building Department; and

BE IT FURTHER RESOLVED, that said erection of this pergola is a Type II Action requiring no SEQRA review.

SO MOVED: Supervisor Myers/J. Conte

Councilman Krakower and other members of the Town Board complimented Matthew Geisler on his project.

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

Nays: None

CARRIED: 6-0

08:24-21 APPROVE

Block Party On September 3, 2011 On
School Street From 12:00 PM to 10:00 PM

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Tammy Libretti to hold a block party on School Street on September 3, 2011 from 12:00 PM to 10:00 PM, and does hereby authorize the Highway Department to close said street, but allowing access for emergency vehicles, from 12:00 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, Tancredi and Supervisor Myers

Nays: None

CARRIED: 6-0

**ALL OTHER ITEMS ON THE AUGUST 24, 2011 AGENDA WILL BE
ADDRESSED AT THE SEPTEMBER 7, 2011 TOWN BOARD MEETING**

SUPERVISOR MYERS ANNOUNCED THAT SINCE THE FORMER DEPUTY SUPERVISOR RICHARD KELLER-COFFEE HAD MOVED OUT OF THE TOWN OF POUGHKEEPSIE, THE NEW DEPUTY SUPERVISOR WILL BE SEAN EAGLETON, SECOND WARD COUNCILMAN

MEETING CLOSED AT 8:10 PM

SJM:lk