

**MINUTES OF A REGULAR TOWN BOARD MEETING  
HELD ON JUNE 6, 2012 AT 7:00 PM AT TOWN HALL, ONE  
OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

**PRESENT:** Supervisor Tancredi  
Councilman Baisley  
Councilman Eagleton  
Councilman Conte  
Councilman Cifone  
Councilman Krakower  
Councilwoman Shershin  
Town Attorney Nelson  
Town Clerk Miller

- **NOTE:** Attachments pertaining to a particular Town Board Meeting will be found after the final minutes of that meeting, which are kept in the official minute books, held in Town Clerk's Office.

Public comments made during a Board Meeting may be heard on the audiotape of that particular meeting, which is kept in the Town Clerk's Office.

{ } designates corrections 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 Tancredi/M. Cifone

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

06:06-01 PUBLIC HEARING

Amend Town Code, Chapter 210,  
Entitled "Zoning", To Include  
"Libraries"

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 6<sup>th</sup> day of June, 2012 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY does hereby amend Chapter

210, entitled "Zoning", to include "Libraries" as a use permitted in the Institutional District subject to Town Planning Board approval; and

AND BE IT FURTHER ENACTED, that 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

BE IT FURTHER ENACTED, that the Town Board has heretofore declared itself to be Lead Agency and declared said action to be Type I Action under 6 NYCRR 617.4(b)(2) of the State Environmental Quality Review Act regulations; and

BE IT FURTHER ENACTED, that the Town Board has considered the Part 1 EAF prepared for the amendments and has determined that adoption of the amendments would not have a significant adverse impact on the environment for the reasons set forth in the attached Notice of Determination of Non-Significance which is attached hereto and made part hereof; and

BE IT FURTHER ENACTED, that a written recommendation dated May 21, 2012 was received from the Dutchess County Department of Planning and Economic Development stating that the proposed amendment was a matter of local concern; and

BE IT FURTHER ENACTED, that a written recommendation dated May 21, 2012 was received from the Town of Poughkeepsie Planning Board in which said Board recommended adoption of the herein amendments; and

BE IT FURTHER ENACTED, that the Town Clerk notified the Clerks of the surrounding municipalities for the public hearing pursuant to GML 239-nn; and

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

SO MOVED: J. Baisley/S. Eagleton

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE  
ATTACHED TO FINAL BOOK COPY

Town Clerk Miller: I did hereby file the affidavit of posting on May 17, 2012 and published in the Poughkeepsie Journal on May 29, 2012.

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

NO SPEAKERS CAME FORWARD

Councilman Cifone: Basically, this is the plumbers that are licensed in the Town to do business. This requires them to get an identification for themselves and all their employees so we can tell who is working on a job when the inspector rolls up on them so we know they are licensed in our Town.

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

06:06-02 PUBLIC HEARING

To Amend Town Code, Chapter 105 Entitled "Fees", Specifically Section 105-4, Entitled "Fee Schedule" For Plumbing Photo I.D.

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 6<sup>th</sup> day of June, 2012 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend Town Code, Chapter 105, entitled "Fees", specifically Section 105-4 "Fee Schedule", which amendments are as follows:

AMEND Section 105-4, Fee Schedule, O. Chapter 154, Plumbing.

ADD:

- |                                  |         |
|----------------------------------|---------|
| 11. Plumbing Photo I.D.:         | \$25.00 |
| 12. Violation of Section 154-26E | \$50.00 |

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: S. Eagleton/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

Town Clerk Miller: I did hereby file the affidavit of Posting on May 29, 2012 and published in the Poughkeepsie Journal on May 31, 2012.

Motion made to suspend the rules for public speaking on Public Hearing # 3: Supervisor Tancredi/J. Conte

CARRIED: 7-0

Councilman Cifone: Basically, this kind of rolls a lot of things in as to having your license, and whether your license can be used in another jurisdiction, like Putnam County. We do share licenses with Putnam and other Counties in the area, but we want to be sure that the testing is up to speed with our plumbers and plumbers we accept in and so this to kind of tie everything together.

Motion made to close the public hearing: Supervisor Tancredi/J. Conte

CARRIED: 7-0

### RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 6<sup>th</sup> day of June, 2012 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town of Poughkeepsie Plumbing Code, specifically Section 154-26.E, entitled "Issuance, denial and revocation of plumber's license; certificate of insurance; reciprocity; special permits", which amendment is as follows:

Section 154-26.E.

The Town of Poughkeepsie Plumbing Board does hereby require that all plumbers licensed pursuant to the provisions of this Code, and their employees, shall carry with them at all time when working in the Town a picture identification card prepared by the Town of Poughkeepsie Plumbing Department. Licensed plumbers and their employee plumbers shall apply for picture identification cards at the time that a plumber's license is first applied for or a renewal application is next submitted after the effective date of this local law, and thereafter for new employees before they begin work in the Town. The cost of said picture identification cards shall be set by the Town Board.

Presentation on demand. All plumbers licensed pursuant to the provision of this Code and their employees shall be required to present their identification card upon demand to any Town of Poughkeepsie Code Enforcement Officer.

Licensed plumbers shall maintain a current list of their employees with the Town of Poughkeepsie Plumbing Department. When a plumbing license is shelved or expires, or when a plumber is no longer employed, the licensed plumber shall surrender the card(s) to the Plumbing Department.

Licensed plumbers are responsible for compliance with this section by themselves and their employees, and employees are responsible for their compliance.

Failure to comply with this Section will subject the violator to the penalties provided for in this Article and Chapter 105, Fees.

AND BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie determined that this action is a Type II Action, and further determined that no further environmental action 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/S. Eagleton

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

Town Clerk Miller: I did hereby file the affidavit of posting on May 29, 2012 and published in the Poughkeepsie Journal on May 31, 2012.

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

Mr. Armstrong: "On the Library. All of the processes they are going through right now to get approvals, etc., where does this money come from?"

Councilman Krakower: It comes from the Town and the City tax payers.

Mr. Armstrong: Then all of this would not come about if the taxpayer does not approve the money to pay for it?

Supervisor Tancredi: That's right. The plan is to have it on the November ballot.

Mr. Armstrong spoke against any more libraries being put in. Taxes just keep going up enough.

Doreen Tignanelli: I do agree with Mr. Armstrong that, it might not sound like a lot of money to the library, but, things do add up and there are families who are really having a tough time of it. I have a question on Item #15 to approve first annual benefit car show for the Arlington Professional Firefighters Association. What does the Town Board have to approve for that?

Councilman Baisley: Like a yard sale, the use. Same as like the fireworks for the use of where it is and they have to have insurance coverage, etc.

Doreen Tignanelli: I have a comment on #7 for the Wegman Companies to rezone that parcel. Wegman was an assisted living project and there was just a discussion on it a

while ago and one of the benefits for Wegman going into that project on the corner of Boardman and Spackenkill is that it is a 23 acre parcel, but they were only going to use a small amount, like four or five acres, and the rest would potentially be a conservation easement or something as preserved for open space. Right now, assisted living is not a permitted use for that site, so I had thought that you would be changing the institutional zone to allow assisted living in there. But, it looks like you want to rezone the parcel as R-20 20,000 sq. ft. residential and by doing that, if that deal falls through with Wegman, then you are opening that up to allow 51 houses to be put in there. True, by doing it this way?

Supervisor Tancredi: No. This rezoning is not going to be like any other rezoning. It is specifically for this project only. If this project were not to work out, the Zone will remain the same, institutional. We've done rezoning like this a number of times.

Doreen Tignanelli: Where does it say that? I didn't see anything saying that.

Neil Wilson, Development Director: We are not to the point where the Board would pass a resolution to actually change it. But, any resolution to change the Zoning would include conditions such as what we were talking about. Which would be tying the rezoning into the site plan and keep in mind, we still have a very lengthy environmental process plus a site review process by this Board and the Planning Board and so once we've gotten to the point where everybody is looking to say, "Yes, this is it" it comes back to the Town Board. The resolution is to amend it, and the condition is, it is for this project. Then there would be a discussion about giving Wegman some period of time to construct and occupy the project and if he fails to do so, then it will revert back to the IN district which it is today.

Councilman Krakower: So, what you are saying, we would rezone it to R-20 and then give Wegman time to build what they want to build?

Neil Wilson: Yes, and if they fail to do so, according to the approved site plan only, then it reverts back.

Councilman Krakower: The senior housing overlay wouldn't work for this piece of property?

Neil Wilson: No, not the way we have it drafted. It's a flat R-20.

Mr. Armstrong: For item numbers 8, 9, 10, and 11, maintenance on properties, what is the procedure there and what is the disposition of these properties?

Supervisor Tancredi: Most of the properties are all tall grass. They are vacant homes. No one is taking care of the lawns and so a bank or mortgage company owns them and so the Town takes care of them and puts them on the taxes.

Mr. Armstrong: The other thing I was looking at was the amount of posters, sale signs, etc. There is a lot of junk out there on the highways and people reading signs while driving. This is a little bit crazy. This is very distracting and I'm surprised there are not more accidents from it.

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

CARRIED: 7-0

06:06-04: APPOINTMENT

Police Department Of Christopher J.  
Gardina As Police Officer

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Christopher J. Gardina to the position of full time Police Officer under the provisions of Civil Service Law dealing with a resignation/reinstatement, at the yearly salary of \$53,592.00, effective June 25, 2012, which appointment is subject to a probationary period of not less than 26 nor more than 52 weeks per Civil service Law.

SO MOVED: M. Cifone/S. Krakower

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

06:06-05 APPOINTMENT

Police Department Of Jacqueline  
Blumfield As Police Officer

#### RESOLUTION

BE IT RESOLVED, that the Town board of the Town of Poughkeepsie does hereby appoint Jacqueline Blumfield to the position of full time Police Officer under the provisions of Civil Service Law dealing with a resignation/reinstatement, at the yearly salary of \$53,592.00, effective June 25, 2012, which appointment is subject to a probationary period of not less than 26 nor more than 52 weeks per Civil Service Law.

SO MOVED: S. Krakower/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

06:06-06 APPOINTMENT

Police Department Of Robert J.  
Carroll As Police Officer

## RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Robert J. Carroll to the position of full time Police Officer under the provisions of Civil Service Law dealing with a resignation/reinstatement, at the yearly salary of \$53,592.00, effective June 25, 2012, which appointment is subject to a probationary period of not less than 26 nor more than 52 weeks per Civil Service law.

SO MOVED: A. Shershin/S. Krakower

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

06:06-07 SET DATE FOR  
PUBLIC HEARING

Wegman Companies For Zoning  
& Amend Town Code Chapter 210,  
Entitled "Zoning", Section 210-91  
For Property Located At Spackenkill  
Road & Boardman Road

## RESOLUTION

Change of Zone – Tax Parcel Number 6260-03-049464  
And Amendments to Town Code Section 210-91

WHEREAS, the Town Board has received an application from The Wegman Companies, Inc. (hereinafter "Wegman") requesting that the zoning designation of tax parcel number 6260-03-049464 located at the northwest corner of Spackenkill Road and Boardman Road and consisting of  $\pm$  23.68 acres, be amended from Institutional (IN) District to Residence, Single Family 20,000 Square Foot (R-20,000) District; and

WHEREAS, the requested zoning map amendment, a copy of which is attached hereto and made part of this resolution, would permit the development of the property by Wegman for use as a Senior Assisted Living Facility consisting of 76 dwelling units and a 20 bed memory care facility; and

WHEREAS, the Board has also received from the Director of Municipal Development recommended changes to Article VIII Section 210-91 of Chapter 210, a copy of which is attached hereto and made part of this resolution, that would amend the site layout requirements for nursing homes and assisted living facilities; and

WHEREAS, the development of the property as proposed by Wegman would also require Site Plan Approval by the Town Planning Board and Special Use Permit Approval by the Zoning Board of Appeals; and

WHEREAS, the action to amend Chapter 210 as requested by the applicant is a Type I Action under the New York State Environmental Quality Review Act (hereinafter “SEQRA”); and

WHEREAS, the Town Board wishes to commence the process for selection of a Lead Agency to coordinate the environmental review of the proposed action but believes that the Town Planning Board has the greater experience in conducting a coordinated SEQRA review; and

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby recommends that the Town of Poughkeepsie Planning Board act as the Lead Agency to coordinate the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law and requests that the Planning Board, at its next regularly scheduled meeting, declare its intent to be the Lead Agency and circulate the Part 1 Long Form Environmental Assessment Form together with the proposed site plan and other project information submitted by Wegman to the identified involved agencies seeking their consent to the Planning Board acting as the Lead Agency; and
2. The Town Board hereby consents to the Town of Poughkeepsie Planning Board acting as the Lead Agency in this matter; and
3. The Town Board hereby directs the Town Clerk to deliver a copy of this resolution to the Town Planning Board; and
4. The Town Board hereby defers a public hearing on the proposed zoning map and the proposed zoning text amendments to such time as the designated Lead Agency has either issued a Negative Declaration or has accepted as complete a Draft Environmental Impact Statement; and
5. The Town Board hereby refers this matter to the Dutchess County Department of Planning and Economic Development for a recommendation pursuant to GML 239-m; and
6. The Town Board refers this matter to the Planning Board for an advisory report pursuant to Town Code Sections 210-154.

SO MOVED: Supervisor Tancredi, M. Cifone

Councilman Eagleton: The resolution was to set a date, is the actual date being set by the Planning Board? We don't actually have a date here.

Neil Wilson: No, the resolution, the way it was drafted, specifically defers setting a date on the Public Hearing until the SEQR review by the Planning Board, in this case, as the

Lead Agency, is completed. It's going to be some months out. You're not setting a date, the Planning Board is setting the date. You are recommending and consenting to the Planning Board to be the Lead Agency, which we would do in a normal course anyway. You're not setting a Public Hearing yet.

Councilman Cifone: I hope you like the project when we have the regular company in, or the draft that they showed us as the project, but, Supervisor Tancredi, Councilwoman Shershin and I drove up to Saratoga and visited the property and, speaking for myself, I was really impressed. We talked to the residents that live there and they are very happy. They don't miss anything. They have entertainment, staff on hand, you can have visitors and guests to stay over night. It's really good for an elderly person to be living in a situation like this. It's very safe for them and I can't think of a better property in the Town of Poughkeepsie for this project.

Neil Wilson: When the Planning Board is done with SEQRA, they will either issue a Declaration or if they determine a Draft Environmental Statement is necessary, it will take some months. At that particular point, which ever path they take, it will then come back to you with a request to set a Public Hearing on the Zoning Amendment at that time.

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi  
Nays: None CARRIED: 7-0

06:06-08 SET DATE FOR PUBLIC HEARING Property Maintenance For 4 Hampton Road

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 20<sup>th</sup> day of June, 2012 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 and continue to remove garden waste, fallen tree limbs and to cut and continue to cut grass to a height not to exceed 6 inches so as not to become overgrown and unsightly, which Order to Remedy is attached hereto, for property located at 4 Hampton Road, Town of Poughkeepsie, State of New York, pursuant to Chapter 159, Section 159-13 of the Town of Poughkeepsie Town Code.

SO MOVED: J. Baisley/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi  
Nays: None CARRIED: 7-0

ORDER TO REMEDY ATTACHED TO FINAL BOOK COPY

06:06-09 SET DATE FOR

Property Maintenance For 5 Club  
Way

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 20<sup>th</sup> day of June, 2012 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 and continue to remove all solid waste, debris, litter, garden waste, fallen tree limbs and to cut and continue to cut grass to a height not to exceed 6 inches so as not to become overgrown and unsightly, which Orders to Remedy are attached hereto, for property located at 5 Club Way, Town of Poughkeepsie, State of New York, pursuant to Chapter 159, Section 159-13 of the Town of Poughkeepsie Town Code.

SO MOVED: S. Eagleton/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

ORDER TO REMEDY ATTACHED TO FINAL BOOK COPY

06:06-10 SET DATE FOR  
PUBLIC HEARING

Property Maintenance For 187  
Fulton Street

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 20<sup>th</sup> day of June, 2012 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 and continue to remove all solid waste, debris and litter, which Order to Remedy is attached hereto, for property located at 187 Fulton Street, Town of Poughkeepsie, State of New York, pursuant to Chapter 159, Section 159-13 of the Town of Poughkeepsie Town Code.

SO MOVED: J. Conte/S. Eagleton

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

ORDER TO REMEDY ATTACHED TO FINAL BOOK COPY

06:06-11 SET DATE FOR  
PUBLIC HEARING

Property Maintenance For 52  
Brookland Farms Road

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 20<sup>th</sup> day of June, 2012 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 and continue to remove all solid waste, debris, litter, garden waste, fallen tree limbs and to cut and continue to cut grass to a height not to exceed 6 inches so as not to become overgrown and unsightly, which Orders to Remedy are attached hereto, for property located at 52 Brookland Farms Road, Town of Poughkeepsie, State of New York, pursuant to Chapter 159, Section 159-13 of the Town of Poughkeepsie Town Code.

SO MOVED: M. Cifone/J. Conte

Councilwoman Shershin: What happens if this person is still living there and being unusual and flying beneath the radar?

Councilman Krakower: We do our best to figure out if it is vacant property or not, but you can't guarantee that. If we can find that they are living there, then we are pretty safe to make the determination that it is not vacant. The banks have been doing some of the maintenance for a while, but, I think the banks don't want to spend any more money on them.

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

06:06-12 SET DATE FOR  
PUBLIC HEARING

Amend Town Code Chapter 210  
Entitled "Zoning", For Regulation  
Of Temporary/Tent Sales & Signs

RESOLUTION

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 the regulation of temporary/tent sales and signs; 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 and to the Town Planning Board 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 July 11, 2012, 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 surrounding Towns, the City of Poughkeepsie, and the Village of Wappinger Falls of the public hearing pursuant to GML 239-nn.

SO MOVED: S. Krakower/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

AMENDMENTS ATTACHED TO FINAL BOOK COPY

06:06-13 SET DATE FOR  
PUBLIC HEARING

Amend Town Code Chapter 154,  
“Plumbing” & Chapter 105, Entitled  
“Fees” To Address The Shelving Of  
Plumbing License Provisions

### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 20<sup>th</sup> day of June, 2012 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 amendments to Town Codes, Chapter 105, entitled “Fees” and Chapter 154, entitled “Plumbing”, which amendments will move the Shelving of Plumbing License provisions from Chapter 105-4 O to Chapter 154-32, and

BE IT FURTHER RESOLVED, that 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

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: A. Shershin/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

### AMENDMENTS ATTACHED TO FINAL BOOK COPY

06:06-14 RETAIN

Hudson Valley Appraisal Corporation  
As Appraisers Pertaining To The Tax  
Certiorari Litigation Matters Known As  
Atom Holdings, Ltd. V Town

### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie finds that it is in the best interest of the Town to retain Hudson Valley Appraisal Corporation, for appraisal services for the Town of Poughkeepsie for the tax certiorari proceedings instituted by Atom Holdings, Ltd. against the Town for assessment rolls of 2008, 2010 and 2011 without using an RFP, such retention to be in accordance with the fee appraisal

quote, dated May 21, 2012, and that Kyle W. Barnett, esq., Van DeWater & VanDeWater, LLP and/or Kathleen D. Taber, Town Assessor are authorized to sign such papers as are necessary to effectuate the retention.

SO MOVED: Supervisor Tancredi/J. Conte

Councilman Eagleton: If we know it's going to be mortgaged, why can't we just see if we can bundle it together and get a better rate on this? Is there some way?

Town Attorney Nelson: I believe what happened is that this is the one which was not brought to you at the last meeting, so, I don't know any others that are that type and I believe that there was more than one company that was used. The next time we are going to do this, I will make it a point to have a single resolution cover multiple tax certs. and designate a particular appraisal.

Councilman Eagleton: Was this company different from the other companies?

Town Attorney Nelson: This was one of two companies that were part of the designation, yes. (Inaudible)

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi  
Nays: None CARRIED: 7-0

06:06-15 APPROVE First Annual Benefit Car Show For The  
Arlington Professional Firefighters  
Association At Dyson Racing Property, 38  
Victory Lane On July 14, 2012 with Rain  
Date July 28, 2012

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application received from the Arlington Professional Firefighters Association to hold the 1<sup>st</sup> Annual Benefit Car Show at Dyson Racing property, 38 Victory Lane on July 14, 2012 with a rain date of July 28, 2012; and

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

SO MOVED: J. Baisley/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi  
Nays: None CARRIED: 7-0

06:06-16 GRANT

Sewer Department For Absence Of William  
Plass Taken As A Medical Leave Of  
Absence Extension

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby grant a medical leave of absence extension to William Plass until August 16, 2012.

SO MOVED: S. Eagleton/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

06:06-17 AUTHORIZE

New Application For An On-Premises  
Alcoholic Beverage License For  
Lemongrass Thai Restaurant, Located At 25  
Lagrange Avenue, & Waiver Of 30 Day  
Review Period For New Liquor License  
Application

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 Lemongrass Thai Restaurant, 25 Lagrange Avenue, Poughkeepsie, NY, for a waiver of the 30 day review period for a liquor license application; 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: J. Conte/S. Eagleton

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

06:06-18 NOTIFICATION

New Application For An On-Premises  
Alcoholic Beverage License For Hurricane  
Of Poughkeepsie LLC D/B/A Hurricane  
Wings, Located At 5 Raymond Avenue

NOTED BY TOWN BOARD

06:06-19 AUTHORIZE

Special Consent Items SC 1, SC 2, SC 3,  
And SC 4

RESOLUTION

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

SC 1 Authorize Supervisor to Sign	Safeco Agreement-alarm monitoring/inspection
SC 2 Authorize	Termination of Recreation Department employee
SC 3 Set Date for Public Hearing	Unsafe Building – 14 Twin Road
SC 4 Authorize	Engineering/Szewczak – monitor and inspect Police/Court Facility

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. Eagleton

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

06:06-SC 1 AUTHORIZE  
SUPERVISOR

Safeco Alarm Systems Inc. Agreement  
For Annual Alarm Inspection Of 3 Town  
Facilities & Monthly Monitoring

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign an Agreement of Purchase with Safeco Alarm Systems, Inc. for annual alarm inspection (\$895.00) of three Town facilities, and monthly

monitoring (\$150.00 per month) as outlined on the attached agreement, for the period of July 1, 2012 to June 30, 2013 at an annual cost of \$2,695.00; and

BE IT FURTHER RESOLVED, that the Town Board finds that this is a Type II Action requiring no environmental review.

Councilman Baisley: Has this been out to bid at all?

Supervisor Tancredi: I don't know. I didn't get a chance to get any details, I just got it late this afternoon.

Town Attorney Nelson: The one year cost I believe (inaudible) I know that Tim did consider the current buyer and I believe that Safeco was lower, but whether he got any more than those two, I don't know.

Councilman Krakower: What do they do for an annual alarm inspection?

Councilman Cifone: Test the system and see if it works.

Councilman Krakower: Don't they test the system regularly during the year? Isn't that part of what they do for the fee?

Councilman Baisley: A lot of the time what the monitoring service will do is check it the system daily (inaudible) they don't actually come here. They do an annual inspection (inaudible)

Councilman Krakower: Most of them either do it monthly or weekly.

Councilman Baisley: My system gets tested daily.

Councilman Krakower: That's why I'm questioning the annual inspection fee.

Motion made to Table this item until June 20, 2012 Town Board Meeting: Supervisor Tancredi/S. Eagleton

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

06:06-SC 2 AUTHORIZE

Termination Of Employment Of Employee  
From The Town Of Poughkeepsie  
Recreation Department Immediately

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby terminate the employment of Charles R. Harris, Jr. from the Town of Poughkeepsie Recreation Department, effective immediately.

SO MOVED: M. Cifone/S. Krakower

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi  
Nays: None CARRIED: 7-0

06:06-SC 3 SET DATE FOR PUBLIC HEARING Property Maintenance For 14 Twin Road

### RESOLUTION

WHEREAS, the Building Department of the Town of Poughkeepsie has made a report to the Town Board of the Town of Poughkeepsie regarding 14 Twin Road, Town of Poughkeepsie, County of Dutchess, State of New York, Tax Grid No. 6057-07-722980 (“the Premises”), the owner of record being Gloria Anderson, 14 Twin Road, Wappingers Falls, NY, that the building on the premises (“the Building”) is dangerous and unsafe to the general public, open at the doorways and windows, accessible to minors, vagrants, trespassers and crime suspects, and that it presents a fire hazard; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive a verbatim reading of attached Findings and does hereby adopt said Findings and directs that they be spread across the record as if they, in fact, had been read verbatim; and

BE IT FURTHER RESOLVED, that a Public Hearing on the Order and Notice, including the recovery, levy and collection of Town expenses as an ad valorem levy will be held before the Town Board on the 20<sup>th</sup> day of June, 2012 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY.

SO MOVED: S. Krakower/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi  
Nays: None CARRIED: 7-0

FINDINGS ATTACHED TO FINAL BOOK COPY

06:06-SC 4 AUTHORIZE

Engineering Department To Monitor The Settlement At The Police/Court Facility By Checking The Elevation Of The Roof Annually, Providing A Survey Of The Roof Annually & Authorizing Szewczak Associates To Provide A Written Report To The Engineering Department

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Engineering Department to monitor the settlement at the Police/Court Facility by checking the elevation of the roof annually and does hereby authorize Morris Associates to provide a survey of the roof annually; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize Szewczak Associates to visually check the building and review the elevations provided and provide a written report to the Engineering Department.

SO MOVED: A. Shershin/S. Eagleton.

Councilman Baisley: What's the fee?

Councilman Eagleton: Most would be \$1500. The evaluation by Szewczak is to be twice a year if we need it. The survey is by Morris Associates and so as long as we don't exceed a number of surveys, there is no additional cost.

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 7-0

Motion made for public to speak on any agenda subject: Supervisor Tancredi/S. Eagleton

CARRIED: 7-0

Kim Krampert: 449 Sheafe Road: Read and submitted attached letter.  
Major complaint is trucks coming in and out of Sheafe Road during nighttime hours on the Southern portion of Sheafe Road.

Supervisor Tancredi: We will check to make sure the law is on the books the way it is supposed to be and we will look into it and make sure the Police are there to enforce it.

ATTACHED TO FINAL BOOK COPY

Jim Kitcher – I was here on April 25<sup>th</sup> and I thought we came to an agreement at that time so that in the middle of April a plan was going to be presented about the current plan was for the landscaping at the end of our block. I talked to Todd and he said “No, we’re not going to do that, Neil Wilson is working on something to be done.”

Supervisor Tancredi: What I gave you was the current plan that Mr. Germano is supposed to abide by. I gave you a copy of it.

Jim Kitcher: You gave me a copy of a plan that was accepted by the Town and Neil Wilson about three years ago. It’s different from the plan that Germano submitted and it was never approved by any body of the Town. It’s not approved by the Zoning Department or the Planning Department.

Supervisor Tancredi: That’s the only plan we have, isn’t it?

Councilman Krakower: We have at least two or three of them. We were going to have Mr. Germano here on the 2<sup>nd</sup> Wednesday of May, the problem is that everything keeps changing out there and we wanted to hear from him directly what he was going to do and make sure we knew what it was and approved it. It doesn’t look like he’s done anything out there since he put the fence there.

Mr. Kitcher: No, nothing has happened this year.

Councilman Krakower: But, the other thing was to get him in here so we could impress upon him that it wasn’t going to drag forever. I do think we need to have him in here. He’s got to come in and ask us for a license agreement and/or an option to purchase and then he has to go to Planning or Zoning or both. But, this is the first stop and I think we should have him in here.

Councilwoman Shershin: But, I’m afraid this is going to become a mute point because I was in there just this past week and he said he was going to move.

Councilman Krakower: He said he was moving for a long time, but --- he’s not moving. He’s just wasting our time and money. He went to the Zoning Board to try and get a Special Use Permit and Site Plan Approval from the Planning Board and the reality was, he never had an agreement with the Town Board to be able to do anything and he hasn’t done anything. So, he’s wasted six years of the Town’s time and money and at that point, my feeling was to not let him get a Special Use Permit when he is just disregarding the Town entirely and wasted at least \$20,000 of our money. His moving is irrelevant, he still owns the property. He had a Special Use Permit, but it expired.

Mr. Kitcher: You must have spent \$20,000 on lawyers already on this and all I wanted was a few trees and you can’t get it done.

Doreen Tignanelli: I have a comment about the Town’s Stormwater Report. The Town is required to respond to the comments and then post the document. I looked at the

document and one of my comments was about the fact that the Town really should review procedures that were in place to determine any failings. The example I used was the poor gentleman, Mr. Tuttle, I believe it was, came here and said that before Stratford Farms came in, he had no water issues and showed us several feet of water rushing through his house and driveway. So, the Town's response to my comment was that "With regard to Stratford Farms, the slip for that project was prepared and reviewed under an earlier permit that had different requirements". Then they said, "For example, under that permit in affect at that time, there was no provision restricting clearing of land to more than 5 acres at one time." I didn't believe that was accurate because I've been following Stormwater issues since "Day One" and I've taken classes and so I checked with the DEC and they said that Stratford Farms filed for coverage under Permit GP0201 and that permit did have the five acre disturbance restriction in place in 2004, but yet, the Town's response to my comment was, "Well, there were different permit requirements at that time." That is an inaccurate response. I also have the manual that goes along with the permit GP0201 from January of 2003 and it clearly states that "There shall not be more than five acres of disturbed soil at any one time without prior written approval from the DEC." So, basically, I was trying to say that we really need to look and see if any improvements can be made.

Councilman Krakower: So, that whole hill top was cleared cut, right? They just cleared the whole hill. They only built a few houses, right? It's a clear example where they did not follow the rule is kind of what you are saying?

Doreen Tignanelli: Right. Under that permit, the Town has some responsibility to monitor what they are doing and if they didn't have explicit permission from the DEC to do that, that should have been noted as part of the monthly inspection.

Councilman Krakower: And they didn't. Can the Town get permission to over ride that?

Doreen Tignanelli: I don't believe that they did. I have another call into the DEC and if I don't get a response, I'll FOIL it. Only in the last few years has it changed. Now, you don't have to get explicit permission from the DEC. They can just go to the Town to the MS4, but back then, No. You had to have the explicit written permission from the DEC. That was also the problem with Oakwood Commons. They disturbed more than five acres and they didn't have explicit permission and then I notified the DEC. The Town needs to do a better job at monitoring so that residents aren't impacted.

Bill Armstrong: I live by the "Bone Fish" on South Road. I had a meeting with these contractors because my mother-in-law's house is in that development. They clear cut an entire area, also. They did a little road work just so they could get up there. Then they walked away. I don't know what their intensions were. They have no tenants. I don't even know if they have any permits to build something.

Councilman Krakower: They have Planning approval for retail office space, but it doesn't look like they really ----

Supervisor Tancredi: They hit rock and can't build what they planned to build. That's the problem.

Bill Armstrong: Yes, they hit rock and they weren't allowed to blast, they said. Erosion is starting from the rain. I don't know if they can be forced to put up some kind of ground net.

Supervisor Tancredi: It should be seeded.

Bill Armstrong: They seeded it, but it's just starting to grow and that won't be any good for years before it will hold anything back. Now, my other thing. I live on the back side of Casperkill. I guess that's been pretty dormant for a while, also. Every now and then, though, I hear bulldozers back there. I forgot who came out, the Planning Board or the Highway or who, and he said, as long as they are not putting in a permanent road, he could bulldoze all they want. If they are within their rights, fine.

Supervisor Tancredi: Supposedly, they are just doing forestry work. We were notified of it and the Town did look into it and they are presumably doing forestry work and taking down dead and damaged trees. They are not constructing anything. But, we'll watch it.

Jim Kitcher: Just a brief comment on that last item. I know when I was looking through the Planning Department stuff, that whole project, they had one last chance, they had their final approval. The Site Planning had been extended and extended. So the Town essentially said to them, "Do what you are going to do now, or you will lose total approval for the project." So, they went ahead and started doing what they did.

Doreen Tignanelli: If I'm not mistaken, there is a Planning Board Member who encouraged the Tuscany Square Development there to go in and clear the trees all at once in the beginning. This is what you run into. One of the things was the concern about crime was why he encouraged it.

Councilman Krakower: Crime! It was a vacant wooded side of a hill. It would be very difficult to commit a crime there.

Motion made to Close the meeting: Supervisor Tancredi/S. Krakower

CARRIED: 7-0

MEETING CLOSED AT 8:15 PM

SJM:lkm