

**MINUTES OF TOWN BOARD MEETING HELD ON
AUGUST 8, 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 was made to suspend the rules for public to speak on agenda items: Supervisor Tancredi/J. Baisley

CARRIED: 7-0

Rob Rubin: I have two questions. The tax cert, Item #4: What is the address on that? (11 Hilltop Lane.) Thank you, the other question regards Special Consent Item #2: Is there a dollar limit on that?

Supervisor Tancredi: We have a dollar limit written into the Special Consent. That is something the Town Board can discuss.

Rob Rubin: I would appreciate that, thank you.

Doreen Tignanelli: I also have a question about Item #4. Do you ever take into consideration when you are doing these settlements, if there are any violations on the site?

For example, back in March they had an Order to Remedy and then a Stop Work Order put on them because they were doing wet lands at that site without any permits. Is that ever taken into consideration?

Kyle Barnett: The answer is, basically no, unless the actual violation somehow affects the market value of the actual property because the tax cert assessment really only deals with whatever the market value of that particular property would be. So, unless the violation reflects somehow, in some cases it does, some times properties are contaminated and that will obviously affect their market value and so in terms of whether or not the actual petitioner has that in compliance or not in compliance with Town Code, in no way has anything to do with the defense the Town would have for the actual tax matter.

Doreen Tignanelli: Ok, I do think it is unfortunate that they did this without a permit. My other question was on #5, the waiver of the fee. How do you decide, that's in the Town Code, that they have to pay this fee, how do you decide who it gets waived for? How is it applied?

Supervisor Tancredi: It's just taken on a case by case basis.

Doreen Tignanelli: So, there are no criteria?

Supervisor Tancredi: Well, if it's a not-for-profit or an organization that does something for the public, the residents, we try to take those things into consideration, is there a hard and fast rule when we waive and when we don't, I don't think that exists, no.

Bob Gorman: Item #2, definitions, I think it is imperative that the Board decide to move this along to a full public hearing and take this step and work on this particular thing, especially in the Fourth Ward. We've been up against a lot of problems with conversion housing and rental properties in that particular area, four vs. five adults in one house who are not related. If you look at a lot of houses, they have a two car garage and they have two spots for two cars in the driveway. Four would be a good figure, but, whatever number we pick, the enforcement of this clearly defined and what the steps are going to be. The Zoning Board is going to get involved, this could be a 30 day period or longer for someone to be cited and the action to be corrected, I hope that can be reduced in some way, shape or form wording. I'm not very clear on the enforcement of it, but I do know that that is a key item. I also believe, with enforcement, if there is some way we could register commercial properties, like the City of Poughkeepsie has done, and done for years, so that the Council people would have a list of properties, all commercial properties, rental properties and who their contact is so that if there is a problem, we could go right after that particular person.

Virginia Buechele: I believe you all should have received an e-mail from me asking you to ponder the definition of family and it is important that you consider lowering it to three. I was concerned about Neil's comments at the Committee of the Whole Meeting that he didn't want to make it lower than 4 because of limited resources. I do recall about two years ago during Budget time when we cut inspectors, I do remember an inspector sitting at this table begging you not to because the fees would pay, but the inspectors were cut. We need to lower to 3, and we need to have the resources. We are talking

about people's lives here. I sent you a listing from the Iona Website. Iona somewhat compares to another College close to me in the Fourth Ward. Iona has about 3,000 students, I'm not sure how many live off campus in rental housing, Marist College website says they have 5,349 undergraduate students on campus and 3,273 live on campus. So, that leaves about 2,000 either living at home with their parents or living in the community. We have a huge problem in Fairview. It's been a problem for years and it hasn't been addressed adequately and now is the time to address it. Please consider it, it's a matter of saving lives and it should be on your priority list to get the resources we need to do what we have to do. The other thing I have to ask, which is just for my personal information, is I would like to ask each and every Board Member if they own property in the Town of Poughkeepsie where numerous unrelated individuals are housed. Jay?

Councilman Baisley: I'm not answering that, because that is personal.

Councilman Eagleton: I'll answer it. I only own my home with my family.

Supervisor Tancredi: Virginia, I don't think this is appropriate, if you want ---

Virginia Buechele: I believe it is because it leads to a conflict of interest.

Supervisor Tancredi: We are all aware of what you are getting at, why don't you just be straight forward and ask the question?

Virginia Buechele: Maybe you are all aware, but maybe the public is not.

Councilman Baisley: (Inaudible – not up to mic)

Virginia Buechele: Only one house? And that would be the one at 48 Lake Street? (Yes) What about 11 Ziegler and 19 Ziegler? Are there numerous, unrelated individuals living there? Your lack of response speaks for you.

Jim Rutherford: I just want to make some comments about what she was just talking about. It may put a light on something, I don't know. Last year we had more than one incident on my street with College students around 1 AM, whooping and hollering on the street, we called the Town Police and my wife went out on the porch and told a young man to please get off our property and he turned around and cursed at her. Now, this is a College student that represents Marist College. It has happened more than one time throughout the years and I've been in that home 11 years. It's sad to say, if I knew what was going to be happening on the street, I wouldn't be here. I feel something has to be done to try to correct the situation, whether limiting the amount of people in the residences, I don't know. This is a real problem and I just hope something can be done, it's getting out of hand, and it really is.

Val Castle: I live on Crestwood Blvd and I have a rental property next to me and prior to the current renter, we had culinary students and Marist in there, and I had to call the

police like every other week. What I would like to see done is, maybe after the police have been notified after 3 times or so, maybe their rental privilege should be taken away from them or something like that. I don't care if they have 10 people or so in there, if they would behave themselves and be good citizens.

Pat Nesbit: I appreciate a lot of the comments made; I think a lot of them are valid. I bought a house on West Cedar Street in 1991, my wife, myself and 4 children. In 2000 I bought a house 4 doors up on West Cedar Street and have resided in that house since then and I have also rented out my first house on 29 West Cedar. I stay in the West Cedar/Fairview Area because I think it is a tremendous place to live and raise kids. I am employed by the Town and I agree with a lot of folks here that from time to time college kids and other kids can get out of hand and I salute the Town Board because in the last couple of years they have worked hard to give the Police Department a rock solid law with proven ordinances that the Police Department can go out and enforce and I think everyone would agree that a call for service in that area has gone down tremendously. But, the problem still exists; there is no question about it. I think we have great ordinances and think the Police respond accordingly and certainly there is probably more that can be done, unfortunately, I don't believe our Councilmen have addressed those or looked at those as possibilities. I would ask you to do that. I think enforcement of good ordinances is the key and our Zoning Violations is a key. I would ask that you all explore all of the possibilities before making any drastic changes in the number.

Art Grace: I urge the Board to make the change to definition of family. We heard this last gentleman say that they made an investment in the house. We made one in our house, too. It's the same investment and we don't get a return on our house because we don't rent it out. We have to live there and put up with the week end parties, noise, public urination and just lack of respect by the students and by the landlords. They never come over to the area and say "I'm sorry that this happened, we will work with the students to resolve it." I think it's time for the Board to act and do something to try and help us as a neighborhood. It is a good neighborhood, but once school starts again, it will be pure Hell.

Jacqueline McCall – I live right in the middle for housing for Marist. I don't have a problem with them. They are college kids, I went to college and we all did what we did. The cops have been very good this year in controlling the noise ordinance. My biggest problem is that I have to hear the band that practices across the street. No one ever complains about that and it's loud. I have to hear the truck company that is across the street when they are leaving at 2 or 3 in the morning, that's actually louder than the students walking home. Also, there is this new house at the bottom of Fairview Avenue before the train bridge which is now a Biker house and I have to listen to those bikes drag racing up and down the street. Students that are there from Marist may at time be loud, but they have been respectful. I feel safe when I get home late at night because they are there. They may be walking around, but there is always someone outside. The bigger issue, I think, is that we need to find a way to work with the landlords. The landlord needs to be finding if there are issues and the police goes over to their house. I have been living in this house for 16 years and I find it appalling that you want to change that,

because if I have 7 people of my family members living in my house, you will not have a problem with that, but if I have unrelated people, I don't see the difference. If I had 7 people in my house and they were all minors, I think that would be a safer issue than 4 unrelated adults in the house.

Bonnie Ritter: I am a landlord and a realtor and someone made a comment that he invested in a home to live in. I also went through this with the City of Poughkeepsie and I sold my house because I was a landlord there as well. I was one of the lucky ones. I sold as soon as they made the new ruling of only 3 in the house. The people that couldn't sell their houses quick enough, took a beating. If you are thinking that the college kids are hurting your investment as a homeowner, they are not. Investors will come and bid on those houses if they think they can make a living or a little profit. We don't make a large profit. I do have college kids and I do believe if they are bad, someone should call the police. I have no problem with being fined if I have a group of kids that are unruly, but for the most part, my students have been wonderful. I've had one or two, but we've dealt with it with Legal Counsel. So, before you judge everybody and the college kids, please be aware that they are not all the same, but on the most part, they are pretty wonderful.

Michael Lafalce: I'm here representing my parents, Mike and Donna Erts, we are all partners in four houses that we own in the Fairview area. One is where my family resides, one house is where my parents reside and two are rental houses. I first would like to come out and state that the entire house that we did develop, was developed in accordance with all the Zoning and Building Code laws for the Town and State. We monitor all of our students. We are very interactive with our students and have written into our leases the things that everybody has been describing that's going on, that they don't go on and I would also like to state that reducing these numbers as they stated before is going to cause an economic hardship on us because we've invested all of our money and time in developing these houses. 25 years ago, people went to the Board and tried to stop Marist from coming in and the Town did nothing to do that and I just find it very odd that this late in the years nothing was ever done about it and now that my parents are getting on in age, they are living off of this as a retirement and this is going to cause hardship within our family and I can't understand how limiting one person living in a house is going to stop all the parties, noise and people urinating in the yards. The Town needs to enforce the laws that they put in place by either penalizing the landlords, the students or making people accountable for the people living in their houses and I think that will solve the problem.

Councilman Cifone: I think the real issue is the people that are buying out three bedrooms and converting them into illegal (inaudible)

Michael Lafalce: Then you guys as heads of the Board, need to go to your Building Department and Zoning Department and enforce the rules of this Town. Why am I being penalized for following all the rules, spending countless hours out of my own time to come in front of the Board to get things approved for you guys to say, "Because of a

couple of a bad eggs in the neighborhood” and we all know who they are, why are we being penalized for that?” I don’t think that’s fair.

John Decasser: I’m a landlord in the community and I own a couple of houses in the Town. I am proud to say that every renovation I’ve made in all my properties, I’ve worked with Tim Sickles pretty much exclusively. I’ve gone through the rigga-moroles of spending hundreds, if not thousands of dollars on permits, on licensed contractors to get the job done the right way and I feel that all of my properties are in compliance with Local and State building and safety codes and so I’m very proud of that and I continue to follow that path. Most of my properties are on 49 Woodlawn Avenue, 25 Inwood Avenue, 21 Chestnut, 108 East Cedar and every project has been permitted and approved for use. I hear everybody on the side of this argument saying how they have issues and how they appreciate the concerns and they just want to keep things the same or make some changes, but, no one appears to be liaisoning with the different groups, so, what I propose is maybe a landlord committee and a liaison with the Town Board, Building Department and with whatever groups that can be involved where we sit down formally as a group and write down the issues and how are we going to solve them and putting some plans into place. I’m a firm believer in that.

Bob Gephard: I’m here as a resident and not as a Commissioner of the Fire District. I’m speaking strictly for myself as a resident. What you are trying to do is a step in the right direction. It’s not going to solve a lot of the problems that we have, however, in the Fairview Fire District. All of the residents in this community have made investments in their property over the years and they need to be respected and heard. Those residents that don’t live in the District and just come in and buy a house really don’t have a foothold in the community or are they in touch with the community. So, they are there to make the dollar and then leave with their investment and not spend it within the community therefore, we need, as residents to be heard. One of the things we need is to register the landlords of these properties and we need laws that allow us or allow fire inspectors to get inside of these houses, at least yearly to see what renovations or changes have been made and are there fire detectors working and proper, etc. You need that kind of thing to protect our residents and students are all residents of our community, although temporary. We need to change the property designation. Really, what these houses are, are nothing more than boarding houses without meals and so why don’t we use the boarding house law and now we have a commercial property and be taxed on commercial property because these properties are commercial. They are not residential. Because residents who own them, don’t live here.

Gail Conally: On my street, Woodlawn Avenue, there are seven rental houses and if you don’t think that changes the nature of our neighborhood, it does. I don’t hear children running on my street or bicycling or playing. What I hear routinely starting the last week of August through the end of May, are parties. The street is filled with cars. The noise, I’ve called the Police numerous times. I know it’s not easy, but their right to investment shouldn’t trump my right to enjoy my house, be able to sleep at night and be able to open my windows and not to have to use an air conditioner for noise. I know it’s not easy, but, we need help. I’m just asking you to do something for us.

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

CARRIED: 7-0

08:08-01 AUTHORIZE

“The Seasons Assisted Living at Poughkeepsie” Time Extension for Senior Housing Overlay District Designation

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 \pm 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

WEHREAS, 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 ongoing economic conditions making financing for assisted living facilities challenging; 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 ongoing economic conditions is the proximate cause of said delay, and that the delay is beyond the direct control of the applicant.

NOW THEREFORE BE IT RESOLVED THAT, the Town Board hereby grants a two year time extension of the Senior Housing Overlay District designation for the Application of EBS Poughkeepsie, LLC, said extension to expire on August 12, 2014.

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: J. Baisley/S. Eagleton

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

Nays: None

CARRIED: 7-0

08:08-02 SET DATE FOR
PUBLIC HEARING

Amend Town Code, Chapter 210,
Entitled "Zoning", Specifically
Definitions of "Family" In Article II,
Section 210-9 Entitled "Definitions" In
The Zoning Code

RESOLUTION

Amendments to Chapter 210

WHEREAS, the Town Board has received a recommendation from the Director of Municipal Development regarding amending certain definitions in the Town Zoning Law including changes to the definition of "family"; and

WHEREAS, a copy of the proposed amendments to Section 210 is attached hereto and made part of this resolution and a verbatim reading of said amendment is hereby waived and the Town Clerk is directed to spread the proposed amendment across the record as if it 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 ("SEQRA"); and

WHEREAS, the amendments are subject to a public hearing.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby sets a public hearing on the proposed amendments to Chapter 210 for September 5, 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
2. 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
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 each of the surrounding municipalities for the public hearing pursuant to GML 239-nn.

SO MOVED: S. Eagleton/J. Conte

Councilman Cifone: I would also like to add to this that I would like to put an advisory committee together with Chris Nator from the Fire Department, Ira Holden from the Police Department, Neil Wilson and Tim Sickles from Town of Poughkeepsie, myself and Jay Baisley do a 60 day review and report back to the Board with additional changes that could be added. That's because there are some other issues that we could take into consideration as far as safety issues and further enforcement issues.

Seconded by J. Baisley

Supervisor Tancredi: Ok, so my question is this, we are setting up a Public Hearing and Mike wants to do a 60 day review, how is that going to coincide with---

Attorney Kyle Barnett: Keep the Public Hearing open and don't close it.

Neil Wilson: Right, you're still setting the public hearing, but you will adjourn it.

Supervisor Tancredi: Just adjourn to a later date, ok.

Councilman Baisley: Mike, why don't you get a local resident that has been vocal and have a lot of concerns on that also?

Supervisor Tancredi: Ok, so we have an amendment to the motion to amend to create an Advisory Board, any further discussion on the amendment?

SO MOVED: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 7-0

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

Nays: None

CARRIED: 7-0

PUBLIC HEARING WILL BE HELD AT SEPTEMBER 5, 2012 TOWN
BOARD MEETING

08:08-03 SET DATE FOR
PUBLIC HEARING

Amend Town Code, Chapter 210,
Entitled "Zoning", Specifically Article IV,
Entitled "Waterfront Housing Overlay
District" With Town Board As Lead Agency

RESOLUTION

WHEREAS, the Town Board has received an application from The O'Neill Group-Dutton LLC ("O'Neill-Dutton) requesting amendment of the Town zoning law to add a new section to create a Waterfront Housing Overlay District that would allow O'Neill-Dutton to make application for Overlay District and Site Plan approvals for an 84 unit residential project on a \pm 3.65 acre parcel of land identified as parcel number 6062-02-763508; and

WHEREAS, a copy of the proposed amendments to Section 210 is attached hereto and made part of this resolution and a verbatim reading of said amendment is hereby waived and the Town Clerk is directed to spread the proposed amendment across the record as if it had been read verbatim; and

WHEREAS, the action to amend the zoning law is a Type I Action under the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the amendment is subject to a public hearing.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby sets a public hearing on the proposed amendments to Chapter 210 for September 5, 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
2. 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
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 each of the surrounding municipalities of the public hearing pursuant to GML 239-nn.

SO MOVED: J. Conte/S. Eagleton

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

Nays: None

CARRIED: 7-0

WATERFRONT HOUSING OVERLAY DISTRICT AMENDMENT
ATTACHED TO FINAL BOOK COPY

08:08-04 AUTHORIZE

Fitchett Enterprises, LP & Tony Ginese
Tax Certiorari Proceeding

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the settlement of the tax review proceeding instituted by Fitchett Enterprises, LP and Tony Ginese for the tax assessment roll of 2011 as shown on the attached Order and Judgment; and

BE IT FURTHER RESOLVED, that Kyle Barnett, Esq. of Van DeWater & Van DeWater, LLP and Kathleen Taber, Town Assessor are hereby authorized to sign such papers as are necessary to effectuate the settlement.

SO MOVED: M. Cifone/J. Conte

Supervisor Tancredi: The Town's refund is \$1678.

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

Nays: None

CARRIED: 7-0

ORDER AND JUDGMENT ATTACHED TO FINAL BOOK COPY

08:08-05 AUTHORIZE

Waiver Of Fee For Licensing Of Places Of
Public Assembly For Germania Of
Poughkeepsie's Oktoberfest To Be Held
September 7-9, 2012

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the fee for Licensing of Places of Public Assembly in the amount of \$400.00 for the Oktoberfest held by the Germania of Poughkeepsie, pursuant to the request from Germania dated July 18, 2012, a copy of which is attached.

SO MOVED: S. Krakower/A. Shershin

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

Nays: None

CARRIED: 7-0

REQUEST ATTACHED TO FINAL BOOK COPY

08:08-06 CONSENT

That Lead Agency Is Town Planning
Board For Mountain View Estates
Subdivision On Bedell Road

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby consent to the Town of Poughkeepsie Planning Board acting as Lead Agency for the project known as Mountain View Estates Subdivision, Bedell Road.

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

08:08-07 NOTIFICATION

Notice Of Town Board Of SEQRA Lead
Agency Declaration For QB Collision
Located At 487 Haight Avenue

NOTED BY TOWN BOARD

08:08-08 APPROVE

Block Party On Conkin Street On
September 22, 2012 From 2:00 PM to
10:00 PM With Rain Date On September
29, 2012

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Pam Kingsley, on behalf of the Conklin Street Block Party Association, to hold a block party on Conklin Street, from Lawson Street to Main Street, on September 22, 2012 with a rain date of September 29, 2012, from 2:00 PM to 10:00 PM, and does hereby authorize the Town of Poughkeepsie Police Department Traffic Division 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: Supervisor Tancredi/J. Conte

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

Nays: None

CARRIED: 7-0

08:08-09 APPROVE

Fireworks Display At Marist College
Block Party Event On August 26, 2012 At
9:00 PM At 290 North Road

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Marist College to include a fireworks display at their Block Party event to be held on Sunday, August 26, 2012; and

WHEREAS, the applicant has notified the Fairview Fire Department; and

WHEREAS, a Certificate of Liability Insurance has been filed with the Town Clerk naming the Town of Poughkeepsie as an additional insured; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application as submitted for a fireworks display to be held on Sunday, August 26, 2012, at 9:00 PM on Marist College property, 290 North Road, Poughkeepsie, New York.

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

08:08-10 ACCEPT

Certificate Of Attendance For John
Weisman From Association Of Towns Of
NYS For Course Entitled "Planning And
Zoning Summer School 2012"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Certificate of Attendance for John Weisman from the Association of

Towns of the State of New York, for the course entitled “Planning and Zoning Summer School 2012”, a copy of which is attached.

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

CERTIFICATE ATTACHED TO FINAL BOOK COPY

08:08-11 NOTIFICATION

Notice Form To Town In Connection
With Submission To The State
Liquor Authority For Liquor License
Renewal For Monkey Business Of
Dutchess Inc. D/B/A Monkey
Maghees At 40 Vassar Road

Supervisor Tancredi: Each of you have received a fairly thick package concerning this license renewal. There is actually 20 blotter entries from the Police Department. The Police have also made three ABC referrals on this establishment. If you will recall, a few years back, we had another establishment with a similar track record and we suggested to the Supervisor at that time to write a letter to the Liquor Authority attaching all the activity the Police have spent at this establishment. My feeling would be, and I think that Sean is in agreement, that we do the same thing with this.

Councilman Eagleton: Yes, I will agree on it. A number of residents behind the bar have complained to me about the noise and the fights and various other altercations that have occurred in the vicinity of that Bar and they have been woken up at 2 AM in the morning and I will agree with the Supervisor on this.

NOTED BY TOWN BOARD
TOWN BOARD WILL SEND A LETTER TO THE STATE LIQUOR
AUTHORITY TO ALERT THEM TO THE POLICE PROBLEMS THAT
HAVE OCCURRED AT MONKEY MAGHEES SINCE IT OPENED

08:08-12 NOTICE OF CLAIM

The Following Notice Of Claim Has Been
Referred By The Town Clerk To The Legal
Department – Re: O’Brien, Colin

REFERRED TO THE LEGAL DEPARTMENT

08:08-13 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 Contract With Hess Corporation

SC 2. Authorize Retaining of Van DeWater for litigation matter known as *Hicks v. Town, et al.*

SC 3. Authorize Vassar College Fireworks

SC 4. Notice of Claim The following Summons and Complaint/Notice of Claim has been Referred by the Town Clerk to Legal:

- A. *Greater Hudson Bank, et al v. 51 Fairview Corp., Town of Poughkeepsie, et al.*
- B. *Daniels, Brian*

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: J. Conte/S. Eagleton

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

Nays: None

CARRIED: 7-0

08:08-SC 1 – AUTHORIZE
SUPERVISOR
TO SIGN

Contract With Hess Corporation To
Provide Electricity For Town Operations
At Various Town Properties For 8 Months

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a contract with Hess Corporation to provide electricity for the Town of Poughkeepsie operations at various Town properties for a period of eight (8) months, with the first meter reading date on or after August 30, 2012, at a fixed rate of \$.0519/kwh, representing a 21% savings from the current rate of \$.0662/kwh.

SO MOVED: M. Cifone/J. Conte

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

Nays: None

CARRIED: 7-0

08:08-SC 2 AUTHORIZE

Retaining Of Van DeWater & Van DeWater
For Litigation Matter Known As Hicks V.
Town, Et Al.

RESOLUTION

WHEREAS, Donnell W. Hicks filed a complaint, *pro se*, with the United States District Court for the Southern District of New York alleging wrongful acts by Patrick Moore, Thomas Murphy, Mary Percesepe, Michael Dunagan, Lorraine Tracey, Louis Murasso, Patrick Hinkley, Dennis Leary and Fred Andros (the “Town Officers”) in relation to the denial of a building permit he applied for in March, 1997, which application was denied and referred to the Zoning Board of Appeals; and

WHEREAS, on May 17, 2010, Southern District Chief Judge Loretta A. Preska, ordered Plaintiff Hicks to submit an Amended Complaint containing specified information; and

WHEREAS, following submission of the Amended Complaint, Chief Judge Preska entered an Order of Dismissal on about December 19, 2011; and

WHEREAS, Plaintiff Hicks appealed the dismissal to the United States Court of Appeals, Second Circuit on or about January 30, 2012; and

WHEREAS, Plaintiff Hicks filed a brief on the appeal on or about June 4, 2012; and

WHEREAS, New York Public Officer’s Law Section 18 and Chapter 10 of the Town of Poughkeepsie Code require the Town to defend Town Officers in Civil Rights Law Section 1983 actions related to their work on behalf of the Town, such as that which is indicated in this matter; and

WHEREAS, this suit was referred to the Town of Poughkeepsie’s insurance carriers, New York Municipal Insurance Reciprocal (NYMIR) and The Hartford, which companies each declined to participate in the defense of this action due to reasons stated in various communications previously sent to the Town of Poughkeepsie Legal Department including communications in February, and April 2007, and January 2009; and

WHEREAS, counsel to several of the Town Officer defendants have requested that the Town submit a brief on behalf of the Town Officers in this matter; and

WHEREAS, the Town has the aforementioned obligation to defend Town Officers under the circumstances detailed above,

NOW, THEREFORE, BE IT RESOLVED that Van DeWater & Van DeWater, LLP, attorneys for the Town of Poughkeepsie, are authorized and directed to file a brief on behalf of the Town Officers in this matter, and to take such action as shall be reasonably necessary to defend their interests on this appeal.

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

08:08-SC 3 AUTHORIZE Vassar College Fireworks At Vassar
Serenading Event On Saturday, September
15, 2012 At 9:00 PM On Vassar Property
On Raymond Avenue

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Vassar College to include a fireworks display at its Vassar College Serenading Event to be held on Saturday, September 15, 2012 at 9:00 PM; and

WHEREAS, the applicant has notified the Arlington Fire Department; and

WHEREAS, a Certificate of Liability Insurance has been filed with the Town Clerk naming the Town of Poughkeepsie as an additional insured; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application as submitted for a fireworks display to be held on Saturday, September 15, 2012 at 9:00 PM on Vassar College property, Raymond Avenue, Poughkeepsie, New York.

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

08:08-SC 4 NOTICE OF CLAIM The following Summons &
Complaint/Notice Of Claim Has Been
Referred By The Town Clerk To The Legal
Department

- A. Greater Hudson Bank, et al V. 51
Fairview Corp., Town of Poughkeepsie,
et al
- B. Daniels, Brian

REFERRED TO LEGAL DEPARTMENT

Motion made to suspend the rules for public speaking: Supervisor Tancredi/S. Eagleton

CARRIED: 7-0

Rob Rubin: I would just like to publically commend the Town of Poughkeepsie Police Department on responding to an incident in the Wappingers School System for their promptness and efficiency in their response. They are an asset to the Town.

Doreen Tignanelli: Without weighing in on the three or four family members, just one thing that Officer Nesbitt said tonight, he said that people bought their houses a number of years ago when it was based on five people they were allowed to have in the house and so basically implying that because that was in affect when they bought their house, it should never change, well, how many of us in the 30 years I have lived in the Town and bought a house, there has been a number of laws that have changed and so I don't know that you can just say that laws should never change because it might affect someone who bought a house.

Ann Shershin: Yes, I'm not quite sure on that, because you can still rent to five people, it's just that it would be considered a boarding house and you may be required to ---

Supervisor Tancredi: If we changed the law as proposed, you can rent to four, not five. Currently you can rent to five and be within our Zoning Ordinance. If we change the law as proposed, then you can rent to four and not five.

Ann Shershin: But, I thought if you can rent to five or more people, then you would then be declared a boarding house.

Supervisor Tancredi: Then you would be declared in violation of our Zoning Ordinance if you changed the law.

Ann Shershin: Then you can't rent to five people, you can only rent to four.

Councilman Cifone: Right now it's five, I would like to see a bunch of landlords that showed up here. When you call some of them, it "Falls on deaf ears". By actually lowering the income potential, they actually show up at a meeting, which I thought was very nice because no one wanted to hear anything from the neighbors of the community, but you could buy a house, put cement blocks in the driveway, paint lines on the driveway and call it a residential neighborhood. I don't have any of that, but I still live in a residential neighborhood. So, if they really cared about the neighbors, they wouldn't

have put that stuff in the yard in the first place and they would have listened to the neighbors.

Doreen Tignanelli: I guess my point is, whenever you buy a house, there is no guarantee, laws can always change. That's my point. The only other thing, when I was here the last time I talked about the Arlington Fire District wanting to go out to bid for two new ambulances and I believe it was Councilman Krakower that asked me if I knew how much an ambulance was. In April of 2010, they paid for one ambulance, \$131,677.00. So, that was a little over two years ago.

Bonnie Ritter: I have one question. As a landlord, I have worked with the Town of Poughkeepsie, I was wondering if you are going to take that into consideration. Yes, we do buy homes to live in and for investments, but if we worked with the Town and followed all the rules, since we've owned the house, is that going to all change because we are changing the law.

Supervisor Tancredi: If the law is changed, it will affect everyone equally, yes.

Bonnie Ritter: So, the good landlords that have tried to work with their neighbors and paid for their permits and worked with the Town and have no violations or complaints, will be punished because the idiots of the world will ruin it for the ones who have tried. There is just no rewards for being good, I guess.

Supervisor Tancredi: If the law is changed, everybody will be treated the same, yes. It will apply to everybody evenly.

Bob Gephard: The Task Force, I like the idea and I hope that it will be opened to exploring some of the things I spoke about before, like registering landlords and getting a Zoning Ordinance that will allow inspections at least yearly. I look forward to hearing the outcome of that.

Councilman Cifone: I welcome any input from the residents on this.

Motion made to resume the rules: Supervisor Tancredi/S. Eagleton

CARRIED: 7-0

Motion made to convene to Executive Session: Supervisor Tancredi/J. Conte

CARRIED: 7-0

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby adjourn to Executive Session to consider the following matters, to wit:

Confidential communication between attorney and his client/Town Board based on attorney/client privileges.

BE IT FURTHER RESOLVED, that there will be no action appropriating money.

SO MOVED: Supervisor Tancredi/J. Conte

CARRIED: 7-0

TOWN BOARD MEETING ADJOURNED AT 8:05 PM
TOWN BOARD MEETING ENTERED INTO EXECUTIVE SESSION
AT 8:07 PM

TOWN BOARD RETURNED FROM EXECUTIVE SESSION AT 8:15 PM

NO ACTION WAS TAKEN

TOWN BOARD MEETING CLOSED AT 8:16 PM