

BE IT FURTHER ENACTED, that the 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 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 Long Form Environmental Assessment Form (EAF) 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 the attached Determination of No Significance and; 3) a Negative Declaration is hereby issued; and

BE IT FURTHER ENACTED, that a written recommendation dated December 10, 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 December 14, 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 of the public hearing pursuant to GML 239-nn; and

BE IT FURTHER ENACTED, that the Legal Notice of Public Hearing was posted on December 27, 2012 and published in the Poughkeepsie Journal on December 29, 2012; 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

Councilwoman Shershin: I think it's a really good idea that this requires a special permit and does that alter the Town Board's way in on it or just the Planning Board (inaudible) Research District, the contractors?

Neil Wilson, Town Development Director: The Special Use Permit is actually issued by the Zoning Board, but it is also subject to Site Plan Approval by the Planning Board, it does not come back to this Board.

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

CARRIED: 7-0

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

CARRIED: 7-0

Scott Bryant, Professional Registered State of New York Engineer: I own some property on Creek Road, some heavy industrial property that this may pertain to. In the past I have been (inaudible) In the past, (inaudible) I've dedicated an easement for a bus stop on Creek Road. I've lent my property to a contractor who performed work for the Town of Poughkeepsie, for the use of the property at no charge to the Town a couple of years ago. I would just like to get some clarifications on this proposed amendment to the Zoning Law. I have quite a lengthy list, is it your intent to close this Public Hearing tonight?

Supervisor Tancredi: No, we actually are ahead of ourselves a little bit and so we are going to Table this until a meeting in February. So, if you have a list of some comments or notes that you would like to give us so we have it on record, this would be a good way to do it as well.

Scott Bryant: Just for the sake of moving this along, I will give you the list.

Doreen Tignanelli: I would ask if the Land Use Committee has not already looked at this, there was a build out plan from the Comprehensive Plan from 2007 or 2008 and we are putting a lot of these (Inaudible) Districts on the agenda, there is a lot of them lately, and it seems like the density on some of these are sort of high, in my opinion, and I think someone should look at the build out and see what the impact is going to be. So, I have some more questions, but I thought I should bring that up.

Motion made to resume the rules and close Public Hearing #2: Supervisor Tancredi/J. Conte

CARRIED: 7-0

I would like to make a motion to Table Public Hearing #2 to the first meeting in February, which is the 6th. Supervisor Tancredi/A. Shershin

CARRIED: 7-0

Councilman Krakower: I just have a point I would like to pass out, (inaudible) The Land Use Committee hasn't really had a chance to sit down and look at this. We discussed it before on another agenda, but I do have a concern on having the Neighborhood Business and Neighborhood/Highway Business Districts, those are districts that are (inaudible) adjacent to residential areas and I don't think it's a good idea to put such a high density-

Supervisor Tancredi: I think there is only one Business/Neighborhood in the Town that's bigger than this –

Councilman Krakower: But, I don't think this type of building would be appropriate for Business/Neighborhood or a Neighborhood/Highway District. Business/Neighborhood Highway District is basically consisting of one property in the Town, which is a very large piece of property, which if you put 15 per acre it would have a huge impact on the Wappinger School District. This type of density I think we have to be careful about what we do with it. Those two zones, in and of themselves, don't fit. The other concern I have is the in the Comprehensive Plan update and we wrote our Zoning Ordinance throughout the Town and we have litigation with one property owner over the idea of four units per acre plus (inaudible) and now adding 15 units per acre it seems to be inconsistent with contracting plan we put together. We've looked at different Town Centers that were designated throughout the Town where those were where there would be more density. This creates a situation where it would be (inaudible) It would make sense to build out these and add these together and we could have a Town Center. We've got four or five Town Centers which most towns probably only has one Town Center. If you add this as a mix you would probably increase the situation where our Comprehensive Plan would probably have to be updated, because we are now veering off course.

Councilman Baisley: Stephan, (inaudible)

Councilman Krakower: What I would suggest, while we are looking at this you may want to add that into a Town Center (inaudible) because all these Zones create a situation where without looking at (inaudible) I had asked at prior meetings to have an update of that and build out analysis to see what the impact would be of this.

Supervisor Tancredi: I think you made some good points. That's why I don't agree, because making residential homes, the demand seems to be for are for the growing senior population and the young people trying to start a family whether it be apartments, condo or those kind of homes not residential stand alone kind of homes.

Councilman Krakower: But if you look at it that if you have a four acre parcel next to your home, which in fact someone could build 60 residential units next to your home, that is a significant number of residents. We really need to be careful before we approve someone because that is (inaudible)

Supervisor Tancredi: The Senior call and say "Hay, look at Pendell Commons, for example, the apartments fill up quickly because there is a demand for them. So, I know what you are saying and maybe in the Town Centers, like Jay said, the Town Centers haven't taken off. The concept we envisioned hasn't really taken hold, and Arlington is probably our best Town Center. So, I think that would be the way to go with this.

Councilman Baisley: I think the plan has to be looked at because there are a lot of homes around there (inaudible) Dutchess County Department of Planning was the one pushing

for it, 700 homes tied into the Mall. It's not what we wanted. No one is going to put mansions in any longer because we can't afford them. So, the economy has changed and (inaudible) because the Comprehensive Plan is a guide and it's not set in stone.

Councilman Krakower: A lot of the people have left the Town because the economy is bad and three or four years down the road, if the economy picks up and we have a lot of things (Inaudible) The other thing I have is, where does this actually come from? What is the Ordinance? Why are we doing this?

Neil Wilson, Development Director: Well, as Jay indicated, it was really sort of a –the starting point was probably the Senior Overlay District. We have had inquiries from different people looking to do multi-family developments who are not necessarily interested in doing solely seniors or senior developments with the office component that is otherwise required in the Senior Overlay District. That is sort of the Genesis of this.

Councilman Krakower: Is it a request from the developers?

Neil Wilson: The re-developers, yes.

Councilman Eagleton: The other concern though is if we are developing 400 industrial sites which is a potential, I don't see any language there which address what could have been ground risks or future construction there where there could be hazardous materials.

Neil Wilson: But, those are typical things that are part of the Site Plan process in terms of do diligence and we handle that as part of the site plan.

Councilman Krakower: If we are going to do this as an Overlay, I'm not in favor of handing out (inaudible) In a lot of the other overlays that we've used, there has been criteria where you have to preserve open space, recreational land, well if you look at what is in here, it's not very different from what is already (inaudible) the open space required in the impervious surfaces required in the Business Highway, you're not really too far off from what you've been doing anyway. The residential (inaudible) required under this. You're not really getting the bonus density for residential. (inaudible)

(All speaking at once.)

Neil Wilson: I'll have the (Landers) Committee take a look at that. We can then have this at the first meeting in February.

TABLED TO A FUTURE DATE

01:16-02 PUBLIC HEARING

Amend Town Code Chapter 210,
Entitled "Zoning", Specifically New
Section 210-21 Entitled "Planned
Residential Overlay District"

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 16th day of January, 2013 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend Chapter 210, entitled "Zoning", adding a new section 210-21, entitled "Planned Residential Overlay District", and

BE IT FURTHER ENACTED, that the 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 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 Long Form environmental Assessment Form (EAF) 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 the attached Determination of No Significance and; 3) a Negative Declaration is hereby issued; and

BE IT FURTHER ENACTED, that a written recommendation dated _____ 2013 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 _____ 2013 was received from the Town of Poughkeepsie Planning Board in which said Board recommended adopted of the herein amendments; and

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

BE IT FURTHER ENACTED, that the Legal Notice of Public Hearing Was posted on December 27, 2012 and published in the Poughkeepsie Journal on December 29, 2012; and

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

Motion made to Table this item to a future date: S. Krakower/S. Eagleton

CARRIED: 7-0

TABLED UNTIL FEBRUARY 6, 2013 TOWN BOARD MEETING

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

CARRIED: 7-0

Carolyn Joseph: I live across the street where this is going to be. I still have a lot of concerns. I'm not 100% confident that, although they say there is not going to be an exit on Spackenkill Road, but it may pop up in the future. I would like some kind of assurance of that. I'm concerned about the lighting. I'm concerned about the noise, traffic on the holidays, etc. I think there was a study done and on a Sunday there was like 100+ visitors. That's hard on our drive ways coming in and out as its hard already. I actually got run off the road last week. I wasn't going fast enough and I pulled off to the other side and he cut me off. It's ridiculous. The police are trying to put more of a presence there, which is helpful, but not enough. I don't know what the answer is going to be, but. I'm concerned about the development location of their dumpster, their loading dock and where delivery trucks are going to go. In the summer, when all the trees are in bloom, we can hear the Fire Department doing their drills. That's even further than this development. We work hard, we come home and we want to relax. I don't want to deal with anything more than we are. As it is, we can't watch TV in the front of the house, we have to go to the back because the traffic is awful. I'd like to feel confident that they will put some sort of buffer trees so it will help block out the noise and my other concern is when they are building this project, what is going to be done so that the impact on us is not going to be that bad? My husband is home all the time and is permanently disabled and I've got elderly people living on both sides of me and none of us should be inconvenienced by this. We need to have peace and quite when we're home and we look to you for help on this and make sure it's done right.

Supervisor Tancredi: A lot of the points you brought up, if this does continue to go through the Plan process, which I think it will, will be brought up to the Planning Board and they will have the impact on and will be able to address those issues.

Doreen Tignanelli: I want to express my concern about this project. I know it's been said before that "Compared to what might get there, this is better." It's not what we should be striving for, we shouldn't be striving for something that might not be as bad as something else. There is always a lot of "Passing the Buck" between Boards, DOT, traffic, I've done a lot of nursing home visiting and there is a lot of traffic and I believe what Carolyn Joseph was referring to was, there was a study from the Meridith, Brockport, New York Facility and one day of the week, Sunday, the total ingress and egress traffic was 186, so if you are hearing 186 cars in and out, that's a lot. So, you say there isn't a lot of traffic associated with this, 186 more added to an already heavily traveled road is a lot. Yet, the response letter from the applicant, says "There will be no impact from this proposed project on the traffic signal for Spackenkill Road and Boardman Road. So, that's their view. The last time we heard Councilman Eagleton talk

about, “If you have an Engineer’s report and it’s given to the DOT”, --the DOT hasn’t shown a lot of interest in what people have said before. The Planning Board will probably throw their hands in the air and say “Oh well, we gave it to the DOT, that’s it.” So, what happens to us, I don’t know how you can really make a decision about this tonight.

Councilman Krakower: In regard to the traffic signal, if there is a problem with it and it needs to be fixed or addressed, wouldn’t it be most likely to be addressed if we required the applicant to do that before we give them rezoning? Either they would have to go to DOT on their dime, vs. –once they have the rezoning, the Planning Board, can they actually force them to make those corrections?

Neil Wilson, Development Director: If the Traffic Report indicated that there would be A problem, they would be required to fix it, yes. But, not before—in other words, It is a condition of a Planning Board approval.

Councilman Krakower: If I’m coming forth to do a project and I’m Planning to get a traffic report and I say it’s going to have an impact on the traffic signal, would we have to spend \$50,000 to have it fixed, chances are you are going to get a traffic report saying there is no impact on that traffic signal so that I don’t have to spend \$50,000 or \$100,000 to fix it. I’m sure I could find a traffic expert to give you that report, I guess my concern is, I think there are issues with that traffic signal and with the sight distance there. I know there are a lot of vehicles at the nursing home and there are going to be emergency vehicles, etc. which makes it even more dangerous. So, I would think we would address the traffic on the front end before we give this away vs. back end when they have all their approvals, etc.

Neil Wilson, The traffic report we have was actually reviewed by the Planning Board’s consultant and we don’t simply accept the consultant’s Report from the applicant without hiring our own guy and be sure the methodology used is appropriate and so we have our own person do the review. The report indicates that there is a condition existing today that has to do with the signal timing. The volumes that Doreen is referring to I think is a larger facility upstate, what we do is we plan for the peak hour, Sunday’s are not a typical peak hour for purposes of what you would normally would expect to see during the AM and PM. like a Monday through Friday and so the traffic volumes that are being generated on Sunday most like don’t compare. I also haven’t heard any reference to a “Peak Hour.” So, what we are also seeing with respect to the information we have been given for this particular project has to do with the fact that people will be coming on the weekends and that is an “Off Peak time” so whatever the experience at the traffic signal today is the problem. The additional traffic, the off peak traffic, additional traffic attributable to the staff coming and going Sundays is not occurring in a manner that is going to adversely affect the operating characteristics of that signal in such that they have to make improvements. That’s what that report will say.

Councilman Krakower: The access from Spackenkill Road to the Junior High School,

we, the Town pays for that signal, I know we have in the past, at least. The reason being that DOT doesn't believe that that signal is necessary, the kids on school busses and parents bringing the kids to school go in and out of there, in that intersection, DOT doesn't believe that that is a necessary signal because the kids should evidently be able to cross the traffic without a signal. So, DOT's opinion, and my opinion, doesn't necessarily match up. On Spackenkill Road, we have Todd Jr. High, Spackenkill Senior High School and then St. Martin's, three schools right along that stretch of road with kids going to and from school and busses and cars going in and out and think we need to "Err on side of caution". The idea that the traffic (inaudible) came in and its fine. So, there are a lot of times the Town goes through the process, through all the approvals and reviews and then the neighbors get completely flooded out or there is a significant impact and we scratch our head and say "Gee, how did that happen".

Supervisor Tancredi: The only thing I've ever, and Doreen knows this, because she and I have discussed this, but trying to cut away the north side bank of the, of what Poughkeepsie Day I believe owns, but we virtually got nowhere with that. I don't think Poughkeepsie Day was all that interested, because when Dave was talking about their project, wasn't that a condition, or they were told by someone to talk to Poughkeepsie Day about that same thing and that never went anywhere.

Neil Wilson: The traffic that was occurring, keep in mind for that particular project, was (inaudible) but, you also have school operating Monday through Friday. All of our Departments spent a considerable amount of time with Arlington Fire Department, we were told that "They were coming the other way." We spent a considerable amount of time with Arlington, and all of our departments and this is what we are being told. So, when we put this thing together, this is where we ended up.

Doreen Tignanelli: Well, I'm asking that the traffic be adequately addressed and just from what I've heard here tonight, it's going to be brought before the Planning Board and it's going to be "Well, ok, there is no traffic problem". So, that's that! This is ridiculous, we need help. Ok, the Boardman Road Sewer District, that lot is only authorized For 2,000 gallons per day and they plan on using all 10,000 gallons per day and (inaudible) says, "It's only a simple matter to be handled by the Town Board." I don't know if that is so simple or if it needs to be addressed before you rezone. Everything is always simple, but, the "Can always gets kicked down the road", and we are the ones who end up suffering and the Planning Board is not going to give us any help.

Speakers feel that they are doomed to get nowhere and the Town feels their hands are tied and have done all they can and had it approved by all Departments necessary and feel that they can't go any further than they have on the issue.

Robert Joseph: Now, the problem is on Spackenkill Road and Boardman Road. It is not cars, its truck traffic. I sit home now and look out the window or in the summer doing yard work, the amount of oil trucks have quadrupled since I've lived here because they have a transfer station down on in back of IBM. It has been their truck route now. On top of that we have the garbage trucks, dump trucks, tractor trailers and the traffic in

general. My concern is not only the project, it's the kids on Boardman, the churches on Spackenkill Road, the residential people coming in and out of their houses and there has to be something done and I understand that it is a State Road, but the DOT can come in my house, sit in my living room, drink my coffee any time they want, and watch that road during the day. It is one of the most dangerous roads in Poughkeepsie besides Route 9. I had a 55 drum water tanker truck latterly pushed me off into my neighbor's yard. He would not stop. These are 80,000 lb. trucks and they can not stop going up or down. It's impossible. Talk to any truck driver and he will tell you he can not stop. There are numerous accidents and the road is really bad in the winter. The DOT needs to either change that and bring it back to a Town Road where you can make more restrictions, or bring down the speed limit with more cops out there. We pay the taxes and we live there and come in and out of that road.

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

CARRIED: 7-0

01:16-03 PUBLIC HEARING

The Legman Companies, Inc. Does Amend Chapter 210, Entitled "Zoning" Specifically Article VIII, Section 210-91, Entitled "Nursing Homes & Alternate Care Housing"

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 16th day of January, 2013 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend Chapter 210, entitled "Zoning", specifically Article VIII, Section 210-91, entitled "Nursing homes and alternate care housing" as part of the Board's consideration of an application from The Wegman Companies, Inc. to change the zoning designation of parcel number 6260-03-049464 from Institutional (INLL) District to Residence, Single-Family 20,000 Square Foot (R-20,000) District, and

BE IT FURTHER ENACTED, that the 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, on September 20, 2012 the Planning Board, as the designated lead agency, issued a Negative Declaration pursuant to Article 8 of the Environmental Conservation Law for the proposed zone text change and associated zoning map amendment and development plan; and

BE IT FURTHER ENACTED, on September 20, 2012 the Planning Board also issued an advisory report recommending approval of the proposed zoning text amendment; and

BE IT FURTHER ENACTED, that a written recommendation dated December 13, 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 the Town Clerk notified the Clerks of the surrounding municipalities of the public hearing pursuant to GML 239-nn; and

BE IT FURTHER ENACTED, that the Legal Notice of Public Hearing was posted on December 27, 2012 and published in the Poughkeepsie Journal on December 29, 2012; 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

AMENDMENTS ATTACHED TO FINAL BOOK COPY

Motion made to suspend the rules for public speaking on Public Hearing #4: Supervisor Tancredi/Councilwoman Shershin

CARRIED: 7-0

Doreen Tignanelli: Stated that all the comments she made on Item #3 also apply to this agenda item.

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

CARRIED: 7-0

01:16-04 PUBLIC HEARING

The Wegman Companies, Inc. For Amending Zoning Designation of Tax Parcel No. 6260-03-049464 From Institutional (IN) District To Residence Single Family 20,000 Square Foot (R-20,000) District.

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 16th day of January, 2013 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the zoning designation of tax parcel number 6260-03-049464 located at the intersection of Spackenkill Road and Boardman Road from Institutional (IN) District to Residence, Single-Family 20,000 Square Foot (R-20,000) District as part of a proposal to develop said parcel for use as a senior assisted living center, and

BE IT FURTHER ENACTED, that the amendment is 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, on September 20, 2012 the Planning Board, as the designated lead agency, issued a Negative Declaration pursuant to Article 8 of the Environmental Conservation Law for the proposed zone change and associated zoning text change and development plan; and

BE IT FURTHER ENACTED, on September 20, 2012 the Planning Board also issued an advisory report recommending approval of the proposed zoning map amendment; and

BE IT FURTHER ENACTED, that a written recommendation dated December 13, 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 the Town Clerk notified the Clerks of the surrounding municipalities of the public hearing pursuant to GML 239-nn; and

BE IT FURTHER ENACTED, that the Legal Notice of Public Hearing was posted on December 27, 2012 and published in the Poughkeepsie Journal on December 29, 2012; and

BE IT FURTHER ENACTED, that the herein rezoning is expressly conditioned on the following, which conditions shall be completed prior to issue of any Building Permit:

1. Town Attorney and Town Board approval of a covenant for preservation for the open space.
2. Town Attorney and Town board approval of an agreement for the rehabilitation and preservation of the barn structure.

3. Town Attorney and Town Board approval of a Storm Water Easement and Maintenance Agreement.
4. Town attorney and Town Board approval of an easement for the pedestrian path along the Boardman Road/Spackenkill Road perimeter.
5. Town Attorney approval of the easement agreement for the emergency access driveway with the adjoining Faith Assembly parcel (tax number 6260-01-105522).
6. Town Attorney and Tow Board approval of an agreement providing that in the event any part of the approved development is accorded a real property tax exemption by virtue of the participation of an industrial development agency or other agency or entity permitted to receive such exemption, or the property is owned and/or operated by a not-for-profit entity, the owner of the lot or part of the project benefited by such tax exemption shall make annual payments in lieu of taxes to the Town equal to the amount of the value of the taxes which would otherwise be assessed and collected by the Town absent such exemption.

{7. Town Attorney and Town Board approval of an agreement regarding increased (inaudible) allegations for this parcel within Boardman Road and Sewer District.}

BE IT FURTHER ENACTED, that the herein rezoning is subject to Emeritus at Poughkeepsie (Wegman's) obtaining site plan, special use permit, and any other approvals as may be required by Chapter 210 of the Town Code for the senior assisted living facility as described in the September 20, 2012 Negative Declaration issued by the Planning Board; and

BE IT FURTHER ENACTED, that the herein rezoning is granted solely for the Emeritus at Poughkeepsie (Wegman's) senior assisted living facility as described in the September 20, 2012 Negative Declaration issued by the Planning Board and no other use of the property is authorized.

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

Motion made to amend: Stephan Krakower/J. Conte

AMENDMENT: By Councilman Krakower: 8- Requirement that DOT and/or the applicant properly address any and all safety issues regarding the traffic and traffic signal at Boardman and Spackenkill Road subject to the Town Board Approval. Seconded by J. Conte.

Councilman Conte: Jim, is there any way we can vote on this without holding anything up at this time?

Jim Nelson: They have to come back to this Board anyway.

Neil Wilson: The Plates are big enough, the treating capacity is there, what happened, was that some years ago, IBM had purchased an allocation at a half million dollars and they weren't using all that and there were discussions about it and what came out of that was a decision by IBM to allocate the purchased sewer flows to each of the properties along Boardman Road and because the corner piece, when they subdivided it, they didn't have any plans for it, they only allocated 2,000 gallons. Their allocation, and the rest went to the properties, the Community Day School, etc. and so right now, according to the original agreement with the Town, they do not have sufficient allocation to serve this project and the capacities are there, but the agreement is not. So, they are going to have to purchase some additional (inaudible) in the Town. That's what #7 is.

#8 Faith Assembly owns two pieces of property, they own the property that the Wegman's would be on and there is another piece of property near the adjoining end. There are three buildings there, I don't recall what IBM is using them for. There is an access easement that exists today between the two properties and it goes back to a time when IBM had both properties. In respect to the access to this property, as shown on the site plan, there is only a single point of access coming in off of Boardman. There will never be an access or an egress coming out on to Spackenkill Road. Arlington Fire wanted some assurance that if there was a problem with the proposed main entry, they had an alternate means of getting in, and that alternate means is that easement that exists today between those two properties. But, there has to be some improvements made to make sure that it could actually be used by the Fire Department and also we will have to talk about some relocation of parts of the easements that line up with the existing driveway. That's what that is about. It's the Arlington Fire Department having an alternate means of access through the adjoining property, not off of Spackenkill Road or Boardman Road, but through the adjoining Faith Assembly property. The applicant, the Fire Department, would pay for the improvements.

ROLL CALL ON AMENDMENT: Ayes: Councilmen Baisley, Eagleton, Conte,
Cifone, Krakower, Councilwoman Shershin and Supervisor
Tancredi
Nays: None

CARRIED: 7-0

ROLL CALL ON RESOLUTION: Ayes: Councilmen Baisley, Eagleton, Conte,
Cifone, Krakower, Councilwoman Shershin and Supervisor
Tancredi
Nays: None

CARRIED: 7-0

Motion made to suspend the rules for public speaking on Public Hearing #5: Supervisor
Tancredi/J. Conte

CARRIED: 7-0

Ray Patterson: I think we have enough gas stations in the Town of Poughkeepsie. I don't think we need any more until we amend this Zoning Ordinance to allow a gasoline facility to build closer to a resident.

Supervisor Tancredi: No, it is just the opposite. We are putting in regulations so a gas station CAN'T build any closer than 500 feet to any existing homes.

Ray Patterson: I understand that they are now putting bigger and larger storage in and you can have 20,000 to 30,000 gallons of hazardous material in the ground and in today's environment, if there were an environmental accident, a fire started or an act of terrorism, you have to think about all those things. I would hope this Board would put a stop to it, because I'm opposed to it.

Supervisor Tancredi: But, just to make it clear, right now, as our Ordinance and regulations stand, you can build a gas station a lot closer to a home and this is more restricted. We are not allowing to build closer, we are restricting it and making so you have to build FURTHER from the home.

(Inaudible) I really do hope you guys are (inaudible) I live close to a gas station. I hear a lot of noise pollution. People leave their windows open and you hear a lot of noise. People leave their loud car radios on while gassing up. The station is open 24 hours. We have more than enough gas stations here.

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

CARRIED: 7-0

AMENDMENTS ATTACHED TO FINAL BOOK COPY

01:16-05 PUBLIC HEARING

Amend Town Code Chapter 210,
Entitled "Zoning" Specifically
Section 210-90, Entitled "Motor
Vehicle Service Facilities"

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 16th day of January, 2013 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie NY, does hereby amend Chapter 210, entitled "Zoning", specifically Section 210-90, entitled "Motor Vehicle Service Facilities", and

BE IT FURTHER ENACTED, that the 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 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 Long Form Environmental Assessment Form (EAF) 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 the attached Determination of No Significance and; 3) a Negative Declaration is hereby issued; and

BE IT FURTHER ENACTED, that a written recommendation dated January 3, 2013 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 _____ 2013 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 of the public hearing pursuant to GML 239-nn; and

BE IT FURTHER ENACTED, that the Legal Notice of Public Hearing was posted on December 27, 2012 and published in the Poughkeepsie Journal on December 29, 2012; and

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

SO MOVED: M. Cifone/no second

Neil Wilson: Again, this is a matter that the Planning Board will pick up. Please adjourn it to February 6, 2013.

Motion made to adjourn this item until February 6, 2013: M. Cifone/J. Conte

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

CARRIED: 7-0

ADJOURNED TO FEBRUARY 6, 2013 TOWN BOARD MEETING

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

CARRIED: 7-0

01:16-06 AUTHORIZE

Amendment To Grinnell Library
Agreement For 2013

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute an amendment to the current agreement with Grinnell Library, a copy of which is attached, which amendment shall provide for a payment of \$30,000 for the year 2013, which funds are allocated in the 2013 Budget, Line Item A 7440.0481.

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

AGREEMENT ATTACHED TO FINAL BOOK COPY

01:16-07 ACCEPT

Police Department Of Resignation Of
John Krocian, Jr. As School Crossing
Guard

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the resignation of John Krocian, Jr., School Crossing Guard with the Town of Poughkeepsie Police Department Traffic Division, effective January 9, 2013.

SO MOVED: A. Shershin/J. Conte

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

Nays: None

CARRIED: 7-0

01:16-08 ACCEPT

Assessing Department Of Resignation Of
Laura Portaro As Part Time Assessor's Aid

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the resignation of Laura Portaro from her position as part time Assessor's Aid, effective January 25, 2013.

SO MOVED: Supervisor Tancredi/M. Cifone

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

CARRIED: 7-0

01:16-09 APPOINT

Assessing Department Of Appointment of
Joyce Gray As Temporary Part Time
Assessor's Aide

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Joyce Gray to the position of temporary part-time Assessor's Aide, at the Grade 4 Step 1 salary of \$16.60 per hour, which appointment became effective January 10, 2013 and which appointment is subject to a probationary period of not less than 8 nor more than 26 weeks per Civil Service Law; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute and file all documentation required by the Dutchess County Department of Human Resources in connection with this appointment.

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

01:16-10 ACCEPT

2012 Minutes:
December 5, Town Board Meeting
December 12 Cancelled
December 19 Town Board Meeting

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the minutes for the following 2012 Town Board Meetings, to wit:

December 5 – Regular Town Board Meeting

December 12 – Cancelled
December 19 - Regular Town Board Meeting

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

01:16-11 ACCEPT 2013 Minutes
January 2 – Town Board Meeting

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the minutes for the following 2013 Town Board Meetings, to wit:

January 2 – Regular Town Board Meeting

SO MOVED: J. Conte/S. Krakower

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

CARRIED: 7-0

01:16-12 AUTHORIZE Accept Grant From New York State
SUPERVISOR Office Of Children & Family Services
TO SIGN (OCFS) For 2013 For Youth
Development Delinquency Prevention
(YDDP) For Program Entitled Juvenile Aid

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign all papers necessary and proper to accept a grant entitled NYS Office of Children and Family Services (OCFS) Funding Year 2013, in the amount of \$5,052.00, for Youth Development Delinquency Prevention (YDDP), for the program entitled Juvenile Aid.

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

01:16-13 AUTHORIZE
SUPERVISOR
TO SIGN

Accept Grant From New York State
2013 Office Of Children & Family Services
For The Summer Recreation Program For
The Youth Development Delinquency
Prevention Funds

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign all papers necessary and proper to process and accept a grant, in the amount of \$5,635.00, for the 2013 NYS Office of Children and Family Services funding cycle for the Summer Recreation Program for the Youth Development Delinquency Prevention funds.

SO MOVED: S. Krakower/J. Conte

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

CARRIED: 7-0

01:16-14 ACCEPT

Certificates Of Attendance For Carl
Whitehead From The Dutchess County
Planning Federation & Cornell University
For Two Courses

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Certificates of Attendance for Carl Whitehead from the Dutchess County Planning Federation and Cornell University, for the courses entitled "Housing Dutchess: Building a 21st Century Housing Stock" and "CCEDC Workshop – On line Mapping for Municipal Officials", copies of which are attached.

SO MOVED: A. Shershin/J. Conte

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

CARRIED: 7-0

CERTIFICATES ATTACHED TO FINAL BOOK COPY

01:16-15 RE-APPOINT

Conservation Advisor Commission Re-Appointment Of Doreen Tignanelli

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby re-appoint Doreen Tignanelli to the Conservation Advisory Commission for a two (2) year term commencing on January 1, 2013, with a termination date of December 31, 2014.

SO MOVED: Supervisor Tancredi/J. Conte

Motion made to amend the resolution by Appointing Doreen Tignanelli as Assistant CAC Chairman: S. Eagleton/J. Conte

ROLL CALL ON AMENDMENT: Ayes: Councilman Baisley, Eagleton Conte, Cifone Krakower, Councilwoman Shershin and Supervisor Tancredi
Nays: None

CARRIED: 7-0

01:16-16 RE-APPOINT

Town Plumbing Board Re-Appointment Of Steve Eckelman & Michael Ryan

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby re-appoint the following individuals to the Town of Poughkeepsie Plumbing Board of Examiners for three year terms from January 1, 2013 to December 31, 2015, to wit:

Steve Eckelman
Michael Ryan

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

01:16-17 CONSENT

Town Planning Board Acting As Lead Agency For Project Known As Ambassador Town Square, 2611-2629 South 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 Ambassador Town Square, 2611-2629 South Road.

SO MOVED: S. Eagleton/J. Conte

Councilman Krakower: (Inaudible) requested to table this item.

(Inaudible) – There is a substantial change from what was originally scheduled for that property.

Motion made to Table until February 6, 2013 Town Board Meeting: S. Krakower/J. Conte

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

Nays: None

CARRIED: 7-0

TABLED TO FEBRUARY 6, 2013 TOWN BOARD MEETING

01:16-18 APPOINT

Association Of Towns Delegate
Appointment Of Jon Jay Baisley

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby appoint Jon Jay Baisley as the delegate to the Association of Towns; and

BE IT FURTHER RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize and approve the attendance of all elected and non-elected officials with prior Town Board approval to the annual meeting of the Association of Towns.

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

01:16-19 APPOINT

Recreation Department Appointment Of
Ann Devendorf To Position Of
Permanent Part Time Clerk

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Ann Devendorf to the position of permanent part time Clerk in the Recreation Department, at the Grade 4 Step 1 salary of \$16.60 per hour, which appointment will be effective January 17, 2013 and which appointment is subject to a probationary period of not less than 8 nor more than 26 weeks per Civil Service Law; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute and file all documentation required by the Dutchess County Department of Human Resources in connection with this appointment.

SO MOVED: M. Cifone/S. Eagleton

Supervisor Tancredi: I would just like to say, just for the record, Ann's mother is married to my brother, they married about 8 years ago.

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

CARRIED: 7-0

01:16-20 RESCIND/APPOINT

Rescind Resolution 1:2#3 of 2013 & Appoint David R. Wise, Esq. Of Iseman, Cunningham, Reister & Hyde, LLP To Act As Attorney For The Town & To Continue To Represent The Town In The Matter Of Donnell Hicks v. Town of Poughkeepsie

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby rescind RESOLUTION 1:2-#3 Of 2013, and

BE IT FURTHER RESOLVED, that it is in the best interest of the Town to appoint David R. Wise, Esq., of Iseman, Cunningham, Riester & Hyde, LLP, pursuant to Section 20(2)(b) of the Town Law to act as Attorney for the Town without solicitation of alternate proposals for 2013 labor and employment matters, and does so appoint him to provide such services at the rate of \$175.00 per hour for attorneys and \$105.00 per hour for paralegals, subject to an annual maximum cap of \$33,000.00 from the Legal Department budget line, and does further appoint him to continue to represent the Town in the matter of *Donnell Hicks v. Town of Poughkeepsie*, at the rate of \$165.00 per hour for partners, \$155.00 per hour for associates and \$80.00 per hour for paralegals, and

BE IT FURTHER RESOLVED< that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign an authorization for Mr.

Wise's former firm to release to David R. Wise, Esq. of Iseman, Cunningham, Riester & Hyde, LLP, any and all documents relating to the Town of Poughkeepsie's labor and employment matters and the matter entitled *Donnell Hicks v. Town of Poughkeepsie*, in substantially the form annexed.

SO MOVED: J. Conte/M. Cifone

Councilman Krakower: (Inaudible)

Town Attorney Nelson: What he is asking for is authorization from a client because you hired Dave at his former firm and so the records are there (inaudible)

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

CARRIED: 7-0

01:16-21 AUTHORIZE
SUPERVISOR
TO SIGN

Application To New York State Archives
For A Grant From the Local Government
Records Management Improvement
Fund (LGRMIF) to Digitize Water &
Sewer Department Maps

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to file an application to the New York State Archives for a grant from the Local Government Records Management Improvement Fund (LGRMIF) to digitize Water and Sewer Department maps, and upon approval of said request, to act on behalf of the Town Board of Town of Poughkeepsie in all matters related to this financial assistance.

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

01:16-22 AUTHORIZE

SC 1, SC 2, SC 3, SC 4, SC 5, SC 6

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	Tucker Drive – Deed Restriction
SC 2. Appoint	Sarah Hoch as Typist for Town Justice
SC 3. Appoint	Stephanie Wagner as Court Clerk for Town Justice
SC 4. Waive	30-day Liquor License- Dutchess Golf Club
SC 5. Authorize	Issuance of Bonds for Poughkeepsie Library District-Boardman Road Branch
SC 6. Retain	David R. Wise-Deer Culling

AND BE IT FURTHER RESOLVED, that upon the objection of any member of
ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None

CARRIED: 7-0

SO MOVED: A. Shershin/J. Conte

01:16-SC 1 AUTHORIZE SUPERVISOR TO SIGN	Declaration Of Deed Restrictions Relating To Disturbance Or Excavation Of Town Owned Property Known As 19 Tucker Drive
---	---

RESOLUTION

WHEREAS, by Resolution 12-19-#14 of 2012 the Town of Poughkeepsie Town Board authorized the Supervisor to sign a Declaration of Deed Restrictions relating to the disturbance or excavation of Town owned property known as 19 Tucker Drive; and

WHEREAS, the Department of Environmental Conservation has requested that the deed restriction also apply to Tucker Drive itself, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a second Declaration of Deed Restrictions, including a property description, to include Tucker Drive between Burnett Blvd. and Van Wagner Road, in substantially the form presented; and

BE IT FURTHER RESOLVED, the Town Board determines that the execution of this document involves the ongoing administration of Town functions, and no SEQRA review is required because it is a Type II Action.

SO MOVED: Supervisor Tancredi/S. Eagleton

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

CARRIED: 7-0

01:16-SC 2 ACCEPT/APPOINT

Accept Resignation of Stephane Wagner
From Position of Part Time Clerk With
Town Justice Court & Appoint Sarah Hoch
To Full Time Position of Typist With Town
Justice Court

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the resignation of Sarah Hoch from the position of full time Court Clerk with the Town of Poughkeepsie Justice Court, effective immediately; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Sarah Hoch to the competitive full time position of Typist, Grade 4, Step 5, with the Town Court, at the salary of \$19.62 per hour, effective immediately, which appointment is subject to a probationary period of not less than 8 nor more than 26 weeks per Civil Service Law.

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

01:16-SC 3 AUTHORIZE

Issuance Of Bonds Of The Town Of
Poughkeepsie To Pay The Town's Share Of
The Cost Of The Greater Poughkeepsie
Library District Boardman Road Branch
Library Project

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the resignation of Stephanie Wagner from the position of part time Clerk with the Town of Poughkeepsie Justice Court, effective immediately; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Stephanie Wagner to the exempt position of permanent full time Court Clerk, Grade 3, Step 5, with the Town Court, at the salary of \$18.12 per hour, effective immediately, which appointment is subject to a probationary period of not less than 8 nor more than 26 weeks per Civil Service Law.

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

01:16-SC 4 WAIVE

30 Day Review Period For New Liquor
License application To Town On Behalf
Of Dutchess Golf Club, LLC Located At
2628 South Road

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Michael J. Quinn, resident and CEO of Rhinebeck Bank, on behalf of Dutchess Golf Club, LLC, 2628 South Road, 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

01:16-SC 5 AUTHORIZE

Issuance Of Bonds Of The Town Of
Poughkeepsie To Pay The Town's
Share Of The Cost Of The Greater
Poughkeepsie Library District Boardman
Road Branch Library Project

BOND RESOLUTION

At a regular meeting of the Town Board of the Town of Poughkeepsie, Dutchess County, New York, held at Town Hall, One Overocker Road in said Town on the 16th day of January 2013, at 7:00 o'clock PM, Prevailing Time.

The meeting was called to order by Supervisor Todd N. Tancredi, and upon roll being called, the following were

PRESENT: Supervisor Todd Tancredi
Councilman Jon Jay Baisley
Councilman Sean Eagleton
Councilman Joseph Conte
Councilman Michael Cifone
Councilman Stephan Krakower
Councilwoman Ann Shershin

ABSENT: No council members absent

The following resolution was offered by Bond Member Stephan Krakower who moved its adoption, seconded by Board Member Michael Cifone, to wit:

BOND RESOLUTION DATED JANUARY 16, 2013.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$3,694,978 BONDS OF THE TOWN OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK, TO PAY THE TOWN'S SHARE OF THE COST OF THE GREATER POUGHKEEPSIE LIBRARY DISTRICT BOARDMAN ROAD BRANCH LIBRARY PROJECT.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental quality Review Act as an Unlisted Action, have been performed and all documentation related thereto is available at the office of the Town Clerk where it may be inspected during regular business hours; and

NOW THEREFORE BE IT RESOLVED by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Poughkeepsie, Dutchess County, New York (the "Town"), as follows:

Section 1. To pay the Town's share of the cost of the Greater Poughkeepsie Library District's (the "Library District") Boardman Road Branch Library Project (the "Library Project"), being the purchase of real property and the building thereon and the construction and reconstruction thereof for the establishment of a Branch Library located at 141 Boardman Road, in Poughkeepsie, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental site and other improvements and expenses in connection therewith, in and for the town of Poughkeepsie, Dutchess County, New York, there are hereby authorized to be issued \$3,694,978 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose to the Town (said cost representing said Town's share of the aggregate maximum estimated cost of the Library Project of \$6,547,848) as determined pursuant to the formula provided in Chapter 524 of the Laws of 1987 as amended by Chapter 627 of the Laws of 1994 and as amended by Chapter 361 of the Laws of 1997 (the "Act") is \$3,694,978, which such Town share is hereby authorized at said maximum estimated cost of \$3,694,978.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five years, pursuant to subdivision 93 of paragraph (a) of Section 11.00 of the Local Finance Law, based upon subdivisions 11, 12, and 21(a) thereof.

Section 4. The faith and credit of said Town of Poughkeepsie, Dutchess County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year, to the extent not paid from other funds including the levy on all the taxable real property within said Library District of tax as authorized by the Act. To the extent not paid from other sources, as required by the Constitution of the State of New York, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal Officer of said Town. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. all other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed

Herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. the validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) Such obligations are authorized in violation of the provisions of the constitution.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the Poughkeepsie Journal, the official newspaper(s) of said Town hereby designated for such purpose, together with a notice of the Town Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Jon Jay Baisley Voting Aye
Sean Eagleton Voting Aye
Joseph Conte Voting Aye
Michael Cifone Voting Aye
Stephan Krakower Voting Aye
Ann Shershin Voting Aye
Todd Tancredi Voting Aye

The resolution was thereupon declared duly adopted.

SO MOVED: M. Cifone/J. Conte

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

16-SC 6 RETAIN/SUBSTITUE

Retain David R. Wise, Esq. Of
Iseman, Cunningham, Riester &
Hyde, LLP As Successor To Van
DeWater & VandeWater, LLP To
Represent Town of In Matters
Relating to Deer Culling At Vassar
College

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby retain and substitute David R. Wise, Esq. of Iseman, Cunningham, Riester & Hyde, LLP, as successor to Van DeWater & Van DeWater, LLP, to represent the Town in pending and future matters relating to deer culling at Vassar College, at the rate of \$165.00 per hour for partners, \$155.00 per hour for associates and \$80.00 per hour for paralegals.

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

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

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

Motion made to close the meeting: Supervisor Tancredi/M. Cifone

CARRIED: 7-0

MEETING CLOSED AT 9:05 PM

SJM:lkm

