

**MINUTES OF TOWN BOARD MEETING HELD ON
JULY 24, 2013 AT 7:00 PM AT TOWN HALL,
ONE OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

PRESENT: Supervisor Tancredi
Councilman Baisley
Councilman Krakower
Councilwoman Shershin
Town Attorney Nelson
Felicia Salvatore, Deputy Town Clerk

ABSENT: Councilman Eagleton
Councilman Conte

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

{ } designates corrections or amendments to

7:00 PM

CALL TO ORDER

SALUTE THE FLAG

Motion made to suspend the rules for Public Hearing #1, Property Maintenance of 5 Club Way: Supervisor Tancredi/M. Cifone

CARRIED: 5-0

Sarah Davis, Zoning Administrator: This lawn has been cut once since the last time we met and this is the man that gave me an agreement that it will be maintained at least every two to three weeks, and it has not. (Sarah had pictures available)

Councilman Krakower: So, it was cut once in the past month.

Sarah Davis: Yes, Since you set it for a Public Hearing a month ago.

Councilman Krakower: Is it high again?

Sarah Davis: A little weedy. He said he was going to hire someone to mow it.

Supervisor Tancredi: You tried to get in touch with him and you can't? (Yes)

07:24-01 PUBLIC HEARING

**For Property Maintenance of
5 Club Way**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to public hearings held on June 19, 2013 and July 24, 2013 at 7:00 pm at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, under Chapter 159 of the Town of Poughkeepsie Code, entitled "Property

Maintenance”, does hereby determine that said property located at 5 Club Way, Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6160-04-508309, owned by Samye Issa, is in violation of Chapter 159; and

BE IT FURTHER RESOLVED, that the Legal Notice of Public Hearing was posted on June 7, 2013 and published in the Poughkeepsie Journal on June 8, 2013; and

BE IT FURTHER RESOLVED, that said determination is based on the presentation and report submitted at public hearings by the Zoning Administrator of the Town of Poughkeepsie; and

BE IT FURTHER RESOLVED, that said owner of 5 Club Way has not complied with the Orders to Remedy; and

BE IT FURTHER RESOLVED, that the Town shall cause the repair or removal of all solid waste, debris, litter, garden waste, fallen tree limbs and shall cut and continue to cut the grass to a height not to exceed 6 inches, and any continued maintenance thereafter if the premises continues not to be properly maintained; and

BE IT FURTHER RESOLVED, that the charges shall be sent to the registered owners of said property for reimbursement; and

BE IT FURTHER RESOLVED, that if said costs and disbursements are not reimbursed within thirty (30) days of the bill, said charges shall be added to the next state, county and town tax bill pursuant to the provisions of Section 159-13 of the Town Code and shall become a lien against the property and filed with the Dutchess County Clerk and the Dutchess County Commissioner of Finance; and

BE IT FURTHER RESOLVED, that the Highway Department or an appointed contractor is authorized to remove all solid waste, debris, litter, garden waste, fallen tree limbs and shall cut and continue to cut the grass.

SO MOVED: J. Baisley/M. Cifone

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

Nays: None

CARRIED: 5-0

Motion made to open Public Hearing #2, Property Maintenance for 245 Wilbur Blvd.: Supervisor Tancredi/A Shershin

CARRIED: 5-0

Sara Davis: At our last meeting it had been cut and it's been cut once this year and I can't get in touch with the property owner and I don't see any way they are going to maintain it. There is a New York State Tax Lien on the property owner.

Supervisor Tancredi: This is one we've dealt with literally for years. I remember dealing with 8 years ago.

Councilman Krakower: When did you say it was cut last?

Sara Davis: On June 5th I noticed it had been cut, but it hasn't been cut since then.

07:24-02 PUBLIC HEARING

**For Property Maintenance of
245 Wilbur Blvd.**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to public hearings held on June 19, 2013 and July 24, 2013 at 7:00 pm at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, under Chapter 159 of the Town of Poughkeepsie Code, entitled "Property Maintenance", does hereby determine that said property located at 245 Wilbur Blvd., Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6160-01-295538, owned by Colleen Millspaugh, is in violation of Chapter 159; and

BE IT FURTHER RESOLVED, that the Legal Notice of Public Hearing was posted on June 7, 2013 and published in the Poughkeepsie Journal on June 8, 2013; and

BE IT FURTHER RESOLVED, that said determination is based on the presentation and report submitted at public hearings by the Zoning Administrator of the Town of Poughkeepsie; and

BE IT FURTHER RESOLVED, that said owner of 245 Wilbur Blvd. has not complied with the Orders to Remedy; and

BE IT FURTHER RESOLVED, that the Town shall cause the removal of all garden waste, fallen tree limbs and shall cut and continue to cut the grass to a height not to exceed 6 inches, and any continued maintenance thereafter if the premises continues not to be properly maintained; and

BE IT FURTHER RESOLVED, that the charges shall be sent to the registered owners of said property for reimbursement; and

BE IT FURTHER RESOLVED, that if said costs and disbursements are not reimbursed within thirty (30) days of the bill, said charges shall be added to the next state, county and town tax bill pursuant to the provisions of Section 159-13 of the Town Code and shall become a lien against the property and filed with the Dutchess County Clerk and the Dutchess County Commissioner of Finance; and

BE IT FURTHER RESOLVED, that the Highway Department or an appointed contractor is authorized to remove all solid waste, debris, litter, garden waste, fallen tree limbs and shall cut and continue to cut the grass.

SO MOVED: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 5-0

Motion made to suspend the rules for Public Hearing #3, 46 Lagrange Avenue: Supervisor Tancredi/A. Shershin

Sara Davis: This also has not been cut the entire year. It's right on the corner of Lagrange Avenue and Fairmont and is very obvious to everyone. The woman died and the company who now owns it you can't find them anywhere and the son in Florida, you can't find him.

Councilman Tancredi: One of the neighbors called Town Hall today to complain about it.

Councilwoman Shershin: I also heard about it too, because it is right up against the Arlington Business District and very obvious.

07:24-03 PUBLIC HEARING

**For Property Maintenance of
46 Lagrange Avenue**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant a public hearing held on June 24, 2013 at 7:00 pm at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, under Chapter 159 of the Town of Poughkeepsie Code, entitled "Property Maintenance", does hereby determine that said property located at 46 Lagrange Avenue, Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6161-12-914666, owned by Naomi Wright and Kenome, Inc., is in violation of Chapter 159; and

BE IT FURTHER RESOLVED, that the Legal Notice of Public Hearing was posted on June 11, 2013 and published in the Poughkeepsie Journal on June 13, 2013; and

BE IT FURTHER RESOLVED, that said determination is based on the presentation and report submitted at public hearings by the Zoning Administrator of the Town of Poughkeepsie; and

BE IT FURTHER RESOLVED, that said owner of 46 Lagrange Avenue has not complied with the Orders to Remedy; and

BE IT FURTHER RESOLVED, that the Town shall cause removal of all garden waste, fallen tree limbs and shall cut and continue to cut the grass to a height not to exceed 6 inches, and any continued maintenance thereafter if the premises continues not to be properly maintained; and

BE IT FURTHER RESOLVED, that the charges shall be sent to the registered owners of said property for reimbursement; and

BE IT FURTHER RESOLVED, that if said costs and disbursements are not reimbursed within thirty (30) days of the bill, said charges shall be added to the next state, county and town tax bill pursuant to the provisions of Section 159-13 of the Town Code and shall become a lien against the property and filed with the Dutchess County Clerk and the Dutchess County Commissioner of Finance; and

BE IT FURTHER RESOLVED, that the Highway Department or an appointed contractor is authorized to remove all garden waste, fallen tree limbs and shall cut and continue to cut the grass.

SO MOVED: S. Krakower/A. Shershin

Town Attorney Nelson: Before you move ahead on this, Mr. Baisley just pointed out to me that in the fourth BE IT RESOLVED from the bottom, there is a reference to Homer Place, that should read: 46 LaGrange Avenue (Corrected)

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

Nays: None

CARRIED: 5-0

Motion made to suspend the rules for Public Hearing #4 on 18 Oakwood Drive, Wappingers Falls: Supervisor Tancredi/A. Shershin

CARRIED: 5-0

Sarah Davis: This property was apparently sold in July. The maintenance company informs me, but I can't find any record of its sale. He thought it was just transferred to Fanny May.

Councilman Baisley: The neighbors have been maintaining it, actually, for well over a year. Chase Bank had it at one time, is that who you've been talking to. She passed away and turned it over to her husband and passed away about a year later.

Councilwoman Shershin: Is this the first time this one has come up?

Councilman Krakower: But, it's not currently in violation though? (No)

Councilman Baisley: It's getting there, it's a good 10 to 12 inches though. I would pass it anyway because if anyone owns it, it's probably the bank.

07:24-04 PUBLIC HEARING

**For Property Maintenance of
18 Oakwood Drive, Wappingers
Falls**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on July 24, 2013 at 7:00 pm at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, under Chapter 159 of the Town of Poughkeepsie Code, entitled "Property Maintenance", does hereby determine that said property located at 18 Oakwood Drive, Wappingers Falls, Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6058-02-932744, owned by Karen Lawner, is in violation of Chapter 159; and

BE IT FURTHER RESOLVED, that the Legal Notice of Public Hearing was posted on July 11, 2013 and published in the Poughkeepsie Journal on July 13, 2013; and

BE IT FURTHER RESOLVED, that said determination is based on the presentation and report submitted at public hearings by the Zoning Administrator of the Town of Poughkeepsie; and

BE IT FURTHER RESOLVED, that said owner of 18 Oakwood Drive has not complied with the Orders to Remedy; and

BE IT FURTHER RESOLVED, that the Town shall cause removal of all solid waste, debris, litter, garden waste, fallen tree limbs and shall cut and continue to cut the grass to a height not to exceed 6 inches, and any continued maintenance thereafter if the premises continues not to be properly maintained; and

BE IT FURTHER RESOLVED, that the charges shall be sent to the registered owners of said property for reimbursement; and

BE IT FURTHER RESOLVED, that if said costs and disbursements are not reimbursed within thirty (30) days of the bill, said charges shall be added to the next state, county and town tax bill pursuant to the provisions of Section 159-13 of the Town Code and shall become a lien against the property and filed with the Dutchess County Clerk and the Dutchess County Commissioner of Finance; and

BE IT FURTHER RESOLVED, that the Highway Department or an appointed contractor is authorized to remove all solid waste, debris, litter, garden waste, fallen tree limbs and shall cut and continue to cut the grass.

SO MOVED: A. Shershin/M. Cifone

Councilman Krakower: Is the back yard cut also?

Councilman Baisley: I don't know, but there are a couple of trees that fell down, one across the pool.

Sarah Davis: There is a lot of debris and the branches from the big tree that fell down through the pool.

Councilman Baisley: When they lived there, it was meticulous. They had no kids. They both died at a young age and he was in the process of turning it over to the bank when he passed away. So, it may be sitting in a court somewhere.

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

CARRIED: 5-0

**Motion made to suspend the rules for Public Speaking on Public Hearing #5:
On 2 Field Court, Supervisor Tancredi/M. Cifone**

CARRIED: 5-0

Sarah Davis: This is a mess. I had the Highway Department cut back a lot of the brush.

Supervisor Tancredi: It hasn't been cut all year then.

Councilman Krakower: I got some calls from the neighbor. It's right up on Route 9. It's the first house on that street and it's a mess.

07:24-05 PUBLIC HEARING

**For Property Maintenance of
2 Field Court**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on July 24, 2013 at 7:00 pm at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, under Chapter 159 of the Town of Poughkeepsie Code, entitled "Property Maintenance", does hereby determine that said property located at 2 Field Court, Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6161-03-057052, owned by Deena Bartley, is in violation of Chapter 159; and

BE IT FURTHER RESOLVED, that the Legal Notice of Public Hearing was posted on July 11, 2013 and published in the Poughkeepsie Journal on July 13, 2013; and

BE IT FURTHER RESOLVED, that said determination is based on the presentation and report submitted at public hearings by the Zoning Administrator of the Town of Poughkeepsie; and

BE IT FURTHER RESOLVED, that said owner of 2 Field Court has not complied with the Orders to Remedy; and

BE IT FURTHER RESOLVED, that the Town shall cause the removal of all solid waste, debris, litter, garden waste, fallen tree limbs and shall cut and continue to cut the grass to a height not to exceed 6 inches, and any continued maintenance thereafter if the premises continues not to be properly maintained; and

BE IT FURTHER RESOLVED, that the charges shall be sent to the registered owners of said property for reimbursement; and

BE IT FURTHER RESOLVED, that if said costs and disbursements are not reimbursed within thirty (30) days of the bill, said charges shall be added to the next state, county and town tax bill pursuant to the provisions of Section 159-13 of the Town Code and shall become a lien against the property and filed with the Dutchess County Clerk and the Dutchess County Commissioner of Finance; and

BE IT FURTHER RESOLVED, that the Highway Department or an appointed contractor is authorized to remove all solid waste, debris, litter, garden waste, fallen tree limbs and shall cut and continue to cut the grass.

SO MOVED: Supervisor Tancredi/ Ann Shershin

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

Nays: None

CARRIED: 5-0

**Motion made to open Public Hearing # 6, 49 Oakdale Avenue: Supervisor Tancredi/
M. Cifone**

CARRIED: 5-0

Sarah Davis: This hasn't been cut since last year. (As Sarah was passing out pictures of the property, she continued to describe the disarray of the property).

Supervisor Tancredi: They tarped the roof and nailed it down, but the grass hasn't been cut in about a year.

**Motion made to suspend the rules for Public Hearing #6, 49 Oakdale Avenue:
Supervisor Tancredi/A. Shershin**

CARRIED: 5-0

07:24-06 PUBLIC HEARING

**For Property Maintenance of
49 Oakdale Avenue**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on July 24, 2013 at 7:00 pm at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, under Chapter 159 of the Town of Poughkeepsie Code, entitled "Property Maintenance", does hereby determine that said property located at 49 Oakdale Avenue, Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6162-10-374574, owned by Andrew Greenberg and Judith Weiner-Davis, is in violation of Chapter 159; and

BE IT FURTHER RESOLVED, that the Legal Notice of Public Hearing was posted on July 11, 2013 and published in the Poughkeepsie Journal on July 13, 2013; and

BE IT FURTHER RESOLVED, that said determination is based on the presentation and report submitted at the public hearings by the Zoning Administrator of the Town of Poughkeepsie; and

BE IT FURTHER RESOLVED, that said owner of 49 Oakdale Avenue has not complied with the Orders to Remedy; and

BE IT FURTHER RESOLVED, that the Town shall cause the repair or removal of all solid waste, debris, litter, garden waste, fallen tree limbs and shall cut and continue to cut the grass to a height not to exceed 6 inches, and any continued maintenance thereafter if the premises continues not to be properly maintained; and

BE IT FURTHER RESOLVED, that the charges shall be sent to the registered owners of said property for reimbursement; and

BE IT FURTHER RESOLVED, that if said costs and disbursements are not reimbursed within thirty (30) days of the bill, said charges shall be added to the next state, county and town tax bill pursuant to the provisions of Section 159-13 of the Town Code and shall become a lien against the property and filed with the Dutchess County Clerk and the Dutchess County Commissioner of Finance; and

BE IT FURTHER RESOLVED, that the Highway Department or an appointed contractor is authorized to remove all solid waste, debris, litter, garden waste, fallen tree limbs and shall cut and continue to cut the grass.

SO MOVED: J. Baisley/M. Cifone

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

Nays: None

CARRIED: 5-0

Motion made to open Public Hearing #7: Supervisor Tancredi/A. Shershin

Neil Wilson: This increases the minimum lot standards for those lots in the R-20 District that do not have sewer and if they don't have both sewer and water, it increases yet again, to one acre and ½. It is more about the insuring that we have sufficient land, particularly for lots that may already exist. This is about lots that are maybe subdivided going forward and so we do have some areas of the Town in the R-20 District that are not (inaudible) by either sewer or water and so I think this is a good idea.

Councilman Baisley: Neil, what affect will this have on the smaller lots?

Neil Wilson: On the existing lots, it is going to really be about the Health Department rules. The Health Department will have to figure out how and if a septic system can be placed on some of these smaller lots. Keeping in mind, some of them are subdivided in areas that previously were 10,000 or 15,000. Many of them are unbuildable. They are sort of just sitting out there. This will not have any effect, this is about new lots going forward. Lots that already exist, have septic and when they fail they are treated as a repair.

07:24-07 PUBLIC HEARING

Amend Town Code, Article IV, Section 210-16(E) & Article IV, Section 210-17(E) That Would Increase The Minimum Required Size Of Lots That Are Not Served By Central Sewage Treatment Facilities & Proposed Lots That Are Not

**Served By Both Central Sewage
Treatment & Central Water Supply
Facilities**

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 24th day of July, 2013 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend Chapter 210, Article IV, specifically Sections 210-16(E) and 210-17(E), regarding R-20,000 District and R-M 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 has been received from the Dutchess County Department of Planning and Economic Development; and

BE IT FURTHER ENACTED, that a written recommendation dated June 25, 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 July 8, 2013 and published in the Poughkeepsie Journal on July 10, 2013; and

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

SO MOVED: M. Cifone/A. Shershin

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

CARRIED: 5-0

**AMENDMENTS ATTACHED TO FINAL
BOOK COPY**

07:24-08 PUBLIC HEARING

**Amend Town Code, Article III,
Section 177-15 To Modify The
Existing Language In Regard To
The Calculation Of Maximum
Residential Density For Both Major
Subdivisions & Minor Subdivisions**

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 24th day of July, 2013 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend Chapter 177, Article III, specifically Section 177-15, regarding maximum density calculation; 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 Short 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 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 June {27}, 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 July 8, 2013 and published in the Poughkeepsie Journal on July 10, 2013; and

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

SO MOVED: S. Krakower/A. Shershin

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

Nays: None

CARRIED: 5-0

AMENDMENTS ATTACHED TO FINAL BOOK COPY

Motion made to open Public Hearing #9: Supervisor Tancredi/A. Shershin

CARRIED: 5-0

Doreen Tignanelli: It was my understanding from the previous conversation that this Town Code was being changed specifically to benefit a particular developer. It was my understanding that this is Mr. David Kaminsky and I don't believe we should be modifying the Town Code just for the benefit of particular individuals and so I would be against this amendment.

07:24-09 PUBLIC HEARING

**Amend Town Code, Article VIII,
Section 210-60 That Would Allow Indoor
Recreation As an Allowed Use In A
Business Park**

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 24th day of July, 2013 at 7:00 p.m., at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does

hereby amend Chapter 210, Article VIII, specifically Section 210-60, entitled “Business Parks”, 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 ENACTED, that a written recommendation has been received from the Dutchess County Department of Planning and Economic Development; and

BE IT FURTHER ENACTED, that a written recommendation dated June {27}, 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 July 8, 2013 and published in the Poughkeepsie Journal on July 10, 2013; and

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

SO MOVED: A. Shershin/S. Krakower

Councilman Krakower: I just have a question for Neil. Indoor recreation, is that permitted in Business Highway and in OR?

Neil Wilson: I don't believe it's in the OR, I don't recall if it's in the other, I don't know.

Councilman Krakower: I think it is a really good use that we should try to add to some more zones in our Code, because, now having two kids and when you look

around for your two kids to do, it is somewhat limited and especially when the weather gets bad and indoor recreation is fantastic if you can get some good uses in and I think the proposed use in this instance is excellent and I think we should look to add that.

Neil Wilson: I don't think it's in the OR, I think it is in the BH, but I would have to look it up.

Councilman Krakower: I don't see a lot of down side to adding recreation to OR and BH because some of the heavy industrial properties aren't built out as such and I think it is a nice use to have and to try to encourage out there.

Supervisor Tancredi: I agree, I think it is a great use, especially in the Business Park we are talking about. The location and on Route 9 it is a nice deviation from retail, etc.

Neil Wilson: Ok, let me conduct a little survey and I will report back.

Councilwoman Ann Shershin: Just as long as it doesn't include those huge white dome things that we can see from across the river. I don't like those at all.

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

Nays: None

CARRIED: 5-0

Motion made to open Public Hearing #10: Supervisor Tancredi/M. Cifone

CARRIED: 5-0

Randy Alstadt was here about a month ago and gave us a good presentation on the plan being proposed and Don Beer is here if there are any questions.

NO SPEAKERS CAME FORWARD

07:24-10 PUBLIC HEARING

**Water Treatment Facility-Upgrade-
Water Improvement Area VII**

RESOLUTION

WHEREAS, a map, plan and report have been duly prepared in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Poughkeepsie, Dutchess County, New York, relating to the construction of certain water improvements, consisting of the Town's share of the cost of disinfection by-product compliance improvements at the Poughkeepsies' Water Treatment facilities, including construction of additions to and reconstruction of

existing buildings and related facilities and original equipment, machinery, apparatus, appurtenances, as well as other incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$7,448,455; and

WHEREAS, said map, plan and report have been prepared by competent engineers duly licensed by the State of New York, and have been filed in the office of the Town Clerk where they are available for public inspection; and

WHEREAS, said capital project has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, it has been determined will not result in a significant environmental effect; and

WHEREAS, the area of the Town of Poughkeepsie, Dutchess County, New York, to be benefitted thereby shall be bounded and described as set forth in Appendix A annexed hereto and made a part hereof and as depicted in the aforesaid map (said boundaries being the same as those of existing Water Improvement Areas I, II, III, IV, V and VI, being the entire area of the Town outside any villages) to be known as Water Improvement Area VII; and

WHEREAS, it is proposed that the cost of the aforesaid improvements shall be borne by the lands benefitted thereby by assessing, levying upon and collecting from the several lots and parcels of land within said Water Improvement Area VII, outside of any villages which the Town Board shall determine and specify to be especially benefitted by the improvements, an amount sufficient to pay debt service, including principal and interest, on any obligations issued pursuant to the provisions of the Local Finance Law to finance the cost of the aforesaid improvements; and

WHEREAS, said costs shall be authorized to be financed by the issuance by the Town of its serial bonds with a maximum maturity not in excess of the forty year period prescribed by the Local Finance Law; and

WHEREAS, the Town Board of the Town of Poughkeepsie duly adopted an Order on July 10, 2013 calling a public hearing upon said plan, report and map and the question of providing the water improvement to be known as Water Improvement Area VII, such public hearing to be held on the 24th day of July, 2013, at 7:00 o'clock PM, Prevailing Time, at the Town Hall, One Overocker Road, Poughkeepsie, New York, in said Town, at which time and place all persons interested in the subject thereof could be heard concerning the same; and

WHEREAS, notice of said public hearing was duly posted on July 11, 2013 and published in the Poughkeepsie Journal on July 13, 2013 as required by law; and

WHEREAS, said public hearing was duly held at the place and at the time aforesaid and all persons interested in the subject thereof were heard concerning the same; and

WHEREAS, it is now desired to authorize the improvement to be known as Water Improvement Area VII; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Poughkeepsie, Dutchess County, New York, as follows:

Section 1. It is hereby determined that it is in the public interest to establish said Water Improvement Area VII and to make the water improvement hereinafter described and such Water Improvement Area VII is hereby established and authorized at a maximum estimated cost of \$7,448,455 subject to the approval of the Office of the State Comptroller thereto. The proposed area hereby determined to be benefitted by said Water Improvement Area VII is as set forth in Appendix A annexed hereto and hereby made a part hereof.

Section 2. The proposed improvement shall consist of the Town's share of the cost of disinfection by-product compliance improvements at the Poughkeepsies' Water Treatment facilities, including construction of additions to and reconstruction of existing buildings and related facilities and original equipment, machinery, apparatus, appurtenances, as well as other incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$7,448,455. The method of financing of said cost shall be by the issuance of serial bonds of said Town to mature in annual installments over a period not exceeding forty years and such bonds shall be payable from assessments levied upon and collected from the several lots and parcels of land deemed benefitted from said improvement and located in said benefitted area outside of any villages, so much upon and from each as shall be in just proportion to the amount of the benefit which the improvement shall confer upon the same; but if not paid from such sources, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 3. It is hereby determined that the estimated expense of the aforesaid improvement does exceed one-tenth of one per cent of the full valuation of the taxable real property in the area of said Town outside of any villages and, therefore, in accordance with the provisions of subdivision 13 of Section 209-q of the Town Law, the permission of the State Comptroller shall be required for such improvement. Pursuant to subdivision 13(b) of Section 209-q of the Town Law, the Town Clerk is hereby directed and ordered to file certified copies of this resolution in the office of the State Department of Audit and Controller, together with an application for the approval of the State Comptroller to the provision of the water improvement as described herein, such application to be executed and verified by

the Supervisor and to be completed in the form and to contain such information as should prescribed by the State Comptroller.

Section 4. Pursuant to subdivision 6(d) of Section 209-q of the Town Law, the Town Clerk is hereby directed and ordered to cause a certified copy of this resolution to be duly recorded in the office of the Clerk of the County of Dutchess, New York, within ten days of the receipt of the approval of the State Comptroller, which when so recorded, shall be presumptive evidence of the regularity of the proceedings and action taken by the Town Board in relation to the aforesaid improvement.

Section 5. It is hereby further determined that all of the cost of the aforesaid improvement shall be borne by property within the Water Improvement Area VII constituting all of the area of said Town outside of any villages, and therefore this resolution shall be subject to permissive referendum.

Section 6. This resolution is adopted subject to permissive referendum. The Town Clerk is hereby directed that a Notice of Adoption substantially in the form attached hereto as Exhibit A and hereby made a part hereof, shall be published in the official newspaper of the Town and posted on the official sign-board within ten (10) days of the date hereof.

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

Jon Jay Baisley VOTING Aye

 VOTING

 VOTING

Michael Cifone VOTING Aye

Stephan Krakower VOTING Aye

Ann Shershin VOTING Aye

Todd Tancredi VOTING Aye

The resolution was thereupon declared duly adopted.

APPENDIX A

BOUNDARY DESCRIPTION

WATER IMPROVEMENT AREA VII

The entire Town of Poughkeepsie, not including the Village of Wappingers Falls.

EXHIBIT A

**NOTICE OF ADOPTION OF
PUBLIC INTEREST RESOLUTION FOR THE ESTABLISHMENT
OF WATER IMPROVEMENT AREA VII
IN THE TOWN OF POUGHKEEPSIE,
DUTCHESS COUNTY, NEW YORK**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Poughkeepsie, Dutchess County, New York has adopted the Public Interest Resolution attached hereto in connection with the establishment of Water Improvement Area VII on July 24, 2013 subject to permissive referendum.

**Susan Miller
Town Clerk**

In the Matter

Of

**The Proposed Water Improvement in the
Town of Poughkeepsie, Dutchess County,
New York, pursuant to Article 12-C of the
Town Law to be known as Water
Improvement Area VII**

**PUBLIC
INTEREST
RESOLUTION**

WHEREAS, a map, plan and report have been duly prepared in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Poughkeepsie, Dutchess County, New York, relating to the construction of certain water improvements, consisting of the Town's share of the cost of disinfection by-product compliance improvements at the Poughkeepsies' Water Treatment facilities, including construction of additions to and reconstruction of existing buildings and related facilities and original equipment, machinery, apparatus, appurtenances, as well as other incidental improvements and expense in connection therewith, at a maximum estimated cost of 47,448,455; and

WHEREAS, said map, plan and report have been prepared by competent engineers duly licensed by the State of New York, and have been filed in the office of the Town Clerk where they are available for public inspection; and

WHEREAS, said capital project has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, it has been determined will not result in a significant environmental effect; and

WHEREAS, the area of the Town of Poughkeepsie, Dutchess County, New York, to be benefitted thereby shall be bounded and described as set forth in Appendix A annexed hereto and made a part hereof and as depicted in the aforesaid map (said boundaries being the same as those of existing Water Improvement Areas I, II, III, IV, V and VI, being the entire area of the Town outside any villages); and

WHEREAS, it is proposed that the cost of the aforesaid improvements shall be borne by the lands benefitted thereby by assessing, levying upon and collecting from the several lots and parcels of land within said Water Improvement Area VII, outside of any villages which the Town Board shall determine and specify to be especially benefitted by the improvements, an amount sufficient to pay debt service, including principal and interest, on any obligations issued pursuant to the provisions of the Local Finance Law to finance the cost of the aforesaid improvements; and

WHEREAS, said costs shall be authorized to be financed by the issuance by the Town of its serial bonds with a maximum maturity not in excess of the forty year period prescribed by the Local Finance Law; and

WHEREAS, the Town Board of the Town of Poughkeepsie duly adopted an Order on July 10, 2013 calling a public hearing upon said plan, report and map and the question of providing the water improvement to be known as Water Improvement Area VII, such public hearing to be held on the 24th day of July 2013, at 7:00 o'clock PM, Prevailing Time, at the Town Hall, One Overocker Road, Poughkeepsie, New York, in said Town, at which time and place all persons interested in the subject thereof could be heard concerning the same; and

WHEREAS, notice of said public hearing was duly posted on July 11, 2013 and published in the Poughkeepsie Journal on July 13, 2103 as required by law; and

WHEREAS, said public hearing was duly held at the place and at the time aforesaid and all persons interested in the subject thereof were heard concerning the same; and

WHEREAS, it is now desired to authorize the improvement to be known as Water Improvement Area VII: NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Poughkeepsie, Dutchess County, New York, as follows:

Section 1. It is hereby determined that it is in the public interest to establish said Water Improvement Area VII and to make the water improvement hereinafter described and such Water Improvement Area VII is hereby established and authorized at a maximum estimated cost of \$7,448,455 subject to the approval of the Office of the State Comptroller thereto. The proposed area hereby determined to be benefitted by said Water Improvement Area VII is as set forth in Appendix A annexed hereto and hereby made a part hereof.

Section 2. The proposed improvement shall consist of the Town's share of the cost of disinfection by-product compliance improvements at the Poughkeepsies' Water Treatment facilities, including construction of additions to and reconstruction of existing buildings and related facilities and original equipment, machinery, apparatus, appurtenances, as well as other incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$7,448,455. The method of financing of said cost shall be by the issuance of serial bonds of said Town to mature in annual installments over a period not exceeding forty years and such bonds shall be payable from assessments levied upon and collected from the several lots and parcels of land deemed benefitted from said improvement and located in said benefitted area outside of any villages, so much upon and from each as shall be in just proportion to the amount of the benefit which the improvement shall confer upon the same; but if not paid from such sources, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 3. It is hereby determined that the estimated expense of the aforesaid improvement does exceed one-tenth of one per cent of the full valuation for the taxable real property in the area of said Town outside of any villages and, therefore, in accordance with the provisions of subdivision 13 of Section 209-q for the Town Law, the permission of the State Comptroller shall be required for such improvement. Pursuant to subdivision 13(b) of Section 209-q of the Town Law, the Town Clerk is hereby directed and ordered to file certified copies of this resolution in the office of the State Department of Audit and Control, together with an application for the approval of the State Comptroller to the provisions of the water improvement as described herein, such application to be executed and verified by the Supervisor and to be completed in the form and to contain such information as should {be} prescribed by the State Comptroller.

Section 4. Pursuant to subdivision 6(d) of section 209-q of the Town Law, the Town Clerk is hereby directed and ordered to cause a certified copy of this resolution to be duly recorded in the office of the Clerk of the County of Dutchess, New York, within ten days of the receipt of the approval of the State Comptroller, which when so recorded, shall be presumptive evidence of the regularity of the proceedings and action taken by the Town Board in relation to the aforesaid improvement.

Section 5. It is hereby further determined that all of the cost of the aforesaid improvement shall be borne by property within the Water Improvement Area VII constituting all of the area of said Town outside of any villages, and therefore this resolution shall be subject to permissive referendum.

Section 6. This resolution is adopted subject to permissive referendum. The Town Clerk is hereby directed that a Notice of Adoption substantially in the form attached hereto as **Exhibit A** and hereby made a part hereof, shall be published in the official newspaper of the Town and posted on the official sign-board within ten (10) days of the date hereof.

APPENDIX A

BOUNDARY DESCRIPTION

WATER IMPROVEMENT AREA VII

The entire Town of Poughkeepsie, not including the Village of Wappingers Falls.

Councilman Krakower: \$7,448,455, that's our half of it, right? And the city has an equal? (Yes) Then that's added to what was previously approved, right? (Yes) So, what the total on the hock for?

Supervisor Tancredi: I think it's almost \$9,000,000.00.

Don Beer: Yes, as I remember it, is between \$900,000,000 and the Town's is about a 8 ½ million and a half and the Town pays about 45%.

Councilman Krakower: When are we going to start this project and when are we going to start being hit with the financing on it?

Don Beer: Well, the design will start soon. We figured somewhere around two years before it is complete. The short term interest costs in the near future will be maybe 6 to 9 months from now, but, long term, it will be over two years.

Councilman Krakower; So, initially it will be Ban. Wouldn't it make sense with historically low interest rates for us to bond it sooner rather than later? When we Ban we just pay a couple years extra interest and we are not paying any of the principal back and so that's just added costs over all. Would it make sense for us to bond it right out and start paying the principal down and locking in the interest rate at a low rate right now? If we are financing over a period of 30 or 40 years, by not Banning it for two or three years, we push it out for two or three more years and pay more years of interest, which A) I don't think we should be doing and B) I think we are going to end up locking it in at a higher rate if we wait two or three years more.

Supervisor Tancredi: He indicated the other day when we talked to him, we talked about that very thing and he indicated we could lock in, because rates are low, we could lock in at the rate and then ban it and roll it into a bond.

Don Beer: Well, you are going through a Environmental Facilities Corp. and I believe Environmental Facilities Corp. will go a short term. They subsidize, I don't think, if you are going to stay with the Environmental Facilities Corp., I don't think you can lock in the long term rate until construction is over.

Supervisor Tancredi: I thought Jim had indicated otherwise, but, we can ask him.

Councilman Krakower: Well, I would like to look into do that. We might as well pay the interest sooner rather than later and the interest rates three years from now would probably be higher and I think it worthwhile to try and lock that in now.

ROLL CALL: Ayes: Councilmen Baisley, Cifone, Councilwoman Shershin and Supervisor Tancredi
Nays: Councilman Krakower

CARRIED: 4-1

Motion made to close the Public Hearings: Supervisor Tancredi/S. Krakower

CARRIED: 5-0

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

CARRIED: 5-0

Doreen Tignanelli: My question is on Item 18. I saw from the package that was posted on line it's for a \$50,000 Grant and \$25,000 of that would come from the Town. What is the point of updating this program? Do we have that much property in water front zone that it's worth spending \$50,000 of taxpayer money?

Supervisor Tancredi: It's not just strictly Waterfront property. It would allow us to do planning, but we do feel it would be worthwhile or we wouldn't have applied. The State also, although we didn't get it last year, they had encouraged us to reapply and see if we could get it. They liked the application. For various reasons we didn't get it last year.

Councilman Krakower: So, we would have to match with \$25,000?

Doreen Tignanelli: That's what the package said that was posted on line. It said a \$50,000 grant with \$25,000 coming from the Town.

Councilman Krakower: Do we have a project or a location where we want to use it?

Attorney Nelson: Is the Dutton property in the Waterfront Zone? (Yes)

Councilman Krakower: Does it have to be a matching grant from the Town, because like with Marist and Long View Park, the Town had to bring in the application or sign off on the application, but Marist did all the work and money had to be put forward through Marist.

Supervisor Tancredi: We applied last year for the same program and same conditions.

Councilman Krakower; Do we do this internally or through our Grant Writer?

Supervisor Tancredi: Grant Writer. All she had to do this year is change the dates and chip it off slightly and the State said that knew we didn't get the grant last year, so, put it back in and send it.

Doreen Tignanelli: I just didn't know if it was worth the Town putting in \$25,000 for what properties are we even talking about in this?

Councilman Krakower: I think the biggest part of the waterfront property for the Town is the Cemetery and Tilcon.

Councilman Baisley: If we accept this grant and we are not happy with it, we don't have to take it once they give it to us.

Councilwoman Shershin: Also, a lot of times they accept "in kind" for some of the matching, which could be people's hours and things like that can be applied to our match.

Supervisor Tancredi: That's very true.

Councilman Krakower: That's fine that we apply for the grant, but if we get it, we will have to scratch heads to see if it makes sense and it fits.

Supervisor Tancredi suggested to Doreen to talk to Neil Wilson about it.

Motion made to resume the rules: Supervisor Tancredi/A. Shershin

CARRIED: 5-0

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

Nays: None

CARRIED: 5-0

07:24-11 ADOPT

Base Proportions

Current & adjusted Base Proportions

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby adopt and certify the current base proportions, as follows:

	H	NH
Town of Poughkeepsie	51.99663	48.00337
Town outside village	49.53367	50.46633
Consolidate Light	53.30855	46.69145
Spackenkill School	48.01640	51.98360
Arlington School	63.13732	36.86268
Wappingers School	59.99351	40.00649

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby adopt and certify the adjusted base proportions, as follows:

	H	CARRIED: 5-0 NH
Town of Poughkeepsie	52.01848	47.98152
Town outside village	49.56888	50.43112
Consolidated Light	53.59542	46.40458
Spackenkill School	48.12355	51.87645
Arlington School	63.22506	36.77494
Wappingers School	59.91014	40.08986

SO MOVED: J. Baisley/A. Shershin

Councilman Krakower: All of the shifts were from non-homestead to homestead other than Wappingers? Is that correct?

Town Assessor Taber: Well, the current base proportions, you can't compare the two, because you use those current base proportions in figuring the adjusted base proportions. Really, from last year, the Town share is decreasing and the homestead very slightly. Last year it was 49.84 and now it is 49.56. So, basically, from last year, most of them, besides Spackenkill, the homestead has decreased slightly. This year when we do apportionments for taxes, the overall share of the levy will be a little less for the homestead portion.

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

Nays: Councilman Krakower

CARRIED: 4-1

ASSESSMENTS ATTACHED TO FINAL BOOK COPY

**07:24-12 AUTHORIZE
SUPERVISOR
TO SIGN**

**Request For Determination Of
Just Compensation – Spring Road
Rehabilitation**

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has entered into an Architectural/Engineering Consultant Agreement with Hudson Valley Engineering Associates, P.C. regarding a federal-aid project funded through the New York State Department of Transportation known as the Spring Road Rehabilitation Project; and

WHEREAS, under that Agreement, Hudson Valley Engineering Associates, P.C. authorized R.K. Hite & Co. to do appraisals, copies of which can be found in the Town Clerk's Office, for properties along Spring Road; now therefore.

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor, or his designee, to sign the attached Request for Determination of Just Compensation for said properties.

SO MOVED: M. Cifone/J. Baisley

Councilman Krakower: Is that money coming from grant money we have for a road?

Don Beer: The Town's 5% portion is coming out of the bond that we still have left from a few years back. 15% comes out of Marchelli funding which is State funding and 80% from Federal Government.

Councilman Baisley: Don, this list of properties here, is this that all these residents agreed?

Don Beer: They all have the opportunity to agree. What you have in front of you now is an appraiser went out and decided how much this property is worth and he contacted all the homeowners and talked to them all and then there was another backup appraisal done to make sure the first appraisal did his job correctly and based on these two appraisals, you are agreeing to these numbers and then these numbers will be offered to each resident and if they don't agree, then it will end up being in "a taking", I believe. Most of those are very small pieces of property, there is only one or two that is 10,000 sq. ft. or so.

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

CARRIED: 5-0

07:24-13 AUTHORIZE

Block Party – Cathy Road

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Terri Sheehan to hold a block party on Cathy Road from Sharon Drive to St. Joseph’s Terrace, on July 27, 2013, 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: S. Krakower/A. Shershin

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

CARRIED: 5-0

07:24-14 AUTHORIZE

Marist College Fireworks

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Marist College to include a firework display at their Block Party to be held on Sunday, August 25, 2013; 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 25, 2013, at approximately 9:00 PM on Marist College property, 290 North Road, Poughkeepsie, NY.

SO MOVED: Ann Shershin/M. Cifone

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

Nays: None

CARRIED: 5-0

**07:24-15 SET DATE FOR
PUBLIC HEARING**

**Town Code Amendment – Chapter 195-
Parking Prohibited-Fairview Ave. Ext.**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 7th day of August, 2013 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and place of a public hearing to consider an amendment to the Town Code, Chapter 195, entitled “Vehicles and Traffic”, specifically Section 195-48. Schedule XIII: “Parking Prohibited at all Times”, which amendment would be as follows:

ADD: Section 195-48. Schedule XIII: “Parking Prohibited at all Times:

Name of Street	Side	Location
Fairview Avenue Extension	East	From the intersection at Fulton St. to a point 880 feet North, across from the driveway of 25 Fairview Avenue Extension

AND BE IT FURTHER RESOLVED, that said local law can be repealed should any future residential development commence, and

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does determine that this action is a Type II Action requiring no environmental review; and

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

SO MOVED: Supervisor Tancredi/M. Cifone

Councilman Cifone: I just want to point out that this was brought to my attention by residents on the street that they couldn’t back out of their driveways because the way people were parking. The road is very narrow at the starting point of Fairview Extension and so Sgt. Janka went out and looked at it and it was his recommendation to extend it to 880. I really didn’t want it quite that far, I just wanted to have people be able to back out of their driveways. But, he made this recommendation because he felt the road was very narrow, this made it a lot safer.

We also felt that if further development comes in, we can rescind it.

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

Nays: None

CARRIED: 5-0

**07:24-16 SET DATE FOR
PUBLIC HEARING**

**Property Maintenance-Occupied
Property-N. Jackson Drive**

RESOLUTION

WHEREAS, Orders to Remedy, copies of which are attached hereto, have been issued for property located at 11 N. Jackson Drive, Town of Poughkeepsie, State of New York, pursuant to Chapter 159A of the Town of Poughkeepsie Town Code; and

WHEREAS, said Orders to Remedy have not been complied with, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 7th day of August, 2013 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and place of a public hearing to consider a recommendation from the Fire Inspector that the Town or its contractor remove and as needed continue to remove all garden waste and fallen tree limbs, cut and continue to cut the grass to a height not to exceed 12 inches, and remove and continue to remove all solid waste, debris and litter, all at the above property, so it will not become overgrown and unsightly, the cost of which work shall constitute a lien and charge on the above real property until paid, satisfied or discharged and shall be collected in the same manner as other Town charges.

SO MOVED: J. Baisley/A. Shershin

Lenny Splain made a motion to adjourn to future a date because it was cut. The property is supposed to be foreclosed on by the bank.

Councilman Cifone: Our experience with the banks is that they don't take care of these properties, maybe we should move forward on it, just in case the bank doesn't.

Councilman Krakower: I would suggest adjourning it because if it has been cut, why spend the money to advertise it. Because, it clearly wasn't the bank that cut it, because if the woman is going to live there for a while, maybe she realizes.

Deputy Town Clerk Salvatore stated that it costs \$48 to publish each one of these properties.

Councilman Krakower: Also, if she cut the lawn, she isn't currently in violation.

Lenny Splain: It was a complete surprise to me, because she didn't give me any indication, at all, that she was going to do anything about it.

Councilman Krakower: I would suggest to adjourn this until a further date and if needed to bring it up again, Lenny Splain will.

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

Nays: None

CARRIED: 5-0

ORDERS TO REMEDY ATTACHED TO FINAL BOOK COPY

**07:24-17 SET DATE FOR
PUBLIC HEARING**

**Property Maintenance-Occupied
At 14 Crestwood Boulevard**

RESOLUTION

WHEREAS, Orders to Remedy, copies of which are attached hereto, have been issued for property located at 14 Crestwood Boulevard, Town of Poughkeepsie, State of New York, pursuant to Chapter 159A of the Town of Poughkeepsie Town Code; and

WHEREAS, said Orders to Remedy have not been complied with, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 7th day of August, 2013 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and place of a public hearing to consider a recommendation from the Fire Inspector that the Town or its contractor remove and as needed continue to remove all garden waste and fallen tree limbs, cut and continue to cut the grass to a height not to exceed 12 inches, and remove and continue to remove all solid waste, debris and litter, all at the above property, so it will not become overgrown and unsightly, the cost of which work shall constitute a lien and charge on the above real property until paid, satisfied or discharged and shall be collected in the same manner as other Town charges.

SO MOVED: M. Cifone/A. Shershin

Councilman Krakower: Is this occupied?

Lenny Splain: Yes. I haven't been able to meet the owner, however.

Supervisor Tancredi: I see you sent a certified mail and the owner didn't respond?

Lenny Splain: No, we didn't get any response back yet.

Supervisor Tancredi: It looks like you posted the front door also.

Lenny Splain: Yes, and about two days later when I went by, it had been removed and so someone is living there.

Councilman Krakower: Is it just grass or are there other issues there and is the house otherwise maintained as far as you can tell?

Lenny Splain: Just grass. The shrubbery around it is overgrown, but there is a door on the side of the building that should be maintained. Every year I seem to get the complaint and I do the OR and it seems to get taken care of. In May this year was one of the first Order to Remedy and it just doesn't seem to be paid attention to since we first started. All I hear is he is a teacher and I'm getting numerous complaints because first of all, the neighbor across the street is trying to sell his house and it doesn't look good for the sale of the home. I did get three or four other complaints as well. The neighbors are not happy. It was May 13th when I started this process and I don't think it has been cut at all and it's really high and needs to be attended to.

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

Nays: None

CARRIED: 5-0

**07:24-18 AUTHORIZE SUPERVISOR
TO SIGN**

**Grant Application-Local
Waterfront Revitalization
Program**

**Resolution Authorizing the Submission of an Environmental Protection
Fund Local Waterfront Revitalization Program (EPF LWRP) Application for a
Grant to Update the Town's LWRP and Make Related Revisions to the Town Plan**

**WHEREAS, the New York State Department of State is accepting
applications for funding under Title 11 of the Environmental Protection Fund Local
Waterfront Revitalization Program (EPF LWRP); and**

**WHEREAS, the Town Board of the Town of Poughkeepsie is in support of
applying for an EPF LWRP grant to update the Town's 1999 Local Waterfront
Revitalization Program and make related revisions to the 2007 Town Plan; and**

WHEREAS, New York State will provide up to 50 percent of eligible costs, which are estimated at \$50,000, requiring a cost share of \$25,000; now, therefore,

BE IT RESOLVED, that Todd Tancredi as Supervisor of the Town of Poughkeepsie is hereby authorized and directed to file an application for and accept funds from the EPF LWRP program, and upon approval of said request to act on behalf of the Town of Poughkeepsie in all matters related to this financial assistance.

SO MOVED: S. Krakower/A/Shershin

Councilman Krakower: We updated this in 2007 from 1999. I don't think this ever comes into play and we never use it. I think we just keep updating, but I don't think it---

Supervisor Tancredi: I think the Pshyc Center Property might be in this.

Councilman Krakower: My thought is, if we are just paying a consultant to redo a plan that gets put right back on the shelf---

Supervisor Tancredi: I think we are pushed by the State to update it.

Councilman Baisley: Maybe we should talk to Neil first, because \$50,000 is a lot to update a plan.

Councilman Krakower: Neil may be able to update it because he is the one that did our comprehensive plan and wrote our zoning code. Even though we have a \$50,000 pot of money sitting there, as far as I can tell, I don't know that we've ever used that thing.

Supervisor Tancredi: Why don't we vote on it and Neil is going to be here tomorrow.

Councilwoman Shershin: There is no guarantee we are going to get this because funding for this is based on how many houses are sold during the year.

Supervisor Tancredi: I can also ask Susan to give a quick summary, because it's been over a year since we did this and she is updating it and I can have her send out a copy to everybody. Does that should good? (Yes)

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

Nays: None

CARRIED: 5-0

ORDERS TO REMEDY ATTACHED TO FINAL BOOK COPY

07:24-19 WAIVE

All Fee's For Germania's Oktoberfest

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive all permit fees relating to Germania of Poughkeepsie's Oktoberfest on September 6, 7 and 8, 2013, pursuant to the request from Germania dated June 17, 2013, a copy of which is attached.

SO MOVED: A. Shershin/M. Cifone

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

Nays: None

CARRIED: 5-0

07:24-20 NOTIFICATION

- A. Town of Wappinger Public Hearing- Planning And Zoning Code**
- B. Town Of Wappinger Public Hearing- Building, Flood Damage and Freshwater Wetland Code**
- C. Dutchess County Local Development Corp. Public Hearing – Marist College**

NOTED BY TOWN BOARD

07:24-21 NOTIFICATION

Notice Form For Providing A 30-Day Advanced Notice To Town For Renewal Of Liquor License For:

- A. Antonella's Restaurant**
- B. New Hamburg Yacht Club**

07:24-22 AUTHORIZE

Special Consent Items

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. Notification

The following Notice of Claim has been referred by the Town Clerk to Legal Department:

A. Encompass Insurance a/s/o Jennifer & Mathew Cannella

SC 2. Notice of Public Hearing

Town of Lloyd – Zoning Map Amendment

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: Supervisor Tancredi/Ann Shershin

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

Nays: None

CARRIED: 5-0

07:24-SC 1 NOTIFICATION

The Following Notice Has Been Referred By Town Clerk To The Legal Department

A. Encompass Insurance a/s/o Jennifer & Matthew Cannella

NOTED BY TOWN BOARD

07:24-SC 2 NOTICE OF PUBLIC HEARING

Town Of Lloyd-Zoning Map Amendment

NOTED BY TOWN BOARD

Motion made to suspend the rules for public speaking: Supervisor Tancredi/A. Shershin

CARRIED: 5-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 5-0

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:

- 1. 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: J. Baisley/M. Cifone

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

Nays: None

CARRIED: 5-0

TOWN BOARD MEETING ADJOURNED AT 8:25 PM

TOWN BOARD WENT INTO EXECUTIVE SESSION AT 8:26 PM

TOWN BOARD MEETING CLOSED AT 9:05 PM

FS:lkm