

**TOWN OF POUGHKEEPSIE
TOWN BOARD MEETING
AUGUST 3, 2022**

A public meeting of the Town of Poughkeepsie Town Board, will be held on August 3, 2022 at 7:00 PM, or as soon thereafter as the matter may be heard.

Town Hall is now open to the public, the Town Board meetings, inclusive of any public hearings if held, will also still be accessible to the public through the media platform called Zoom at this time.

Members of the community can access the Town Board meeting through Zoom information found below.

<https://us06web.zoom.us/j/84515089513?pwd=Y0dVVldYcGtZZjFkYXF1ZjBXUDQ4Zz09>

Via the Zoom website or application (“app”): Meeting ID 845 1508 9513
Password 800548

Through Zoom members of the community will be able to participate in the Town Board meeting via computer or phone audio.

Members of the community can also simply call into the meeting using the following phone number: 1-929-205-6099 and the meeting ID and meeting password above.

The meeting is also broadcast live on Cablevision Channel 22 and Verizon Fios Channel 38.

TOWN BOARD MEETING

| | | |
|----------|---|--|
| 08:03-01 | Public Hearing (Zoning Administrator) | Property Maintenance- 31 Robin Road |
| 08:03-02 | Public Hearing (Councilman Cifone) | Town Code Amendment Chapter 195-Traffic Signals and Stop Intersections – Fairview Avenue/Cedar Street |
| 08:03-03 | Appoint (Chief Cavaliere) | Ramon G. Luna as a Full Time Police Officer |
| 08:03-04 | Ratify (Legal) | Insurance Carrier Settlements re Aquino/Cortorreal/Jose |

08:03-05 Authorize
Supervisor
to Sign
(Legal) Stormwater Easement and Agreement-Diamond
Point Development Climate Control Storage Facility

08:03-06 Notification Notice of Claim referred to Legal:
1. DMS Morganview Realty LLC
2. Dorris Melendez Martinez

RESOLUTION 8:3 - # 1 OF 2022

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held August 3, 2022 at 7:00 pm at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, under Chapter 159A of the Town of Poughkeepsie Code, entitled "Property Maintenance", does hereby determine that the property located at 31 Robin Road, Town of Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6159-01-045775-0000, owned by Emmerlisia Taylor, is in violation of Town code Chapter 159, Property Maintenance, §159A-4; and

BE IT FURTHER RESOLVED, that the Legal Notice of Public Hearing was posted on July 11, 2022, published in the Poughkeepsie Journal on July 20, 2022 and mailed to the owner by certified mail return receipt requested on July 11, 2022; and

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

BE IT FURTHER RESOLVED, that said owner of 31 Robin Road has not complied with the Order to Remedy; and

BE IT FURTHER RESOLVED, that the Town shall, by its Highway Department or a Town contractor, 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 12 inches, and continue maintenance thereafter if the premises continues not to be properly maintained, the cost of which shall be added to the property tax bill pursuant to Town Code §159A-7.

Dated: _____

Moved: _____

Seconded: _____

Motion passes/ fails: Ayes _____ Nays _____

JEN/aap

t-7/19/2022

m-8/3/2022

G:\mllegal\2022\August\Aug 3\31 Robin Road Prop Maint PH.docx

| | | AYE | NAY | ABSTAIN |
|----------------|-----------------------|-------|-------|---------|
| PRESENT/ABSENT | Councilman Renihan | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilman Carlos | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilwoman Burger | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilman Cifone | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilman Krakower | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilwoman Shershin | _____ | _____ | _____ |
| PRESENT/ABSENT | Supervisor Baisley | _____ | _____ | _____ |

RESOLUTION 8:3 - # 2 OF 2022

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a duly noticed public hearing held on the 3rd day of August, 2022 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend, based on the review and opinion of the Town's traffic engineers, JMC Consultants, Town Code, Chapter 195, entitled "Vehicles and Traffic", specifically §§195-36. Schedule I: "Traffic Control Signals" and 195-44. Schedule IX: "Stop Intersections" with the language to be added underlined and the language to be deleted ~~stricken~~, as follows:

DELETE from: §195-36. Schedule I: "Traffic Control Signals":

Intersection

~~Fairview Avenue at Cedar Street~~

ADD to: §195-44. Schedule IX: "Stop Intersections":

| Stop sign on | Direction of Travel | At Intersection |
|--------------------------|----------------------------|-------------------------------|
| <u>Fairview Avenue</u> | <u>North/South</u> | <u>West/East Cedar Street</u> |
| <u>West Cedar Street</u> | <u>East</u> | <u>Fairview Avenue</u> |
| <u>East Cedar Street</u> | <u>West</u> | <u>Fairview Avenue</u> |

AND BE IT FURTHER ENACTED, that the Legal Notice of Public Hearing was posted on July 21, 2022 and published in the Poughkeepsie Journal on July 26, 2022; and

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

Dated: _____

Moved: _____

Seconded: _____

Motion passes/ fails: Ayes _____ Nays _____

JEN/mem
t-7/27/2022
m-8/3/2022

| | | AYE | NAY | ABSTAIN |
|----------------|-----------------------|-------|-------|---------|
| PRESENT/ABSENT | Councilman Renihan | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilman Carlos | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilwoman Burger | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilman Cifone | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilman Krakower | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilwoman Shershin | _____ | _____ | _____ |
| PRESENT/ABSENT | Supervisor Baisley | _____ | _____ | _____ |

RESOLUTION 8:3 - # 3 OF 2022

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Ramon G. Luna Newman to the position of full time Police Officer under the provisions of Civil Service Law, at the starting yearly salary of \$65,760.72, effective August 8, 2022, which appointment is subject to a probationary period of not less than 26 nor more than 52 weeks per Civil Service Law, and

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

Dated: _____

Moved: _____

Seconded: _____

Motion passes/ fails: Ayes _____ Nays _____

JEN/mem
t-7/19/2022
m-8/3/2022

| | | AYE | NAY | ABSTAIN |
|----------------|-----------------------|-------|-------|---------|
| PRESENT/ABSENT | Councilman Renihan | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilman Carlos | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilwoman Burger | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilman Cifone | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilman Krakower | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilwoman Shershin | _____ | _____ | _____ |
| PRESENT/ABSENT | Supervisor Baisley | _____ | _____ | _____ |

RESOLUTION 8:3 - # 4 OF 2022

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie hereby ratifies the settlements paid by the Town's auto liability insurance carrier in the amounts of \$25,000 and \$40,000 to Mindris Aquino Cortorreal and Martha Cortorreal Jose, respectively, with no deductible being paid by the Town.

Dated: _____

Moved: _____

Seconded: _____

Motion passes/ fails: Ayes _____ Nays _____

JEN/mem
t-7/26/2022
m-8/3/2022

| | | AYE | NAY | ABSTAIN |
|----------------|-----------------------|-------|-------|---------|
| PRESENT/ABSENT | Councilman Renihan | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilman Carlos | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilwoman Burger | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilman Cifone | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilman Krakower | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilwoman Shershin | _____ | _____ | _____ |
| PRESENT/ABSENT | Supervisor Baisley | _____ | _____ | _____ |

RESOLUTION 8:3 - # 5 OF 2022

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a Stormwater Management Facility Inspection and Maintenance Easement and Agreement and any supporting recording documents in regard to the Diamond Point Development Climate Control Storage Facility, in substantially the form attached; and

BE IT FURTHER RESOLVED, that such acceptance and authorization by the Town Board of the Town of Poughkeepsie is subject to the approval of all final documents by the Town Attorney, Planning Board Attorney, Town Engineer and the Director of Municipal Development for the Town of Poughkeepsie.

Dated: _____

Moved: _____

Seconded: _____

Motion passes/ fails: Ayes _____ Nays _____

JEN/mem
t-7/28/2022
m-8/3/2022

| | | AYE | NAY | ABSTAIN |
|----------------|-----------------------|-------|-------|---------|
| PRESENT/ABSENT | Councilman Renihan | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilman Carlos | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilwoman Lopez | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilman Cifone | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilman Krakower | _____ | _____ | _____ |
| PRESENT/ABSENT | Councilwoman Shershin | _____ | _____ | _____ |
| PRESENT/ABSENT | Supervisor Baisley | _____ | _____ | _____ |

**STORMWATER MANAGEMENT FACILITY
INSPECTION AND MAINTENANCE EASEMENT AND AGREEMENT**

THIS EASEMENT and AGREEMENT is made this ___ day of _____, 2022, by and between Po Storage Investors, LLC, a Delaware Limited Liability Company having an office at 880 Marietta Highway, Suite 630-243, Roswell, GA 30075 (“Owner”), and the Town of Poughkeepsie, a municipal corporation having an office at Town Hall, One Overocker Road, Poughkeepsie, New York 12603 (“Town”).

WITNESSETH:

WHEREAS, Owner is the current fee owner of certain premises located in the Town of Poughkeepsie, County of Dutchess and State of New York, having an address of 1998 South Road, Poughkeepsie, New York and bearing tax grid number 134689-6159-03-382273-0000, and as more particularly legally described in **Schedule A**, attached hereto and made a part hereof (the “Premises”); and

WHEREAS, conditional final site plan and special use permit approvals have been granted by the Town of Poughkeepsie Planning Board by resolution dated June 16, 2022, for the set of site plans entitled “Site Plan prepared for Diamond Point Development Climate Control Storage Facility,” prepared by Chazen Engineering, Land Surveying, Landscape Architecture & Geology Co., D.P.C., dated November 22, 2021, and last revised on May 23, 2022, consisting of 18 sheets, which sheets are listed in **Schedule B** hereto, as the same may hereafter be amended with Town approval (hereinafter the “Site Plan”), that would allow site redevelopment for the construction of a four-story, ±95,339 square foot, climate-controlled self-storage facility with associated parking and other site improvements (the construction of which in accordance with the aforementioned plans shall hereinafter be referred to as the “Project”); and

WHEREAS, as a condition of site plan approval, a stormwater management facility (the “Facility”) is required in accordance with the Town’s Code in effect as of the date of this Agreement (the “Code”); and

WHEREAS, also as a condition of such approval, the Town, through its Planning Board, and the Code further require Owner to grant this Easement and execute this Agreement, and to record the same in the Office of the Dutchess County Clerk,

NOW THEREFORE, for valuable consideration received, including the granting of the approval referenced above, Owner and the Town hereby agree as follows:

1. Owner does hereby grant and release unto the Town, its successors and assigns, an easement and right of way over, across and through the Premises for the purposes set forth herein.

2. Owner does hereby grant unto the Town, its successors and assigns forever (but the Town shall have no obligation), the right to enter upon the Premises in order to access the Facility at reasonable times and in a reasonable manner for periodic inspection by the Town to

ensure that the Facility is maintained in proper working condition to meet design standards and any other provisions as may be set by the Planning Board or required by the Code in effect as of the date of this Easement and as amended hereafter and all applicable New York State Department of Environmental Conservation (“NYSDEC”) regulations, standards and guidelines.

3. Owner shall be bound to the construction and maintenance provisions contained in the approved Stormwater Pollution Prevention Plan (“SWPPP”) for the Project, prepared by Chazen Engineering, Land Surveying, Landscape Architecture & Geology Co., D.P.C., dated March 2022 and last revised _____ and as depicted in the approved Project plans for the Facility as listed in Schedule B annexed to this Agreement, and as more specifically shown on Sheet C140 thereof, and any subsequent plans as may be hereinafter approved or required by the Town of Poughkeepsie Planning Board, and by all applicable NYSDEC and Empire State Chapter of the Soil and Water Conservation Society regulations, standards and guidelines.

4. Owner shall construct, maintain, clean, repair, replace and continue the stormwater control measures for the Facility as contained in the SWPPP and depicted on the project plans listed in Schedule B as necessary to ensure performance of the measures to design specifications, in accordance with all applicable NYSDEC and Empire State Chapter of the Soil and Water Conservation Society regulations, standards and guidelines.

5. Owner shall be responsible for all expenses related to the installation and maintenance of the stormwater control measures for the Facility.

6. Owner shall provide for the periodic inspection of the stormwater control measures for the Facility, as follows: Level 1 inspections shall be performed annually in accordance with the NYSDEC Maintenance Guidance for Stormwater Management Practices dated March 31, 2017, or dated as such Guidance may be amended thereafter. Level 1 inspection reports should be submitted to the Town by May 1st of each year. Level 2 inspections shall be conducted at least once every 5 years, or more frequently as may be required based upon the results of the Level 1 inspections, and shall be performed by a professional engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Town Engineer, within 30 days of the inspection, but no later than May 1st of the year in which it is conducted, a written report of the findings, including recommendations for those actions necessary for the continuation of the stormwater control measures for the Facility.

7. The Town is authorized to undertake such steps as are reasonably necessary for the preservation, continuation or maintenance of the Facility for the Premises in the event that Owner, or the current owner, has failed to construct or maintain the stormwater control measures in accordance with the project plan for the Facility or applicable regulations, standards and guidelines, or has failed to undertake corrective action specified by the Town’s engineer, and/or his or her duly authorized deputy, agent or representative.

8. This Easement and Agreement shall not confer unto the Town any duty or obligation to fix or maintain the Facility. Further, the Town’s acceptance of any rights pursuant to this Easement and Agreement shall not be deemed as the acceptance of any duty or obligation to fix or maintain the Facility.

9. Owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation any of the Facility's stormwater control measures except in accordance with prior written approval of the Town.

10. Owner shall promptly undertake necessary maintenance, repairs and replacement of the Facility's stormwater control measures at the direction of the Town Engineer or in accordance with the recommendations of the inspecting engineer.

11. If ever the Town Engineer determines that the Facility owner has failed to construct or maintain the Facility's stormwater control measured in accordance with the project plan or has failed to undertake corrective action specified by the Town Engineer or by the inspecting engineer, the Town is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the Facility's stormwater control measures and to have the Town Comptroller affix the expenses thereof as a lien against the Premises by recordation of a written instrument setting forth the amount of the lien. However, before taking any corrective action, except in the case of an emergency, the Town Engineer shall give the Owner written notice of the nature of any existing defects, and if the Owner fails within thirty (30) days from the date of the notice to commence corrective action, the Town may take necessary corrective action.

12. Owner hereby covenants that it is seized of the Premises in fee simple and has good right to convey this Easement and enter into this Agreement; that the signatory below has the authority to bind Owner and by signing intends to do so; that the Owner shall do nothing in or on the Premises which would prevent, impede or disturb the full use and intended purpose of this Easement by the Town, and that it shall execute and deliver any further documents reasonably necessary to assure the Easement and rights granted herein to the Town.

13. This Easement and Agreement shall be deemed a covenant running with the lands affected hereby, shall inure to the benefit of the Town, its successors and assigns, and shall be binding upon Owner, all subsequent owners, and their successors and assigns.

14. This Agreement shall be recorded in the office of the County Clerk, County of Dutchess and indexed against the Premises.

IN WITNESS WHEREOF, the Owner and the Town have executed this Agreement as of the date first herein above set forth.

TOWN OF POUGHKEEPSIE

PO STORAGE INVESTORS LLC

By: _____
Jon J. Baisley, Supervisor

By: _____
Jason Sommer, Member

[ACKNOWLEDGMENTS FOLLOW ON THE NEXT PAGE]

ACKNOWLEDGMENTS

STATE OF NEW YORK)
) ss.:
COUNTY OF DUTCHESS)

On this _____ day of _____, 2022, before me personally came Jon J. Baisley, known to me or proved on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual(s), person(s) or corporation or entity on whose behalf the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
) ss.:
COUNTY OF DUTCHESS)

On this _____ day of _____, 2022, before me personally came _____, known to me or proved on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual(s), person(s) or corporation or entity on whose behalf the individual acted, executed the instrument.

Notary Public

RECORD AND RETURN TO:
James E. Nelson, Esq.
Attorney for the Town of Poughkeepsie
Town of Poughkeepsie Legal Department
Town Hall
1 Overocker Road
Poughkeepsie, New York 12603

LIST OF SCHEDULES:
Schedule A - Metes and Bounds of Property
Schedule B - List of Site Plan Sheets

#6
8/3/2022

Notification

Notice of Claim referred to Legal:

1. DMS Morganview Realty LLC
2. Dorris Melendez Martinez