

Motion made to suspend the rules for agenda items: Supervisor Myers/J. Conte

CARRIED: 7-0

Doreen Tignanelli: #8. Will we, before the meeting, have a change to review the business case that is going to be presented that night? How is that going to work? Like the financial information.

Councilman Tancredi: It will be presented that night but there will be handouts available for people that can take information with them.

Doreen Tignanelli: # 14. Did they go ahead and do the mulching last year they were supposed to?

Councilman Tancredi: Yes.

Doreen Tignanelli: They were supposed to do some treatment on that spot first, did they?

Supervisor Myers: Yes.

Doreen Tignanelli: I guess I'm just concerned about the spraying of the urbansides and if you do get a thick enough layer of mulch on there, hopefully you won't have to spray like that. Ok. # SC 3 about the liquid melt, is that in order to use less salt? Marc Pfeifer said "yes." # SC 5 for the Lee Subdivision, what is that exactly?

Councilman Seminara: There is an easement agreement that the Town has and basic access to the trail there, it would connect just about to the park near Jackson Road. It just provides for an easement for the Town to do maintenance on drainage and the hiking trail itself there.

Nancy Kverev: #8. Will the handout or authorization of the referendum include the voting places and the date of the vote or is it just authorizing the money?

Town Attorney Mahar: It will have the date. The referendum will be on June 23rd from noon to 9 PM. The actual polling places have not been established yet.

Nancy Kverev: You will be having handouts on the 15th with the information, will that be put on the web?

Councilman Cifone: We will do the best we can to get it on.

Nancy Kverev: Will the actual contract that is being proposed be available on the Web site before the vote?

Town Attorney Mahar: Eventually it will be. You are going to have a referendum on whether or not the Town Board is authorized to borrow \$4,000,000.00 to acquire Bright Horizons.

Tom Bauer: The Town spending all this money, like 8 or 9 thousand dollars to do the due diligent, why can't this be posted on the web like the master plan and put the whole thing out there.

Councilman Cifone: We don't have it to put up yet. When we get it you will get it. Everything we get, you will get to see.

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

CARRIED: 7-0

RESOLUTION 4:1 - # 2 OF 2009

Authorizing the implementation, and funding in the first instance, 100% of the federal-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the Construction of Sidewalks at Violet Avenue Elementary School, in the Town of Poughkeepsie, Dutchess County, PIN 8760.3 (the "Project") is eligible for funding under Title 23 US. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds; and

WHEREAS, the Town Board of the Town of Poughkeepsie on February 18, 2009, authorized the Supervisor to execute the agreements herein which resolution was in a slightly different form than the resolutions submitted herewith; and

WHEREAS, the Town of Poughkeepsie desires to advance the Project by making available 100% of the federal share of the costs of preliminary engineering anticipated to be \$60,000 of the total federal share; and

WHEREAS, the Town of Poughkeepsie desires to advance the Project by making a commitment of 100% of the federal share of the costs of construction, construction inspection, and construction supervision and non-infrastructure activities; and now therefore

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby ratify the resolution of February 18, 2009, a copy of which is attached and rescinds the resolution of March 4, 2009; and

BE IT FURTHER RESOLVED, the Town Board of the Town of Poughkeepsie does hereby ratify the approval of the above-cited project; and

BE IT FURTHER RESOLVED, that the Poughkeepsie Town Board hereby approves the above-subject project; and

BE IT FURTHER RESOLVED, that the Poughkeepsie Town Board hereby authorizes the Town of Poughkeepsie to pay in the first instance 100% of the federal share of the cost of preliminary engineering, construction, construction inspection, and construction supervision work for the Project or portions thereof; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appropriate the sum of \$575,000.00 from the General Fund and said sum is made available to cover the cost of the participation in the above-phase of the project; and

BE IT FURTHER RESOLVED, that in the event the full federal share costs of the project exceeds the amount appropriated above, the Poughkeepsie Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Supervisor thereof; and

BE IT FURTHER RESOLVED, that the Supervisor of the Town of Poughkeepsie be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the Town of Poughkeepsie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and all Project costs within appropriations therefore that are not so eligible; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and

BE IT FURTHER RESOLVED, this Resolution shall take effect immediately.

SO MOVED: J. Baisley/M. Cifone

Councilman Seminara: I would just like to express that this is basically being funded by a Federal grant and simply stated, I think it inefficient and I think it usurps the purpose of separation of powers. Even though the idea may be a good idea, I have to vote against this one.

ROLL CALL: Ayes: Councilmen Baisley, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers
Nays: Councilman Seminara CARRIED: 6-1

04:01-03 AUTHORIZE Maintenance Agreement With Business Electronics,
SUPERVISOR Inc. & Police Department For Voice Recording
TO SIGN System

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a Maintenance Agreement between the Town of Poughkeepsie Police Department and Business Electronics, Inc. for the Voice Recording System that is used to record the police radio and telephone communication systems for the period from July 1, 2009 through June 30, 2010, in the amount of \$3,100.00.

SO MOVED: D. Seminara/J. Baisley

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0

04:01-04 SET DATE FOR Amend Town Code, Chapter 168, Entitled
PUBLIC HEARING "Sewers", Specifically Article VIII,
"Private Waste Disposal", Section 168-66
Entitled "Connection Required"

AMENDED RESOLUITON

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 22nd day of April, 2009 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 Chapter 168 of the Town Code, entitled "Sewers", specifically Article VIII, "Private Waste Disposal" Section 168-66-Connecton required, as follows:

ADD:

Properties located outside of a sewer district will be entitled to sewer service if 95% of the property is within the boundaries of a sewer district. In that event the property owner may request permission to be included within the sewer district upon paying the charges as determined at the time of the application, which requirement set forth herein shall be applicable to all sewer Districts or Sewer Improvement Areas, located in whole or part, within the boundaries of the Town of Poughkeepsie.

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does declare that it is the Lead Agency and this is a Type II Action and does declare said action will not have a significant adverse impact on the environment as a matter of law; and

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

SO MOVED: J. Conte/T. Tancredi

Councilman Seminara: Quick question, Mr. Mahar, you recommend that we adopt this?

Town Attorney Mahar: Yes. I discussed it with Mr. Wilson and with the Town Engineer.

ROLL CALL: Ayes: Councilmen Baisley , Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

04:01-05 SET DATE FOR
PUBLIC HEARING

Amend Town Code, Chapter 195, Entitled
“Vehicle & Traffic”, Specifically Section
195-14 “Trucks Over Certain Weights
Excluded

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 22nd day of April, 2009 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 amend Chapter 195 of the Town Code, entitled Vehicle and Traffic, specifically Article II – “Traffic Regulations”, Section 195-14 to provide as follows:

Section 195-14. Trucks Over Certain weights Excluded.

Trucks whose **gross vehicle weight rating** exceeds the weights indicated herein are hereby excluded from the streets or parts of streets described in Schedule XI (Section 195-46), attached to and made a part of this chapter, except for the pickup and delivery of materials on such streets.

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

SO MOVED: M. Cifone/S. Krakower

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

04:01-06 AUTHORIZE/APPROVE

Outstanding Water & Sewer Bill
Payment Plan for 6 Maisie Court.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the payment plan for unpaid water and sewer charges for Kenneth Merritt, 6 Maisie Court, Poughkeepsie, NY 12601, which payment plan is set forth in the letter from the Comptroller to Kenneth Merritt with attached bill.

SO MOVED: S. Krakower/M. Cifone

Councilman Krakower: Are there penalties and interest as part of this or just a straight water charge?

Supervisor Myers: Straight.

Councilman Krakower: Why is that?

Town Attorney Mahar: That’s what the Water Department and Comptroller agreed on.

Councilman Krakower: I think this is something that should be discussed in Executive Session. I'm concerned about this.

Jim Wojtowicz, Town Comptroller: The Water Maintenance Superintendent, Keith Ballard, discovered it and he did a calculation based on 6 quarters worth of activity and so there are no penalties or interest. He did the calculation based on just 6 quarters of activities, \$1.50 per unit for water and 1.50 per unit for sewer and multiplied out, it came to \$1,002.36.

Councilman Krakower: This is a situation where they were hooked up illegally hooked up to the Town Water supply, correct?

Motion made to Table this item until April 22, 2009 Town Board Meeting: Supervisor Myers/T. Tancredi

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

04:01-07 AUTHORIZE

Amend Town Personnel Handbook To
Provide For Medical Insurance Buy-Out For
Retirees

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby amend the Town Personnel Handbook as follows:

Section 807 – Eligibility is deleted and the following language is incorporated therein, to wit:

Eligibility – Full-time employees or elected officials who were eligible for medical insurance at the time of their retirement from the Town of Poughkeepsie and elected at that time to receive said benefit from the Town of Poughkeepsie and full-time employees or elected officials who hereafter upon retirement are eligible for medical insurance coverage through the Town of Poughkeepsie as described in Section 807 of this Employee Handbook, may receive a cash buy-out in lieu of receiving medical insurance benefits. The Town will provide only one medical insurance buy-out per married couple, regardless of whether or not the retiree's spouse also retired from the Town.

SO MOVED: T. Tancredi/M. Cifone

Councilman Krakower: Did we figure out what that cost was?

Councilman Baisley: We took that factor out that if you didn't have it as of this time, you can't get it.

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

04:01-08 SET DATE

Special Town Board Meeting on April, 15, 2009
At 7:00 PM Before Committee of the Whole
Meeting For Bright Horizons Acquisition
A. Bonding Resolution
B. Authorize Referendum

RESOLUTION

BE IT RESOLVD, that the Town Board of the Town of Poughkeepsie does hereby call a Special Meeting to be held on April 15, 2009 at 7:00 PM at the Town Hall,

Town of Poughkeepsie, One Overocker Road, Poughkeepsie, New York in regard to the Bright Horizons Acquisition for the following:

1. Bonding Resolution
2. Authorize Referendum

SO MOVED: Supervisor Myers/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

04:01-09 SET DATE FOR
PUBLIC HEARING

Amend Town Code, Chapter 105,
Entitled "Fees", Specifically Section
105-4J Entitled "Parks & Recreation"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 22nd day of April, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie as and for the time, date and place of a public hearing to consider the amendment of Chapter 105, entitled "Fees", specifically Section 105-4 J, which amendments would be as follows:

DELETE Section 105-4J:

- (1) All individuals or organizations wishing to utilize the recreation facilities of the Town of Poughkeepsie shall, at the time of an application for a permit, pay the following fees:

- | | |
|--------------------------------|-----------------|
| (a) Park Permit Fee | \$25.00 per use |
| (b) Athletic Facility Fee | \$35.00 per use |
| (c) Athletic Field with Lights | \$55.00 per use |

The Town Board may waive these fees by granting a group a revocable license allowing special use of the park.

- (2) Additional/unusual expenses incurred for facility preparation, use, damage or restoration will be billed at the rate of the actual expense.

- (3) Summer Programs

- | | |
|-----------------------------------|---------------------|
| (a) Tennis Lessons (resident) | \$70.00 per session |
| (b) Tennis Lessons (non-resident) | \$80.00 per session |
| (c) Day Camp (resident) | \$25.00 per week |
| (d) Day Camp (non-resident) | \$100.00 per week |

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

SO MOVED: J. Baisley/D. Seminara

Roll Call: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

04: 01-10 AUTHORIZE

Town Clerk To Advertise For Bids
For "Park Avenue Sidewalks"

RESOLUTION

BE IT RESOVLED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Town Clerk to advertise for bids for "PARK AVENUE SIDEWALKS", pursuant to plans and specifications to be prepared by the Town Engineer, which plans and specifications will be available on April 6, 2009 in the Office Of the Town Clerk, with a bid opening to be held on April 24, 2009 at 11:00 AM; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reserve the right to accept or reject all bids in whole or part.

SO MOVED: D. Seminara/T. Tancredi

Councilman Seminara: How are we funding this?

Councilman Cifone: Grant – CHIPS

Councilman Seminara: Do we pay anything into that program?

Supervisor Myers: No.

Councilman Seminara: Again, this might be borderline, to be on the safe side, I'm going to vote against it as the fact I don't like the State funding local situations.

ROLL CALL: Ayes: Councilmen Baisley, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers

Nays: Councilman Seminara

CARRIED: 6-1

04:11-11 SET DATE FOR
PUBLIC HEARING

Amend Town Code, Chapter 57,
Entitled "Animals", Section 57-2,
"Unlawful Acts" & Section 57-5,
"Enforcement"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 22nd day of April, 2009 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, to consider an amendment to Chapter 57, entitled "Animals", specifically Section 57-2, "Unlawful Acts" and Section 57-5, "Enforcement", which amendments would add the following provision:

ADD to Section 57-2:

F. Nuisances prohibited. No person owning, harboring, keeping or in charge of any dog, shall cause, suffer, or allow such dog to soil, defile, defecate or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk, or on any public property whatsoever, or on any private property. The restriction in this section shall not apply to that portion of the street lying between the curb lines, which shall be used to curb dog under the following conditions:

- (1) The person who so curbs such dog shall immediately remove, in a sanitary method, all feces deposited by such dog.
- (2) The feces removed from the aforementioned designated areas shall be disposed of in a sanitary manner by the person owning, harboring, keeping or in charge of any dog curbed in accordance with the provisions of this chapter.

G. A person as described in Paragraph F of this local law who is owning, harboring, keeping, or in charge of any dog that defiles, defecates, or commits any nuisance on any common thoroughfare, sidewalk, passageway, bypass, play area, park, or any place where public can congregate or walk, any public property

whatsoever, or on any private property not owned by the individual shall immediately remove in a sanitary method all feces deposited by such dog, and the feces removed from the aforementioned designated areas shall be disposed of in a sanitary manner by the person herein described.

ADD to Section 57-5:

The provisions of paragraph F of Section 57-2 shall be enforced by the Town of Poughkeepsie Animal Control Officer.

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby declare itself to be Lead Agency under the New York State Environmental Quality Review Act and does declare that said action is a Type II Action; and

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

SO MOVED: J. Conte/M. Cifone.

Motion made to Amend Resolution: Supervisor Myers/D. Seminara

ADD to G – Any private property {not owned by the individual} shall –

ROLL CALL ON AMENDMENT: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0

ROLL CALL ON RESOLUTION: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0

04:01-12 AUTHORIZE Phone System Maintenance Agreement
SUPERVISOR With TECH 11 Business Services, Inc.
TO SIGN For Town Hall

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a phone system Maintenance Agreement with TECH II Business Services, Inc. for the Town of Poughkeepsie Town Hall for the coverage period of April 21, 2009 through April 20, 2010 at the total cost of \$4,656.64 (no increase), which cost includes voicemail services and any modifications thereof.

SO MOVED: M. Cifone/Supervisor Myers

Councilman Baisley: Could you just fill us in on what they do and how often they come or is this an on-call basis.

Tom Meyering: It is much more than that. It is off site monitoring and off site correction of our problems. They monitor our system once a month, off site, and if I have a problem, I can call them and they can fix it from their facility in Lathem. They've been here once to fix a problem that we couldn't do off-site. The traveling fee alone for that was \$225.00.

Councilman Krakower: Does this cover on-site?

Tom Meyering: No.

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi and Supervisor Myers
Nays: None CARRIED: 7-0

04:01:13 AUTHORIZE Assembly Bill A-6783 – Fee Increase To
SUPPORT To Fund Local Government Records
Management Improvement Funds

RESOLUTION

WHEREAS, the Local Government Records Management Improvement Fund (LGRMIF) was created in 1989 to provide technical assistance and grants to establish, improve or enhance records management programs in New York's 4400 local governments; and

WHEREAS, the LGRMIF has awarded 8,856 grants totaling over \$176,000,000.00 to improve the management of records for over half of all local governments in New York State; and

WHEREAS, the LGRMIF saves local governments at least \$5,600,000.00 annually in storage costs by funding grant projects to identify and destroy non-permanent records; and

WHEREAS, the LGRMIF saves local governments at least \$4,800,000.00 annually in costs to search for records; and

WHEREAS, the LGRMIF has supported the preservation of over 3 million essential records, ensuring their continued availability for citizens, teachers, genealogists, and other researchers; and

WHEREAS, the LGRMIF has vastly improved public access to millions of records in thousands of local governments through projects to scan paper records, make records available online, or arrange and index voluminous older records, and

WHEREAS, the LGRMIF grants program continues to grow with requests for more money to fund increasingly complex and costly records projects; and

WHEREAS, since 1989, State Archives staff have conducted 20,000 site visits to local governments to provide hands-on records management guidance at no cost to local governments; and

WHEREAS, the LGRMIF has trained over 10,300 local government officials to manage both paper and electronic records through 130 onsite workshops and webinars given each year; and

WHEREAS, the LGRMIF has been at the forefront of technological change in local government, bringing hundreds of local governments into the Internet age in the 1990's, funding complex geographic systems projects, and supporting grants to scan and make available millions of images of local government records; and

WHEREAS, the LGRMIF and the program it supports continue to be flexible and responsive, operate at a high standard of excellence, and provide direct and significant benefit to local governments at no cost to the taxpayers; and

WHEREAS, the records needs of local governments are growing more complex and expensive, and greater support for the LGRMIF will make possible critical electronic records and disaster planning projects; and

WHEREAS, greater support for the LGRMIF will further make possible shared services programs that will save money for local governments by helping them develop cooperative and sustainable records management programs; and

WHEREAS, the LGRMIF fee has never been increased since its inception in 1989; and

WHEREAS, the Town of Poughkeepsie has benefited from technical assistance, training, publications and 15 grants totaling \$291,542.00, from the LGRMIF, and

WHEREAS, the LGRMIF continues to be critically important in the fulfillment of the many records and information related responsibilities of the Town of Poughkeepsie; and

WHEREAS, the Cultural Education Account funds most of the operations of the state Museum, Library, and Archives; and

WHEREAS, the Cultural Education Account balance is now fully depleted as a result of the severe decline in revenue and the annual and special transfers of funds to support other state purposes; and

WHEREAS, without the fee increase, the Office of Cultural Education's services to the public will be a risk, including access to the Museum's huge collection of natural history and historical artifacts, the Library's collection of genealogical books and free online access to specialized databases and electronic journals, and the Archives historical records of state and colonial government going back to the early 1600s, now therefore

BE IT RESOLVED, that the Town of Poughkeepsie supports Assembly Bill A-6783, which proposes modest increases in the fees supporting the Cultural Education Account from \$15.00 to \$22.50 and the LGRMIF from \$5.00 to \$7.50 per transaction to ensure the continuation of the programs of the Office of Cultural Education and improvement of records management programs in New York's local governments through LGRMIF services and grants that increase citizen access to records, build vital information infrastructures in local government, stimulate local economies across the state, and allow our local leaders to address twenty-first century realities.

SO MOVED: S. Krakower/D. Seminara

ROLL CALL: Ayes: None

Nays: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers

DEFEATED: 0-7

04:01-14 AUTHORIZE
SUPERVISOR
TO SIGN

Contract With Lehigh Lawns &
Landscaping, Inc. For Pre-Emergent
Spraying of the Route 9 & 55 Medians

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the supervisor to execute a contract with Lehigh Lawns & Landscaping, Inc. for pre-emergent spraying of the route 9 median and the Route 55 median at the total cost of \$3,350.00.

SO MOVED: T. Tancredi/S. Krakower

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

04:01-15 APPROVE

Vassar College Reunion Weekend Fireworks
Display on June 5, 2009 at Vassar College For
The Alumnae & Alumni Reunion

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Vassar College to include a fireworks display at their Vassar College Reunion Weekend event to be held on Friday, June 5, 2009 with a rain date of Saturday, June 6, 2009; and

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

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

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application as submitted for a fireworks display to be held on June 5, 2009 with a rain date of June 6, 2009 at 9:00 PM on Vassar College property, Raymond Avenue, Poughkeepsie, New York

SO MOVED: Supervisor Myers/T. Tancredi

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0

04:01-16 APPROVE Marist College Fireworks Public Display On
April 24, 2009 at College At 9:00 PM to
Celebrate Riverfest

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore Received an application from Marist College to include a fireworks display at their Riverfest event to be held on Friday, April 24, 2009; 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 April 24, 2009 at 9:00 PM on Marist College property, 3399 North Road, Poughkeepsie, New York.

SO MOVED: J. Baisley/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0

04:01-17 APPROVE November 2008 Minutes
November 5, 12, 19, and 25

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the minutes for the following 2008 Town Board Meetings, to wit:

November 5, 12, 19, and 25

SO MOVED: D. Seminara/J. Baisley

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0

04:01-18 AUTHORIZE
SUPERVISOR

Agreement Between Estate of
Eleanora Lamberts & Town,
16 MacIntosh Drive

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie Authorizes Supervisor Patricia Myers to sign the agreement between the Town of Poughkeepsie and Arnis Lamberts in substantially the form attached hereto with respect to the Surrogate's Court matter, Estate of Eleanora Lamberts and the potential zoning enforcement action related to 16 MacIntosh Drive.

SO MOVED: J. Conte/T. Tancredi

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

AGREEMENT ATTACHED TO FINAL BOOK COPY

04:01-19 INTERPRETATION

Town Code, Chapter 105, Entitled
"Fees", Specifically Section 105-4D,
"Circuses & Carnivals"
(1) "License Fee"

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, in regard to license fee requirements in Chapter 76 of the Town Code does hereby, determine that a weekend event shall be considered "an occasion" under Section 105-4D(1) for the purposes of determining the fee due.

SO MOVED: M. Cifone/T. Tancredi

Supervisor Myers: This is a change in the fee structure. The fee will be \$300 for the week end not per day on the week end.

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Tancredi, and
Supervisor Myers

Nays: Councilman Krakower

CARRIED: 6-1

04:01-20 NOTIFICATION

Liquor License Renewal
A. Bhavya Inc. D/B/A Avali Gulf
Located At 35 Vassar Road

NOTED BY TOWN BOARD

04:01-21 AUTHORIZE
SUPERVISOR
TO SIGN

2009 STOP-DWI Program Contract

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the 2009 STOP-DWI Program Contract, a copy of which is attached hereto.

SO MOVED: S. Krakower/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0

EXTENSION AGREEMENT ATTACHED TO FINAL BOOK COPY

04:01-22 AUTHORIZE 2009 STOP-DWI Program Contract
SUPERVISOR For "Drug Recognition Expert Call – Out
TO SIGN Reimbursement" Initiative Contract

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a 2009 STOP-DWI "Drug Recognition Expert Call-out Reimbursement" Initiative Contract with the County of Dutchess, the Town of Poughkeepsie Police Department, the Dutchess County Sheriff's Department, the Town of Hyde Park Police Department and the Town of East Fishkill Police Department.

SO MOVED: T. Tancredi/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0

AGREEMENT ATTACHED TO FINAL BOOK COPY

04:01-23 AUTHORIZE 2009 STOP-DWI Program Contract
SUPERVISOR For "Coordinated Underage/Fake ID
TO SIGN Sting" Initiative Contract

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a 2009 STOP-DWI "Coordinated Underage Fake ID Sting" Initiative Contract with the County of Dutchess, the Town of Poughkeepsie Police Department, the Dutchess County Sheriff's Department, the Town of Hyde Park Police Department and the Town of East Fishkill Police Department.

SO MOVED: Supervisor Myers/T. Tancredi

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0

AGREEMENT ATTACHED TO FINAL BOOK COPY

04:01-24 AUTHORIZE Special Consent Items SC 1, SC 2, SC 3,
SC 4, SC 5, SC 6, SC 7, SC 8, SC 9, &
SC 10

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	Beechwood South Condominiums Tax Certiorari Proceedings
SC 2	Approve	Business Park Designation for Lakeview Plaza

- SC 3 Authorize Town Clerk to advertise for bids
Salt Storage Bldg. and Melting Agent
- SC 4 Set Date for Public Hearing Dutchess Facilities Management, LLC
Metro Com North, Inc.-Rezoning
- SC 5 Authorize Supervisor Lee Subdivision Bonding
To Sign Agreement/Easement
- SC 6 Designate Private Drive in Rose Woods Subdivision
- SC 7 Approve Vassar College Fireworks for Founders Day
- SC 8 Approve Liquor License Renewal
Mulligan's Irish House
- SC 9 Notification Town of Wappinger Public Hearing
4/27/09 – Amending Zoning Law
- SC 10 Notice of Claim Peek v. Town

AND BE IT FURTHER RESOLVED, that upon the objection of any member of the Town Board, an item may be removed from the list and voted on separately.

SO MOVED: J. Baisley/T. Tancredi

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

04:01-SC 1 AUTHORIZE

Beechwood South Condominiums
Tax Certiorari Proceedings

RESOLUTION

WHEREAS, there are now pending in the Dutchess County Supreme Court tax certiorari proceedings commenced in 1999, 2000, 2001, 2002, 2003, 2004, 2006, 2007 and 2008 by Beechwood South Condominiums regarding premises known as Beechwood South Condominiums 2710 South Road, Grid No.: 14-6160-05-057025-00 et al., seeking a reduction in the 1999, 2000, 2001, 2002, 2003, 2004, 2006, 2007 and 2008 tax assessment for those respective tax rolls; and

WHEREAS, the Town Assessor and. Special Counsel have recommend a settlement on each of these tax review proceedings; now, therefore be it

RESOLVED, that the Town Board of the Town of Poughkeepsie hereby approves a settlement on behalf of the Town of Poughkeepsie of the tax review proceedings for the years 1999, 2000, 2001, 2002, 2003, 2004, 2006, 2007 and 2008, as it pertains to Grid No.: 14-6160- 05-057025-00 et al.

YEAR	ASSESSMENT	REVISED ASSESSMENT	REDUCTION
1999	3,808,000.00	3,808,000.00	-0-
2000	3,808,000.00	3,808,000.00	-0-
2001	3,808,000.00	3,808,000.00	-0-
2002	3,808,000.00	3,808,000.00	-0-
2003	3,808,000.00	3,808,000.00	-0-
2004	3,808,000.00	3,808,000.00	-0-
2005	-0-	No Filing	
2006	3,820,000.00	3,247,000.00	573,000.00
2007	9,281,000.00	7,424,800.00	1,856,200.00
2008	8,369,000.00	7,424.800.00	944,000.00

BE IT FURTHER RESOLVED, that the Town does hereby authorize the immediate refund of the Town's share of the refund to Beechwood South Condominiums in the approximate sum of \$19, 392.75 with charge backs to the County for the Special Districts all of which is set forth in the attached chart; and

BE IT FURTHER RESOLVED, that the Town Supervisor, Town Assessor and Gellert & Klein, P.C., Special Counsel, to the Town of Poughkeepsie are hereby authorized to take all action necessary and appropriate to effectuate the terms of this resolution; and

SO MOVED: D. Seminara/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

ATTACHMENTS TO FINAL BOOK COPY

04:01-SC 2 APPROVE

Business Park Designation for Lakeview Plaza Development As A "Business Park" Pursuant To Town Zoning Law

RESOLUTION

RESOLUTION FOR BUSINESS PARK DESIGNATION FOR LAKEVIEW PLAZA DEVELOPMENT PURSUANT TO SECTION 210-60(E) OF THE TOWN OF POUGHKEEPSIE ZONING LAW

WHEARAS, the Town Board of the Town of Poughkeepsie has received and reviewed a request dated January 29, 2009 from Scott Bryant pursuant to Town Zoning Law Section 210-60(E) for designation of a project known as Lakeview Plaza Development as a "Business Park" involving two parent parcels located on the easterly side of Creek Road in the Town of Poughkeepsie having the following tax grid numbers and acreage:

1. Lot 1 – 134689-6162-02-666530-0000 - +/- 1.56 acres;
2. Lot 2 – 134689-6162-02=649538-0000- +/- 0.16;

WHEREAS, Section 210-60(E) prohibits the Planning Board, the Zoning Board of Appeals and any other administrative agency, board, body or officer of the Town of Poughkeepsie from receiving, processing, and determining applications for the land use approvals listed in the section without the prior approval of the Town Board; and

WHEREAS, Section 210-60(E) provides that Town Board approval, if adopted, is a determination only that the subject matter of a proposed application for the establishment of a Business Park is in technical compliance with the stated purposes of the Business Park Regulations, the stated permitted principal and accessory uses for a Business Park and the density requirements for a Business park as such purposes, uses and densities are set forth in Section 210-60; and

WHEREAS, Section 210-60(E) recites that the Town Board approval does not direct approval or limit or modify the authority otherwise existing under law for the receipt, processing and approval of any one or more land use approval applications by any agency, board, body or officer of the Town; and

WHEREAS, Section 210-60(E) recites that authorization granted by the Town Board pursuant to such section does not commit or direct any agency, board, body or officer of the Town to any course of future decisions; and

WHEREAS, Section 210-60(E) provides that all obligations applicable under the New York State Environmental Quality Review Act and the accompanying regulations shall be carried out by the agency, board, body or officer authorized to receive, process and determine applications for approval; and

WHEREAS, Section 210-60(E) provides that approval by the Town Board pursuant to such section is a Type II pursuant to 6 NYCRR Section 617.5(28) and therefore Town Board environmental review s not required.

NOW THEREFORE BE IT RESOLVED, as follows by the Town Board of the Town of Poughkeepsie

1. The application of Scott Bryant for designation of the proposed Lakeview Plaza Development as a “Business Park” to be located on a +/- 1.72 acres of land consisting of the two tax grids identified above is approved pursuant to Town of Poughkeepsie Zoning Law Section 210-60(E) as hereinafter set forth in this resolution.
2. The proposed Lakeview Plaza Development Business Park would be in technical compliance with the stated Business Park purposes, the stated permitted and accessory uses for a Business Park and the density requirements for a Business Park as such purposes, uses and densities are set forth in Section 210-60.
3. The proposed Lakeview Plaza Development Business Park would be in conformance with the stated purposes of Business Parks, to wit, the physical integration of mixed-use business and business-related uses in a coherent land use pattern preserving property values and maintaining the visual and aesthetic environment together with the provisions of employment opportunities for area residents and strengthening of the tax base.
4. The proposed Lakeview Plaza Development Business Park would be in conformance with the permitted Business Park principal and accessory uses, to wit, office space, bank, retail, restaurant, delicatessen, and accessory maintenance.
5. The proposed Lakeview Plaza Development Business Park would generally conform to the requirements for a Business Park including highway frontage and lot coverage, required setbacks, the integration of the uses on a single parcel as one integrated parcel for ingress and egress, parking, internal circulation, water service drainage, sanitary sewage disposal and storm sewers, the provision of safe and convenient pedestrian movements, landscaping and plantings for parking areas and traffic ways, acceptable dimensions for access and internal driveways, entrance and exit driveways, complying with Code requirements, parking spaces complying with the Code requirements, and back up and maneuvering aisles complying with Code requirements.

SO MOVED: J. Conte/S. Krakower

Councilman Krakower: My concern with this is there is a Zoning Violation on the property and what is the Time Table to get this cleared out?

Kelly Libolt: Right now we are working with Councilman Cifone and Mr. Wilson to try and come up with a schedule. Some of the items on the property are easy to remove, but some of them are going to take a longer time to remove and so we are asking 45 days for some and 90 days for other items and there are a couple of items we are requesting to stay on the site because we are going to incorporate them into the construction, for example, the construction trailer is going to be used for the project. But, that the applicant will not receive a CO until ALL items are cleaned off of the site.

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Tancredi, and
Supervisor Myers
Nays: Councilman Krakower CARRIED: 6-1

04:01-SC 3 AUTHORIZE Town Clerk to Advertise For Bids For
Two Salt Storage Buildings & A Liquid
Melting Agent Storage & Dispensing
System

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Town Clerk to advertise for bids for "2 SALT STORAGE BUILDINGS AND A LIQUID MELTING AGENT STORAGE AND DISPENSING SYSTEM" for the Highway Department; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reserve the right to accept or reject all bids in whole or part.

SO MOVED: M. Cifone/T. Tancredi

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers
Nays: None CARRIED: 7-0

04:01-SC 4 SET DATE FOR PUBLIC HEARING Rezoning For Dutchess Facilities
Management, LLC & Metro Com North,
Inc. From B-H To B-NH Located on
Dutchess Turnpike

WHEREAS, the Town Board of the Town of Poughkeepsie has received and reviewed a request dated March 27, 2009 from Dutchess Facilities Management, LLC and Metro Com North, Inc., pursuant to Town Law, Section 210-860e, for the designation for the rezoning of the properties herein set forth to rezone the subject properties from B-H, Neighborhood Business Zoning District, to B-NH, Neighborhood Highway Business Zoning District, and

BE IT RESOLVED, that the following properties are the subject of the rezoning request:

- (1) A .74 acre parcel, identified as 6362-01-160689, located at 1155 Dutchess Turnpike;
- (2) A .47 acre parcel, identified as 6362-01-145678, being located at 1147 Dutchess Turnpike;
- (3) A 2.4 acre parcel, identified as 6362-01-128675, being located at 1143 Dutchess Turnpike;
- (4) A .98 acre parcel, identified as 6362-01-120653, being located at 1135 Dutchess Turnpike;
- (5) A .47 acre parcel, identified as 6362-01-100640, being located at 1121-1123 Dutchess Turnpike; and
- (6) A .5 acre parcel, identified as 6362-01-170698, located at 1159 Dutchess Turnpike.

and,

BE IT FURTHER RESOLVED, that the Town Board has reviewed the Short Form EAF, submitted with the application, does declare itself as Lead Agency under the New York State Environmental Quality Review Act and does determine that said action is an Unlisted Action, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does set the 6th day of May, 2009, at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, 1 Overocker Road, as and for the time, date and place of a public hearing to consider such rezoning application, and

BE IT FURTHER RESOLVED, the Town Board of the Town of Poughkeepsie does hereby refer this request, with supporting documentation, to the Dutchess County Department of Planning for review under Section 239-l and m of the General Municipal Law and to the Town of Poughkeepsie Planning Board, pursuant to Section 210-154 of the Town Code, and

BE IT FURTHER RESOLVED, the Town Board directs the Town Clerk to provide a copy of said Notice and the annexed proposed local law, Number _____, to The Municipal Clerk of each municipality within or adjacent to the Town of Poughkeepsie to maintain a record thereof.

SO MOVED: S. Krakower/M. Cifone

Motion made to Table this item indefinitely: Supervisor Myers/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

04:01-SC 5 AUTHORIZE

SUPERVISOR TO
SIGN

Lee Subdivision Bonding Security
Agreement & Easement

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize and direct the Supervisor to execute the Bonding Security Agreement for a required site plan approvals of the Lee Subdivision, a copy of which is attached hereto with exhibits, and

BE IT FURTHER RESOLVED, the Supervisor is authorized and directed to sign all papers necessary and proper to accept and implement an easement which will combine a recreation trail on top of a damage easement.

SO MOVED: J. Baisley/D. Seminara

Motion was made to table Indefinitely: Supervisor Myers/S. Krakower

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

04:01-SC 6 APPROVE

Dutchess County Enhanced 911
Acceptance of Street Name for A
Private Drive in the Rose Wood Subdivision

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby designate a private drive in the Rose Woods Subdivision as Giselles Place for the purpose of 911.

SO MOVED: D. Seminara/S. Krakower

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower,
Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

04:01-SC 7 APPROVE

Vassar College Founders Day
Fireworks Display on May 2, 2009 at
Vassar College

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Vassar College to include a fireworks display at their Vassar College Founders Day event to be held on May 2, 2009; and

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

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

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application as submitted for a fireworks display to be held on May 2, 2009 at 9:00 PM on Vassar College property, Raymond Avenue, Poughkeepsie, New York.

SO MOVED: J. Conte/T. Tancredi

ROLL CALL: Ayes: Councilmen Baisley, Seminara, Conte, Cifone, Krakower, Tancredi, and Supervisor Myers

Nays: None

CARRIED: 7-0

04:01-SC 8 APPROVE

Liquor License Renewal/For Mulligans Aris, Inc. D/B/A Mulligan's Irish House Located At 2186 New Hackensack Road

NOTED BY TOWN BOARD

04:01-SC 9 NOTIFICATION

Town of Wappinger To Hold Public Hearing on April 27, 2009 At Town Hall Regarding Local Law to Include Pawn Shops as a Special Use Permit in the Highway Business (HB) & Highway Design (HD) Zoning Districts

NOTED BY TOWN BOARD

04:01-SC 10 NOTICE OF CLAIM

Katie & William Peek V Town for Damages to Parked Automobile when Struck by Snow Plow

REFERRED TO LEGAL DEPARTMENT

Motion made to suspend the rules for public speaking: Supervisor Myers/T. Tancredi

CARRIED: 7-0

Nancy Kverev: I hope anything being concerned with rezoning of property that it will be taken very serious because in this economy, if someone decides to close down or sell property, then all of a sudden it's something that has a lot more function than it was originally intended. It affects a lot of people. She asked why the Bright Horizons Contract can't go on the web at this time. Councilman Krakower stated that until it is actually signed, it is still in negotiations and so it usually doesn't get put up before the contract is fully executed. She argued that as a taxpayer she feels that it should go on to the public. Town Attorney Mahar recommended to the Town Board that it doesn't go on until it is fully executed. We will get all information out on the web in time before the referendum vote.

Doreen Tignanelli: CAC wrote a very thorough letter outlining why they thought the Lee Subdivision should not go through. The site next to Raia, is that First Ward or Fifth Ward? (Fifth Ward) A Stop Work Order was issued there and I asked if they had been

fined for starting work and I was told “No” and there is nothing showing they were fined and I don’t know why these people were not fined.

Supervisor Myers: I asked that question of our Building Department and Zoning Department at the time this came to my attention and they have not answered me as to why not. Town Attorney Mahar was not sure if it was a closed deal or not. Councilman Seminara said to find out if it was a closed deal or not and possibly they can fine them still.

James Kitcher: Spoke about the Germano property putting up a fence and the fence not adequate and the Zoning Board had a hearing for them to come to and it was put off because they were going to buy the property rather than lease and this has gone on for a year. As part of that purchase, the Town Planning Board came up with an extensive landscaping plan and the fence still isn’t the length it should have been originally. A car is today parked right through where the fence would be. It’s better, but not adequate from his point of view. Town Attorney stated that ultimately this will end up in legal and there will have to be final paper work in.

Motion made to resume the rules: Supervisor Myers/S. Krakower

CARRIED: 7-0

Councilman Cifone: With spring coming, we are doing a Fourth Ward cleanup April 25 at Fairview Park at 8 AM starting at Fairview to Fulton Street near Home Depot Plaza. June 13, we will be doing Underhill Avenue and North Grand with volunteers from Crystal Glen.

Motion made to Close the Meeting: Supervisor Myers/S. Krakower

CARRIED: 7-0

MEETING CLOSED AT 9:50 PM

SJM:ikm