

**MINUTES OF A REGULAR TOWN BOARD MEETING
HELD ON MARCH 7, 2012 AT 7:00 PM AT TOWN
HALL, ONE OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

**PRESENT: Supervisor Tancredi
Councilman Baisley
Councilman Eagleton
Councilman Conte
Councilman Cifone
Councilman Krakower (Arrived at 7:10 PM)
Councilwoman Shershin
Town Clerk Miller**

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

Public comments made during a Board Meeting may be heard on the audiotape of that particular meeting, which is kept in the Town Clerk's Office.

{ } designates corrections or amendments to

7:00 PM

CALL TO ORDER

SALUTE THE FLAG

Motion made to suspend the rules for public speaking on Public Hearing #1:
Supervisor Tancredi/S. Eagleton

CARRIED: 7-0

Doreen Tignanelli: I wonder if 500 feet is even adequate as far as noise pollution. An example being the Mobile Station at the intersection of Red Oaks Mill/Vassar Road. I know that the houses near there, I realize this is for future proposals, but, the residents there have to listen to music all day long blaring out from the gas pumps. If you are going to be doing this, I guess it is to improve the life for residents who live near gas stations. I think that you should make sure that 500 feet is adequate for both noise and light pollution. Thank you.

Gary Scarpelli: I've been doing Real Estate for over 30 years and have seen what these things do, esthetically, to neighborhoods. My personal opinion, 1000 feet is probably more adequate than 500 ft. Even in your Planning Minutes, it was mentioned that there should be a buffer. I would say 1000 feet is what it should be.

John Delapellie: I got word of this meeting about 2 PM this afternoon and my problem is, I have been at plenty of gas stations where I see individuals use their cell phone. There are clearly signs saying "DO NOT USE ANY ELECTRONICS" because there is a

possibility of explosion. Now, besides all the esthetics and the noise at 2 or 3 in the morning, I think it is very inadequate. I think gas stations should be on a highway and not in a residential area.

Irene Cory: I live approximately 500 feet from the Shell Gas Station on Innis Avenue and quite frankly, I don't believe in gas stations being in residential areas, especially if they are open 24 hours where kids come meet in the parking lot. Fights break out, there is a lot of noise, especially if they are buying beer. I just don't think they should be in residential areas.

E. C. Mont: I live right behind a Sonoco Station on South Grand Avenue and I would like to share some of the experiences I have living behind a station. I live in an apartment building where a lot of tenants have moved out due to loud exhausts, music blasting in the middle of the night, lights blaring into our bedrooms, I can't even explain to you how many times my children were startled in the middle of the night. Foul language being said. There was a fire there once and it was visible from Highland. I am against any gas station being built within 500 or even 1000 at the very least.

Keith Tombrello: I live on Dutchess Turnpike and there is a gas station right on the same side of the road as us and we get traffic all the time and pollution and I think it is in the wrong place. This is a residential area and it does not belong here. If it is here it should be more than 500.

Candace Girod: I live within ½ mile of seven different gas stations and I just don't think there is a need for any more. I think there are more than enough gas stations. If they are less than 1000 feet from people's homes, it's not necessary.

Celia White: We have a gas station on our corner at a 3 minute walk from my home and one about 1/8th of a mile. I don't think it is necessary to have so many gas stations populating an area that is residential. There are a lot of children, runners and dog walkers in the area who have to tend with the traffic and such. So, stations less than 1000 feet are not safe. The fumes of the tankers filling up the pumps in the morning are unbearable. I don't think it is necessary to have so many stations in the area.

Gisell Ohliger: I live so close to two stations and I walk my dog toward the Rail Trail and the gas stations have increased the traffic which makes it much more difficult for me and the other neighbors in the neighborhood.

Jon Adams: I want to submit to you that the gas stations do create a special hazard and I want to give to you tonight a report of three incidents in 2011 involving gas stations and explosions close to our homes. I also want to submit a list of municipalities that have adopted similar legislation. You are a minority in not having this legislation. Most municipalities in Dutchess County have recognized the hazards of gas stations and have adopted similar legislations.

Supervisor Tancredi: Just to make everyone aware, currently the Town doesn't have any restriction on the square footage from a gas station to a residence. This public hearing is a proposal to put in a 500 foot buffer. I would like to ask Neil Wilson to step to the microphone and give us a brief overview.

Neil Wilson, Development Director: When the Board took up this matter, I know there were a couple of comments and questions as to whether 500 feet was adequate for noise and lights and based on some conversations I've had with Supervisor Tancredi and Councilmen Krakower and Conte, and with the comments here tonight, 500 feet may not be enough. The other thing, based on conversations I've had with the Councilmen and the Supervisor, there probably are some other things we can also add to this language here in terms of additional landscaping and some other items required as part of any proposals for a new gas station in addition to establishing distance requirements. At this point, my recommendation would be to perhaps simply table this matter and maybe close the public hearing and take no action and give me and the Planning staff a couple of weeks to take a look at this thing and we will get back to you with additional recommendations. We have no current or pending applications before the Planning Board for any kind of vehicle service stations, so this would be a good time to be having this discussion.

Councilman Eagleton stated that back when he was working in West Chester he trained as a fire fighter and part of the training was if you had a fire under a gas tanker when it was unloading, you would evacuate everyone within a quarter of a mile radius. So I would think you would want some kind of a head start, 1000 may be better than 500 and maybe the fire districts could give us more insight as to what procedures they would have to follow for evacuation. That would really be our starting point for distance.

Neil Wilson: I will talk to our fire inspector and I will reach out to Bill Steinberg at the Arlington Fire Department as well and get his thoughts.

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

CARRIED: 7-0

Supervisor Tancredi: In that case, after reading the Resolution, I would like to make a motion to close the Public Hearing: Supervisor Tancredi and seconded by Councilman Conte

CARRIED: 7-0

03:07-01 PUBLIC HEARING

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

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 7th day of March, 2012 at 7:00 PM at the Town Hall,

Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY does hereby amend Chapter 210, entitled "Zoning", specifically Section 210-90, entitled "Motor Vehicle Service Facilities", which amendments are as follows, with those words underlined to be added, and those words stricken to be deleted:

SEE ATTACHMENT

AND BE IT FURTHER ENACTED, that 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 had heretofore declared itself to be Lead Agency and declared said action to be an Unlisted Action under the New York State Environmental Quality Review Act; and

BE IT FURTHER ENACTED, that a written recommendation dated February 9, 2012 was received from the Dutchess County Department of Planning; and

BE IT FURTHER ENACTED, that a written recommendation dated February 17, 2012 was received from the Town of Poughkeepsie Planning Board in which said Board recommended adoption of the herein amendments; and

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

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

SO MOVED: J. Baisley/J. Conte

Motion made to Table until future date: Supervisor Tancredi/J. Conte

CARRIED: 7-0

TABLED TO A FUTURE DATE

Town Clerk Miller: I did hereby file the affidavit of posting on February 15, 2012 and published in the Poughkeepsie Journal on February 17, 2012.

Motion made to suspend the rules for Public Hearing #2, Senior Housing Overlay District: Supervisor Tancredi/J. Conte

CARRIED: 7-0

Doreen Tignanelli: I have a question and comment about the maximum surface coverage. It says that it is 75% and I don't know if that is 75% of the entire site. That sounds like a very high number to me and with all the concerns about drainage and flooding the amount of impervious service adds to that. So, it wasn't clear to me if it was 75% of the entire site, or 75% of the allowed maximum lot coverage of 25%. The other

question and comment I have is regarding age restrictions for this. I've been following a site in the Town of Highland. It's called Vineyards Commons, it was just on the front page of the Southern Ulster Times last week and they were having a problem where it was supposed to be for people 55 and over, but I guess they were having some issues renting and now there are a number of apartments in there that are for under age 55. We keep hearing the Town Board saying that there are more and more of a need for senior housing and then you read something like this and you wonder so, what happens to these senior housings that are being proposed if they can't rent it? Are there any age restrictions associated with the senior housing overlay and if not, is there anything in the Town Code that should be changed to be sure that it really doesn't (inaudible) Senior Housing.

Rob Rubin: I would hope that this Board would give serious consideration to this project. This is, I believe, going to be the project that is going to be proposed for the intersection of Route 9 and the Old Post Road and the serious consideration that I would ask that you give is that I do not believe that that intersection, as it is constructed right now, can support the traffic that would be going and coming from that. I think that would be dangerous for people coming out of that area. It needs to be looked at and consideration for the safety of vehicular traffic, as well as, since it is close to the Poughkeepsie Galleria, there might be pedestrians that might like to walk there, rather than drive, and I do not believe that there is a safe way for them to do that. I would also ask you about the drainage issue as well, but Doreen already brought that issue up. So, those are two concerns I believe are very serious and need to be looked into. Also, if in that area there is going to be a restaurant allowed, I think you need to give serious consideration, there are many restaurants that I travel pass, and especially the aroma of the steaks, etc. coming from those restaurants, I wouldn't want to have that 24 hours a day if I were living there.

Neil Wilson: Just referring to the first question, the maximum impervious surface coverage is 75% which includes the 25% for the lot coverage is building coverage the way we defined it in our Code. So, the maximum lot coverage of 25% is the building structure and things like that. The impervious surface coverage, which includes those buildings, in other words, that 25% plus regular and pervious surfaces like parking areas are things like that. In regarding the question about maintaining the age restriction, we do have on "Standard for basic agreements between the Town and would-be developer", we have not, as of yet, gotten into the nuts and bolts of what the agreement looks like. Ultimately, the agreement between the Town and the developer would require the maintenance of the facility as an age restricted operation, it would also provide the Town with rights of inspection as well as enforcement. I'm envisioning that agreement to also be a recorded instrument. The primary vehicle is through that agreement between the Town and the developer. We had something very similar as a conditional approval for the Seasons Assisted Living Center which was scheduled to go in at the old Econo-Lodge has not yet been agreed upon and Doreen, you could stop by the office to take a look at the documents by this Board and the Planning Board. As far as answering Rob's questions, this proposal is really about the Local Law amendment. It is not specific to the proposed project that is still undergoing approval at the corner of Old Post Road and

Route 9, but one of the things we are very closely looking at, as well as any project, is the impact of drainage on the on site features, but on the off site as well.

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

CARRIED: 7-0

Town Clerk Miller: I did hereby file the affidavit of posting on February 15, 2012 and published in the Poughkeepsie Journal on February 17, 2012.

03:07-02 PUBLIC HEARING

Chapter 210, Entitled "Zoning"
Specifically Section 210-20,
Entitled "Senior Housing Overlay
District" For Residence District
Regulations

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to public hearings held on the 7th day of March, 2012 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town Code, Chapter 210, entitled "Zoning", specifically Section 210-20 regarding Senior Housing Overlay District regulations, which amendment is attached hereto and incorporated herein, with those words underlined to be added, and those words stricken to be deleted; and

BE IT FURTHER ENACTED, that the Town Board does hereby waive the verbatim reading and does direct that said amendment be spread across the record as if it, in fact, had been read verbatim; and

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 Part II of the EAF and; 3) a Negative Declaration is hereby issued; and

BE IT FURTHER ENACTED, that a written recommendation dated February 9, 2012 was received from the Dutchess County Department of Planning and Development; and

BE IT FURTHER ENACTED, that a written recommendation dated February 17, 2012 was received from the Town of Poughkeepsie Planning Board in which said Board recommended adoption of the herein zoning amendment; and

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

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

SO MOVED: S. Eagleton/J. Conte

Councilman Baisley: Why is this limited to just a State Highway and not a County Road?

Neil Wilson: That language was part of the original Overlay Zone. The thinking was that those kinds of facilities were the kind that we wanted to see like on large arterial highways and so we designated State Highways. We could certainly open it up to include County roads if you want. One of the considerations, however, is the need for central sewer and water.

Councilman Baisley: I was thinking something like the one on Route 9 behind Red Lobster. It wasn't ON Route 9, that would put them out of it, they couldn't get to Route 9, somewhere along there or along IBM Road. I'm not talking about every road, but there are different areas that could be rehabbed where this could actually fit in. I'm thinking of across from the IBM Country Club could be one of the areas. Even where the Econo Lodge is going to be, he's not actually on Route 9, even though he is going to have another frontage on Route 9. Would he qualify for that? (Yes)

Councilman Krakower: The Neptune Road property would also.

Neil Wilson: One of the ways, like the Neptune Road Site, that one, even though they are separate lots, there is a provision in the version you have in hand, that would allow a lot that is part of a designated Business Park, keep in mind that that designation comes from this Board, that would allow a rear lot, if it is part of a designated Business Park, to be able to utilize the frontage of a neighboring lot to qualify to put this kind of a facility back there. Oakwood Commons would be another spot. So, there are a number of places that have Business Parks that could qualify as well. This Overlay Zone is a work in progress and I would certainly be happy to look at it.

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

Nays: None

CARRIED: 7-0

AMENDMENT ATTACHED TO FINAL BOOK COPY

Supervisor Tancredi: The next thing on our agenda is the Public Information Session and I thought we could run right into that, unless a Board Member objects, and handle that. This is an information session for a group home that is coming into the Second Ward and this New Horizons agency has a legal obligation to notify the Town they are coming in and, at that point, their legal obligation has ended and what we've typically done, as a matter of practice, is ask the agency to come in to a meeting so the residents and Board can ask questions and hear about their proposal and they have always been willing to do that and so we do have staff here from New Horizons to speak at this time.

03:07-03 PUBLIC
INFORMATION
SESSION

New Horizons Resources, Inc.
To Develop A Group Home To Be
Located At 3 Pleasant Ridge Drive

Director Obijiski, Executive Director and Andrea Pollack, Assistant Executive Director of New Horizons Resources, Inc. spoke as well, as Jeanne C. Sisco, DDPSI Site Development, about the five inhabitants with developmental disabilities of the group home and their supervision. A number of neighbors voiced their concerns about having the group home in their residential area. Supervisor Tancredi explained that the Board had no voting control over where New Horizons wished to occupy a home other than the Board could file a complaint if there were too many group homes in one general location. This was not the case with this home.

Three gentlemen voiced their opinions regarding the home in their neighborhoods and the Executives and the Town Board members tried to put the home owners at rest with having such a home located in their area.

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

CARRIED: 7-0

Motion made to change the order of the meeting to move item #03:07-08 to this point in the meeting: Supervisor Tancredi/J. Conte

CARRIED: 7-0

03:07-33 AUTHORIZE

Release of Restrictive Covenant For
Michael T. & Joann E. Flynn

03:07-08 AUTHORIZE

Release of Restrictive Covenant
For Michael T. & Joann E. Flynn

Attorney Richard Cantor: I would like to address Item #8 on the contemplation of release of restrictive covenant for Michael and Joann Flynn. I would suggest acting in the affirmative on this matter. At the time they purchased the property from the Town of Poughkeepsie, it was abundantly clear, including the seated Town Board at that time that the Flynn's were seeking to purchase this property to gain access to the rear of their property to create two new residential lots. There was a suggestion that a restrictive covenant be placed on the property that would limit the use of the property to a driveway

as opposed to a public street and that was fine, because at that time flag lots were permitted. After the Flynn's purchased the property and while that restriction was on, which still continues, the Town amended its Zoning Code to prohibit flag lots. The Sub Division map for Carriage Hill that shows the 50 foot wide sub that was filed many years ago, has a notation on the sub that was reserved for a future street. We am not asking that you amend your Code to do away with the prohibition of flag lots because that has Town wide implications, rather we are asking that you would release this covenant that limits the use of this driveway. There are other protective provisions in the Resolution limiting the development of these two new lots and appropriate screening of Dan Cole, Project Engineer. There have been comments made to you that this proposed Flynn Subdivision will either cause or exacerbate drainage problems. The opposite is true that the Flynn Subdivision, if permitted to go forward, will ease an existing neighborhood drainage issue. If when you discuss this matter, you have specific questions, we will be happy to answer them and we hope you will act in the affirmative.

Dan Collier, Hudson Land Design: I'm the Flynn's engineer. We have prepared a few plans over the years for the Flynn's, however, the latest plan we have shown provides for a new Town road. The Town road would extend through the 50 foot access strip and dead end into the Flynn's property at which point they would obtain access for two new building lots, so it's three total lots for the sub-division with the existing house and two new building lots. Only the two new building lots will get access from that street. The new lots will be served by water and sewer, which is available through Municipal water and sewer and with regard to the drainage that Richard had just mentioned, the lay out we currently have is the road comes up and it's into a T type turnaround and then the driveways come around and the houses are up on top of that. In essence, what you are doing is, you are actually creating an inverted umbrella. The surface run off is coming down from Sunrise Lane and is actually intercepted by this umbrella. What we have is the driveways are actually cross hitched so that the runoff from the driveway runs back into the Flynn's lot and then down and back toward the T type turnaround. The T type turnaround will have drainage in it that we can get our drainage into a conveyed system that will go down to Carriage Hill Lane into the existing municipal sewer system.

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

CARRIED: 7-0

Michael Spadaro: I would like to talk about agenda #8. I live at Carriage Hill Lane and we moved there in 1989 and we have been enjoying privacy of the undeveloped woods and the wild life. We have always had problems with the flooding and due to our lower location adjacent to Mr. Flynn's narrow flag lot, every time it rains, we end up having running water on each side of our property. When there is a heavy rain, we end up with pools of standing water in our back yard and up against our back door. It takes weeks to slowly recede. We live in a raised ranch, we have no basement, but actual living space. Our garage floods in the spring and after heavy down pours we have installed drain pipes and tons of gravel to no avail. The development of the narrow flag lot and the cutting down of trees and buildings, even one house, will adversely affect the high water and

drainage. We had a new pool liner installed in our in-ground pool last summer. The contractor had to continually pump out the rise of underground spring water in order to install the new liner. The industrial pumps could not keep up with the water level. He then installed a check valve and he had to put tons of crushed stone and concrete to keep the water level down. This is just one example of the high water table in our neighborhood. We do not want the narrow flag lot developed as it will affect the high water table and we don't want construction noise and more traffic. The Town Board is already aware of the flooding problems and please do not lift the deed restrictions.

Carol Spadaro also voiced her opinion in the negative of the Flynn development.

Alfonso Brown: I live on Carriage Hill Lane and I'm kind of adverse to this plan for the Flynn lot because I believe it is going to affect the quality of life that we've had there. One thing, for these houses, and I thought it was only for one house that he wanted to build originally, but if these houses get built, they are going to have to bring in some large equipment. That equipment definitely has to come through Carriage Hill Lane and it is going to rip up all the roads. The roads are coming about now and the heavy equipment coming through is going to definitely rip up the road. Secondly, if they want to get access to that road, why doesn't he build a little extension on his driveway so they can get access from Route 376? That's the best alternative to me. He's probably going to sell them and there will probably be additional traffic from guests and so on coming in here. With two houses, it could be up to 6 or 7 additional cars coming in here. It's been a very quiet neighborhood until now. We may not know who moves into those houses. I think that's a commercial venture and, unfortunately, the rules and zoning laws have changed, but I guess you can't go back on that, but this is just not a good idea for the property to be developed especially coming through Carriage Hill Lane, disturbing the road base and disturbing the quality of life.

Tom Fredricks: Resident of Carriage Hill Lane, directly adjacent to Mr. Flynn's proposed development. I enjoy the woods behind our property. Unlike some of my neighbors I heard tonight, I SUPPORT the Flynn's Development for two reasons. One, because we don't have the right to oppose it and to prevent someone from developing property which is not our own. The second reason is simply because, I feel the Flynn's proposed is reasonable proposal, two single family homes. By allowing this to go forward, it prevents someone in the future from putting in five homes or ten homes or thirteen homes. I've seen this elsewhere and it could be done here. Two homes is a reasonable, thought out plan and it will still provide a measure of beauty behind our homes on Carriage Hill Lane. There will be a buffer. I've heard my neighbors speak to two objections. One is potential of reduction in property values for us. Logically, property values tend to decline when neighboring property values decline. If the Flynn's proposal were to go through, two brand new modern homes would certainly increase the value of that neighboring property, therefore, I do not see logically how the values of the Carriage Hill property would be declining. The second objection I've heard is, a worsening of a drainage problem for homes on Carriage Lane. There is a drainage problem and we have water in our back yard as well, but we've also heard the Flynn's engineer give a logical explanation as to why it would not be made worse but would be

made better. I happy to be a resident, but also a licensed professional Engineer licensed by the State of New York. My specialty is not land development it is street and highway design and I concur with the conclusions discussed by the Flynn's Engineer and I encourage the Board to approve the resolution.

Erica Dunn Roez: Sunrise Lane. I would agree with the statement that we have no right to tell Mr. Flynn how or what to build, but the law is currently on our side and we do have a right to say that a flag lot is not developed and my understanding is that once the law is passed, which it did and it gave Mr. Flynn difficulty, I understand there is a year's time to get a variance and to begin building and that time has lapsed. The second point, the gentleman said no one else purchased the land and if they had, this would be taken care of. The problem was, our neighbor, Antonietta Peizsto, offered to buy the land in 2002 when she purchased her house, and the information could not be found. There was no information on the land, but she made it known she wanted to purchase it. Unfortunately, she was not re-informed of the situation until after the offer was made and she submitted the check, which the town still has somewhere in the files. My concerns are that on Sunrise Lane, we do have the advantage being uphill, but with the development, the erosion that would take place is very detrimental, especially with the loss of trees and we are worried about losing the retaining wall, not to mention, that the houses situated would look directly up into our windows and this is not favorable for resale value. So, we are hoping that the Board will take into consideration the hopes and wishes of many in opposition to the wishes of one.

Mitchell Gordon: I live on Carriage Hill Lane right behind where this is going to be done, and I think this is atrocious what is going on here. First of all, as far as the water drainage. Predicting water and where it is going to go is something that man kind has never totally solved. We also have a water problem and it seems to me that this logically would increase it. Also, to set a precedent in this town to develop other flag lots is really a ridiculous thing for this Board to do. Also, something that hasn't been mentioned is that I've seen maybe a thousand deer or so in my back yard near the area of development and, in fact, the Vassar Farms and Vassar College is connected by the flag lot where it is a known deer trail. If you upset that deer trail you will have deer scattered all over and that would be a travesty to the animals to break up this migration path that's been there. The Town Board unanimously voted this down. What has really changed, those 7 or 8 people that voted, they had sound reasoning and why are we addressing this again? Also, we are talking about affecting the quality of life and the housing for 20 or 30 people for one man who wants to go and build something where it is not even a law that he could. So, the whole thing is just ridiculous and doesn't make any sense. Lastly, someone talked about if you build expensive homes in the area, it will raise the property value. As a matter of fact, that is not true. In fact, if you build expensive homes in an area where you have a lot of homes that aren't expensive, it lowers the property value of those expensive homes. Also, the amount of loss to 15 or 20 people in terms of property value of their homes, is going to go way, way down because the lack of beautification and lack of scenery that all these people bought a home for and could resell their homes. I see that this is very selfish and I also concur with not liking the fact mentioned before of the out

of his Ward Councilman coming to my house and knocking on my door and I really think that that borders on unethical.

Michael de Cordor: New Hackensack Road. I don't think Mr. Flynn wanted me to say a lot tonight, in fact he asked me not to say a lot. But, the character of so many people here have been infringed upon. I want to suggest a couple of things. People say it's going to cost a lot to plow the road, no, those two lots are going to generate \$20,000 a year in taxes to this community. They wonder how anyone could have changed their mind. Well, probably they are not as familiar with the legal facts of this as I am and perhaps not as familiar to the legal liability to the Town if Mr. Flynn's lawyer were to sue the Town and it would cost the Town an incredible amount of money. These people bought their property and they could look to their lawyer as recompense because if the lawyer didn't tell them that the property directly in back of their home could at one time be developed, that lawyer is guilty of malpractice in my opinion. It is a matter of the law, the tax records, the land records in Dutchess County to go look it up and so for someone to buy a property in back of developed property or in front of a developed property, what they are doing, in my opinion, is corrupting this process to allow that they should buy a property at 50 cents on a dollar next to Walmart so they can have 100 per cent full value. That's improper in my mind. Mr. Flynn bought his property knowing that he had a right to develop it and because he was prevented through agreements with the former Town Attorney from presenting that plan, that time lapsed and then the Town changed the law on him and so there are a lot of complicated legal questions here, and as a tax payer, I'm looking forward to \$20,000 to our community and I'm not looking forward to funding a lawsuit to fight Mr. Flynn. Obviously, I'm in favor of allowing Mr. Flynn to develop this property, which is what this property was meant for when Carriage Hill was subdivided and which every home owner here had notice of.

Doreen Tignanelli: I seriously doubt we are going to get \$20,000 in tax revenue from those two new homes. I also would like to something about what Mr. Fredricks said before about the 10 to 15 houses being built there, it is 3 ½ acres, you're not going to have 15 houses built on that site. I'm sure we are going to hear tonight about taxes and one of my favorite comments about taxes was made by Town Resident Wayne Thompson in January of 2010, when he was speaking here before the Town Board. He said, "You listen to the Planning Board each time and they say 'We are going to get more taxes', well, I've been a Town resident for over 30 years. If more and more development is going to lower our taxes, you people should be paying me money next year". So, you just can't say that just because you are building new houses that you are going to have your taxes lowered. The other thing is that we heard about taking care of drainage. We heard Don Beer being mentioned about drainage. Well, I'm sure that there were PE's that looked at the Stratford Farm project when it was being built and Don Beer has been working for the Town as an engineering consultant for many years and yet on October 19th, there was a resident that came before the Town Board to talk about serious flooding that came from a new development, Stratford Farms. This gentleman had a creek or river raging through his property, do you think Stratford Farms wasn't approved? How many times have we heard people sitting at this table talking about people who have issues when engineering changes were being made. People said they never had a problem

before until the changes were made. Do you think there weren't PE's that worked on that? Also, October 19th, the night the poor guy's garage was flooded out from Stratford Farms Development, Councilman Krakower said, "I don't know if we can figure out a way to start putting away some money for a drainage funds from these projects to build up a fund to deal with the fact that eventually all of them seem to have problems and none of them seem to work as perfectly as they were engineered for." Councilman Cifone, December 7th, 2011 at the Town Board Meeting you didn't say that, however, what you did say was "I've always been in favor of trying to mediate for one house to be built on this subdivision and not two, I'm a little disappointed to see coming back on this because I would be in favor of one house being built on this subdivision, but not two. So, I'm a little disappointed seeing two coming back up on this because I would be in favor of meeting half way with one. If I had to vote tonight, I would vote 'No' for two houses but if this said one house, I would vote 'yes'. But I am concerned about drainage and we've had a number of people come in. Two houses create an awful lot more of run off than one." So, you all recognize it in all these different Wards throughout the Town. There are all these drainage problems and flooding and storm water problems and everything is checked by PE's. Yet, these things keep happening over and over. In a 2008 meeting, Ed LaPerch, a Planning Board Member said, "Quite frankly, I've been on the Board for a little over five years and flag lots from day one we basically said, "No". They are basically almost banned and I can't even remember an exception in five years where we've said "yes" to a flag lot." So, to say that Mr. Flynn bought this and he thought he would not have a problem with it, I think was just wishful thinking on his part. Also, at that September 2008 meeting, Councilman Krakower talked about precedence and he said, "When we start approving flag lots, I do think we do create a precedent and I think the next person will argue that while I didn't buy my land from the Town, you, the Town, did allow a flag lot and the Town sold the property and benefited from it and in that instance you approved the flag lot and so in this instance, why would you not approve a flag lot?" So, I think there is some concern that we are going to start a precedent by approving this lot while there are some quirks to this. I also had a question on the Elderly Cottage Housing Opportunities. I wasn't sure if this was a business proposition from Mr. Novak or if he just wanted to put one of these cottages on his property that he owns. I did see in the e-mail that he said if he wrote regulations to apply to this senior housing and I'm concerned about that. Also, the Town of Rhinebeck Code does have this type of housing in it, but there is a number of restrictions such as the number that can come through the Town as a whole, has age restrictions and I just wanted to remind you to keep that in mind.

Jeff Sideman, Boardman Road wanted to speak in favor of the Flynn proposal. He continued with reasons and it boiled down to just plain fairness and not about setting precedence.

Rob Rubin: Spoke on Councilman Krakower or any Councilman going to any part of the Town and working on an issue, especially any issue that will be asked to vote upon. I think to become informed, one needs to take a look, in this case of the property. So, I think it was a commendable thing that you did there.

The following people spoke with basically the same accusations.

Antonietta Peixoto: Carriage Hill Lane - Against

Pauline Knria: College Hill - Against

Nancy Case: Carriage Hill Lane - Against

Lisa Kaul: - For

Pauline Karia: - questioned the entrance

Nancy Case: - Against

John Dune: Daughter live on Sunrise – felt the Board was being held hostage - Against

Michael Ritz – spoke about the character of Michael Flynn - For

Robert Potter – Sunrise Lane – Regarding Habitat study done in 2008 – Against

Doreen Tignanelli – Spoke about the number of trees to be removed – Against

Motion made to move Item # 8 to this position in the meeting and vote on it: Supervisor Tancredi/S. Eagleton

03:07-08 AUTHORIZE

Release Of Restrictive Covenant For
Michael T. & Joann E. Flynn

RESOLUTION

WHEREAS, Michael T. Flynn and Joann E. Flynn (collectively “The Flynns”) are the owners of an approximately 3.5 acre parcel of real estate located at 2432 New Hackensack Road, in the Town of Poughkeepsie (“Parcel I”); and

WHEREAS, the Flynns also own a 50’ x 124.07’ +/- parcel (“Parcel II”) which abuts the west side of Parcel I, which Parcel II was purchased from the Town by Deed recorded August 9, 2007, which deed included a covenant providing that on Parcel II “thee shall be no permanent structures and/or bushes, trees, shrubs --- except an approved driveway to access other properties of the Grantee herein”; and

WHEREAS, by Resolution 10:1 - #10 of 2008 the Town Board offered to take back title to Parcel II and to refund to the Flynns the purchase price for it; and

WHEREAS, the Flynns have declined the Town’s offer and have requested that the restrictive covenant be lifted in exchange for other development restrictions on Parcel II; now therefore

BE IT RESOLVED, that the Supervisor is authorized to execute such documents as may be required to effectuate the release of the aforesaid restrictive covenant on the following terms and conditions:

- The deed to Parcel I shall provide that it may be subdivided to create no more than two (2) additional single family residential lots, for a total of three (3), which two additional lots may be accessed over Parcel II, and
- The deed to Parcel II shall provide that the development of Parcel II will be limited to the installation, at the sole cost of the Flynns or their successors, of a

public road or a private driveway, as the same may be approved by the Town Highway Superintendent, together with the sewer, water, lighting and utility service, curbing, drainage and other improvements as are required by the Highway Superintendent, the Planning Board and any other governmental agencies or authorities, and

- Any new residential lots created out of Parcel I shall have a vegetative buffer no less than thirty (30) feet in width along the east and west property lines, excluding the Town's to-be titled 50' wide road right-of-way, which buffer shall maintain the existing health vegetation and any additional vegetation which may be required by the Planning Board, and
- The subdivision of Parcel I and the development of any lots thereon shall be subject to compliance with all applicable state, local and federal laws, rules and regulations, and
- The Flynns confirm their waiver and release of the Town's proffered refund of their purchase price for Parcel II and of any other claim or cause of action which they may have or claim to have against the Town, its officers, employees, agents and representatives; and

BE IT FURTHER RESOLVED, that this is a Type II Action pursuant to SEQR and no environmental review is required.

SO MOVED: J. Conte/S. Krakower

Councilman Eagleton: There has been a lot of complaints about the flooding, development in some areas have produced flooding issues. This may be the one case that I've seen so far, this may mitigate the flooding issues at no cost to the Town. I've been trying desperately to find ways to eliminate flooding from storms and other natural events in my Ward and throughout the Town that wouldn't cost a whole lot of money and this happens to come at no expense. I am normally against the cutting down of trees and expanding properties, then I thought, someone tore down trees and made it possible for me to live where I live and I'm sure there are people behind my home didn't approve of it either. There is no easy way to control flooding and no cheap way and this may be the one shot that we could improve the flooding issue in this area. This is a case that it might actually work. At some point, you have to say, how do you make it best for all and reducing the flooding may be had here with this opportunity.

Councilman Baisley: Along those lines, my issue has always been all along, there has always been flooding. I think it is possible it can be saved and done. My neighbor is notorious for flooding. I think it is possible it can be saved and done. There was a piece of property in my neighborhood that they wanted to develop and the neighbors were against it and they actually put in rain gardens, there is nothing built on it yet. It's been there five years and it gives you a chance to see if and how it works. It works in some areas. There are trees in these gardens and seems it will work. There is almost an acre a piece in these properties. I definitely think this is going to be something that may work.

Councilwoman Shershin: I took the opportunity this weekend to walk the streets and I knocked on doors and talked to the people about this and left my cards to as many people as I could and I had 8 definite “NO” and 1 “YES” and 3 I didn’t . I do agree with the concerns of the people and I don’t really want to see a road cut in there. What is going to happen to the one existing stone house that is left on the property on New Hackensack Road now if you get to build these houses?

(SPEAKER ?) I don’t know, my intent is to either rent it or sell it. I haven’t really thought that far.

COME BACK TO THIS ITEM

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

CARRIED: 4-3

PETITION AND LETTERS FROM TOWN RESIDENTS ATTACHED TO FINAL BOOK COPY

03:07-04 PRESENTATION

Mr. Robert Novak Speaking On
The Elderly Cottage Housing
Opportunity

Neil Wilson: Bob came to my office a couple of weeks ago and his question is about his property on Underhill Road, which you have the backup for it. He became aware that we had radically up-zoned his piece of property as well as other properties at the end of the road extension in 2007 and so he primarily is here to talk to you about that, but in the course of that, he and I also were having discussions about this echo housing, which is kind of an interesting concept. He is working on sort of a model law for the Town of Beekman. Also, for the benefit of the members who were not on the Board at the time that we adopted the new Zoning Code in 2007, somewhere along the way in late 2006 or early 2007, I actually had drafted a provision for the Zoning Law to allow for Echo Housing. It was eventually dropped out, but I’ve been kind of interested in the concept but I will let Bob first talk to you about his concerns for Zoning on Underhill Road.

Councilman Cifone: Aren’t Echo Housing trailers? Didn’t we take trailers out of the Code?

Robert Novak: I live in the Town of Beekman and the Town of Beekman’s Code is it has to be temporary housing and it has to be removed when you are no longer using it. We actually built a proto-type type of housing, it is a trailer. It’s basically the easier way of making it temporary. We formed a corporation and we want to build these things and rent them to make them even more temporary. You rent it to a homeowner and hook it up in his back yard to the existing septic system. We worked with the Health Department on a protocol in order to hook it up to an existing septic system without making the septic

system any bigger. I got the blessing from the Dutchess County Health Department in order to do that. In that way, it is totally portable. It's been part of the Beekman Code for years. But, no one in their right mind is going to build something and then in four to six years when the person dies or moves on, demolish the unit and then dig it out of there. So, my father, who is 82 years old, came up with this idea last winter. We did a lot of research on them and our architect in Florida come up with a 400 sq. ft. cottage. We are actually going through the Town of Beekman right now as a test town to work with. It is pretty well accepted with them so far. We are in the process of hiring a planner because I don't speak well in the front of Town's. I mentioned it to Neil one day when talking about rezoning this piece of property we have. It's a concept that we are going to need some day a place to put our elderly parents. I'm a builder by profession. I've built accessory apartments for people for their mother or father, whatever. It is much better if the elder is in the backyard in his or her own private cottage, but within walking distance where you can go and get them and take them to the doctor, etc. It can be set up with an alarm system that if the person doesn't get up and make some kind of motion by a set time. They are pretty thought out. They are 400 sq. feet. They are one bedroom with a handicap bathroom and accessibility with a full kitchen and a sitting room. We are kind of testing the waters to see where we can go with this.

Councilman Cifone: I would like to wait and see how Beekman turns out, first, because we took trailers out of our Code for a reason and so.

Robert Novak: Well, Beekman has it out of their Code, and to a point that so far we've gone to the Zoning Advisory Board and they were going to change the Code for us in order to make Echo Units work for this.

Councilman Krakower: I kind of agree with Councilman Cifone on that. Just kind of taking a look and seeing how it works in Beekman before we move forward on it.

Councilman Cifone: Put a plan together and come in at a later date and we will talk.

Supervisor Tancredi: Yes, come with a plan. Tell us what you want to Zone it to. Why you want to Zone to what ever zoning you are looking for. What your plan and then we can take a look at it.

FURTHER INFORMATION ATTACHED TO FINAL BOOK COPY

03:07-05 SET DATE FOR
PUBLIC HEARING

Cost & Fees For Seized Animal To
Be Levied As A Lien Against Real
Property At 27 Robin Road

REMOVED FROM AGENDA

03:07-06 SET DATE FOR
PUBLIC HEARING

Amend Town Code, Chapter 198,
Entitled "Vehicle For Hire",

Specifically Section 198-11 Entitled
“Denial, Suspension Or Revocation
of TAXICAB Driver’s License or
TAXICAB Vehicle License”

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 21st day of March, 2012 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 amend the Town Code Chapter 198, entitled “Vehicles for Hire”, specifically Section 198-11, entitled “Denial, Suspension or revocation of TAXICAB Driver’s License or TAXICAB Vehicle License”, which amendment is as follows, with those words underlined to be added, and those words stricken to be deleted:

AMEND Section 198-11 (3) to read as follows:

 (3) Violations: If the licensee of any TAXICAB driver operating a TAXICAB for a licensee has violated any of the provisions of this chapter or any chapter of the New York State Vehicle and Traffic Laws three Chapter ten (10) or more times in any twenty-four (24) month period.

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

SO MOVED: M. Cifone/Joseph Conte

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

Nays: None

CARRIED: 7-0

PUBLIC HEARING TO BE HELD AT MARCH 21, 2012
TOWN BOARD MEETING

03:07-07 SET DATE FOR
PUBLIC HEARING

Dangerous & Unsafe Building
Located At 6 Van Wyck Drive

RESOLUTION

WHEREAS, the Building Department of the Town of Poughkeepsie has made a report to the Town Board of the Town of Poughkeepsie regarding 6 Van Wyck Drive, Town of Poughkeepsie, County of Dutchess, State of New York, Tax Grid No. 6162-07-

548849 (“the Premises”), the owner of record being Kathleen Walker, 6 Van Wyck Drive, Poughkeepsie, NY, that the building on the premises (“the Building”) is dangerous and unsafe to the general public, open at the doorways and windows, accessible to minors, vagrants, trespassers and crime suspects, and that it presents a fire hazard; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive a verbatim reading of attached Findings and does hereby adopt said Findings and directs that they be spread across the record as if they, in fact, had been read verbatim; and:

BE IT FURTHER RESOLVED, that a Public Hearing on the Order and Notice, including the recovery, levy and collection of Town expenses as an ad valorem levy will be held before the Town Board on the 21st day of March, 2012 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY.

SO MOVED: S. Krakower/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None CARRIED: 7-0

03:07-09 AUTHORIZE SUPERVISOR TO SIGN	Tru Fleet, Ltd Agreement To Manage The Town of Poughkeepsie Auto Center
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RESOLUTION

WHEREAS, since 1988, Tru Fleet, Ltd. has managed the Town of Poughkeepsie Auto Center; and

WHEREAS, the current contract with Tru Fleet has expired, and the Town wishes to contract with Tru Fleet for the period of January 1, 2012 through December 31, 2014; and

WHEREAS, given that Tru Fleet has agreed to continue to provide services at the 2009 contract rate of \$90,717.00 per year, the Town Board of the Town of Poughkeepsie finds that the solicitation of alternative proposals for these services would not be in the best interest of the Town; now

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to Sign a three (3) year independent contractor agreement with Tru Fleet, Ltd. at a cost of \$90,717.00 per year from January 1, 2012 through December 31, 2014; and

BE IT FURTHER RESOLVED, the foregoing agreement is a Type II Action under the New York State Environmental Quality Review Act, and it requires no environmental review.

SO MOVED: A. Shershin/S. Eagleton

Councilman Krakower: Tru-Fleet and Mr. Galbraith has done an exceptional job in keeping our Town vehicles running in tip-top condition. I know the Police Department speaks very highly of his work and the fact that the price is locked in for a three year period with no increase and is a very good thing for our economy.

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

Nays: None

CARRIED: 7-0

03:07-10 APPROVE

Town Clerk Miller To Attend NYS
Town Clerk's Annual Conference In
Saratoga, New York April 22-25,
2012

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the request of the Town Clerk to attend the New York State Town Clerk's Association Annual Conference from April 22, 2012 through April 25, 2012 in Saratoga Springs, New York, funding for which is included in the Town Clerk's Budget; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to utilize a Town vehicle for travel to, at and from said conference and, subject to budget limits and applicable Town policies, to apply for reimbursement for her fuel, food and tolls for the conference.

SO MOVED: Supervisor Tancredi/J. Conte

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

Nays: None

CARRIED: 7-0

03:07-11 RATIFY

2012 Stop DWI Program A
Agreements Contracts

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby ratify the Supervisor's execution of the 2012 Stop DWI Program Contracts,

which contracts are attached hereto.

SO MOVED: J. Baisley/S. Eagleton

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

Nays: None

CARRIED: 7-0

CONTRACTS ATTACHED TO FINAL BOOK COPY

03:07-12 AUTHORIZE
SUPERVISOR
TO SIGN

Maintenance Agreement For Police
Department With TECH II
Business Services, Inc.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a telephone system Maintenance Agreement with TECH II Business Services, Inc. for the Town of Poughkeepsie Police Department for the coverage period of April 21, 2012 through April 20, 2013 at the total cost of \$2,657.82.

SO MOVED: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 7-0

03:07-13 AUTHORIZE
SUPERVISOR
TO SIGN

Maintenance Agreement For Police
Department With Business
Electronics, Inc.

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 NICE Call Focus 111 24 channel voice recorder, hard drive and related equipment, which digitally records the police radio and telephone communication systems for the period from April 15, 2012 through April 14, 2013, in the amount of \$1,100.00, which is the same contract amount as the prior year.

SO MOVED: J. Conte/S. Eagleton

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

Nays: None

CARRIED: 7-0

03:07-14 AUTHORIZE
SUPERVISOR
TO SIGN

Security Monitoring Agreement For
Police Impound Yard With Custom
Monitoring

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign an agreement with Custom Monitoring for security monitoring of the Police Department Impound Yard for two (2) years at an annual cost of \$240.00 commencing on May 1, 2012 with a termination date of April 20, 2014.

SO MOVED: M. Cifone/S. Eagleton

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

Nays: None

CARRIED: 7-0

03:07-15 AUTHORIZE

Bulk Water Sales To Third-Party
Users

RESOLUTION

WHEREAS, the Town of Poughkeepsie has occasion to sell water in bulk to third-party users; and

WHEREAS, the Town of Poughkeepsie Water Department has furnished the water at designated locations; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Water Department to sell bulk water to third-party users on a periodic basis at the following rates:

\$30.00 per load up to 5,499 gallons

\$60.00 per load 5,500 gallons and over

AND BE IT FURTHER RESOLVED, that sales are limited to responsible transporting companies that will deliver the water to off-site locations.

SO MOVED: S. Krakower/M. Cifone

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

Nays: None

CARRIED: 7-0

03:07-16 APPOINTMENT

Board of Ethics of James Wojtowicz
As Employee Representative

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint James Wojtowicz to the Board of Ethics as the employee representative for a three (3) year term commencing March 1, 2012 and terminating on February 28, 2015.

SO MOVED: A. Shershin/M. Cifone

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

Nays: None

CARRIED: 7-0

03:07-17 REAPPOINTMENT

Conservation Advisory Commission
Of Margaret Kelland

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reappoint Margaret Kelland to the Town of Poughkeepsie Conservation Advisory Commission for a 2 year term of January 1, 2012 through December 31, 2013.

SO MOVED: Supervisor Tancredi/J. Conte

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

Nays: None

CARRIED: 7-0

03-07-18 AUTHORIZE

Settlement of Evisa, LLC Tax
Certiorari

RESOLUTION

WHEREAS, a tax certiorari proceeding has been filed against the Town of Poughkeepsie by Evisa, LLC in regard to the assessment of 61 Taft Avenue, 67 Van Wagner Road and 67 Taft Avenue in 2011; and

WHEREAS, it is desired to settle the 2011 grievance complaint; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize Kyle W. Barnett, Esq., of the law firm of Van DeWater & Van DeWater, LLP, 85 Civic Center Plaza, Poughkeepsie, NY 12601, to negotiate a

settlement whereby the 2011 proceeding will be discontinued with no reductions in the assessments and no tax refunds; and

BE IT FURTHER RESOLVED, that the assessments on its 61 Taft Avenue and 67 Taft Avenue parcels will be reduced on the 2012, 2013 and 2014 assessment rolls from a total taxable assessed value of \$461,500.00 to an amount not to exceed a total taxable assessed value of \$372,7779.00; and the assessment on its 64 Van Wagner Road parcel will be reduced on the 2012, 2013, and 2014 assessment rolls from a total taxable assessed value of \$315,000.00 to an amount not to exceed a total taxable assessed value of \$254,442.00; and

BE IT FURTHER RESOLVED, that Kyle W. Barnett is hereby authorized to sign such documents as are necessary and proper to effectuate the settlement.

SO MOVED: J. Baisley/S. Eagleton

Councilman Krakower: Tom had spoken about these tax certs and the issue that Jay had raised in prior meetings and we kind of come to the idea that it would be a good idea for the Board to have a little bit more interaction in the process and so I spoke to Kathy Taber and the Finance Committee will be sitting down with the Tax Assessor to take a look at these early in the process so we can get a better handle on them so we have a good idea of what we are spending on these and what we have budgeted and maybe we can try and see if we can have a little more input on the front end on what happens with these. So, along those lines, Jay and Joe, next Wednesday about 4 or 5 o'clock Kathy and I will be talking about that we would try and tie it into a Board Meeting and this way when these come in front of us it won't just be a letter the letter from the Attorney, or the memo from the Assessor, it will be at least two or three Board members that will have a piece of the process to make sure we get hopefully the best deals for the Town.

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

Nays: None

CARRIED: 7-0

ASSESSMENT AGREEMENTS ATTACHED TO FINAL BOOK COPY

03-07-19 APPROVE

Poughkeepsie Babe Ruth Cal Ripken
Baseball Parade For Opening Day
April 14, 2012 From 12:00 PM –
2:00 PM

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Joan Elmendorf on behalf of Poughkeepsie Babe Ruth Baseball, to hold its Opening Day Parade on April 14, 2012 at 12:00 PM, which parade route is outlined on the attached documentation, and

WHEREAS, the Town Clerk is in receipt of a Certificate of Liability Insurance 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 for said Opening Day Parade as submitted.

SO MOVED: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 7-0

03:07-20 APPROVE

Vassar College Reunion Weekend
Fire Works Display on Friday, June
1, 2012 with a rain date of Saturday,
June 2, 2012

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Vassar College to include a fireworks display at its Vassar College Reunion weekend event to be held on Friday, June 1, 2012 with a rain date of Saturday, June 2, 2012; 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 Friday, June 1, 2012 with a rain date of Saturday, June 2, {2012} at 9:00 PM on Vassar College property, Raymond Avenue, Poughkeepsie, New York.

SO MOVED: J. Conte/S. Eagleton

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

Nays: None

CARRIED: 7-0

03:07-21 WAIVE

Annual Public Assembly License Fee
For Fairview Fire District

RESOLUTION

BE IT RESOLVED, that pursuant to the request of Fairview Fire District dated January 25, 2012, the Town Board of the Town of Poughkeepsie does hereby waive the annual Public Assembly License Fee in the sum of \$100.00 for various company meetings and training sessions.

SO MOVED: M. Cifone/S. Krakower

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None CARRIED: 7-0

03:07-22 RETIREMENT Sewer Department Of Charles M. Lucas

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the retirement of Charles M. Lucas effective the close of business April 1, 2012.

SO MOVED: S. Krakower/J. Conte

Supervisor Tancredi: We just want to thank Mr. Lucas for 33 years to the Town.

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None CARRIED: 7-0

03:07-23 AUTHORIZE Edward Byrne Justice Assistance
SUPERVISOR Grant Program For Funding Of
TO SIGN Motor Vehicle Recording Equipment

AMENDED
RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign all papers necessary and property to accept a grant from the Edward Byrne Justice Assistance Grant Program for funding for Motor Vehicle Recording Equipment (MVRE) for the Town of Poughkeepsie Police Department.

SO MOVED: A. Shershin/M. Cifone

Councilman Krakower: I just wanted to mention that Edward Byrne was a Police Officer who was murdered in the City of New York and that is who the grant is named after.

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None CARRIED: 7-0

03:07-24 BID AWARD Portable Water Pump

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the bid for the “PORTABLE WATER PUMP” to the low bidder, Godwin Pumps of America, at the bid price of \$61,047.60, pursuant to the recommendation of the Town Engineer; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute a contract agreement with Godwin Pumps of America.

SO MOVED: Supervisor Tancredi/J. Conte

Councilwoman Shershin: We are purchasing three different pumps from three different places. Couldn't we've gotten a better deal by getting them all in one place?

Supervisor Tancredi: They were all bid out and those were the low bidders.

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None CARRIED: 7-0

03:07-25 BID AWARD Route 9G Pump Sewer Pump

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the bid for the “SEWER PUMP ON ROUTE 9G” to the low bidder, USEMCO, at the bid price of \$42,236.00, pursuant to the recommendation of the Town Engineer; and

BE IT FURTHER RESOLVED, that the supervisor is authorized to execute a contract agreement with USEMCO.

SO MOVED: J. Baisley/S. Eagleton

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None CARRIED: 7-0

03:07-26 BID AWARD

Stuart Drive Sewer Pump

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the bid for the "SEWER PUMP ON STUART DRIVE" to the low bidder, Smith and Loveless, Inc., at the bid price of \$39,423.00, pursuant to the recommendation of the Town Engineer; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute a contract agreement with Smith and Loveless, Inc.

SO MOVED: S. Eagleton/J. Conte.

Supervisor Tancredi stated he would check with the Town Engineer to find out why these items were all bid separately instead of Sewer Pumps lumped into one and Water pumps into another and if it wouldn't have been a better price lumped together.

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

Nays: None

CARRIED: 7-0

03:07-27 NOTIFICATION

TLC Associates Subdivision Lead
Agency Declaration

TO: James Nelson, Esq.
Town Attorney

FROM: Eric Hollman
Planner

RE: Notice to Town Board SEQRA Lead Agency Declaration for TLC Associates
Subdivision
Fallkill Avenue, Howard Street and 5 McKinley Lane
Grid #'s 6162-66-635343 and 6162-15-643339

DATE: February 10, 2012

Attached please find a SEQRA Lead Agency Notice of Intent issued by the Planning Board on January 20, 2012 for the above referenced project.

This notification is for information only and no response is required, as the Town Board is not identified as an involved agency for this action. However, the Town Board may comment on relevant areas of environmental concern to be considered during SEQRA review of the proposed action.

Please place this item on the next available Town Board agenda. Optional comments are requested 30 days from date of this memo or the next Planning Board Meeting whichever is sooner.

NOTED BY TOWN BOARD

03:07-28 NOTIFICATION

- A. Town of Wappinger Town Board Public Hearing March 12, 2012 to Consider Local Law No. ---of 2012, Chapter 133, Flood Damage Prevention For The Purpose Of Correctly Referencing The Revised Flood Insurance Rate Map Recently Completed by FEMA
- B. Town of Wappinger Town Board Public Hearing March 26, 2012 to Consider Local Law No. --- of 2012, Which Would Amend the Zoning Map Based Upon the Town Comprehensive Plan For The Purpose of Rezoning Properties To The R-40, R40/80 & R-80 Zoning Districts

NOTED BY TOWN BOARD

03:07-29 NOTIFICATION

Town of Lloyd Town Board Public Hearing March 21, 2012 To Consider Adoption Of Local Law B --- of 2012 To Amend Zoning Map Of The Town Of Lloyd For The Mountainside Woods Residential Project

NOTED BY TOWN BOARD

03:07-30 NOTIFICATION

Renewal Application For an On-Premises Alcoholic Beverage License For Panorama Diner, Inc. D/B/A Dutchess Diner Located At 1950 South Road

NOTD BY TOWN BOARD

REVIEWED BY TOWN POLICE
AND NOTED BY TOWN BOARD

03:07-31 ACCEPT

Approval Of 2012 Minutes

February 1, 2012 Town Board Mtg.
February 8, 2012 Committee of the
Whole Meeting
February 15, 2012 Town Board Mtg.

RESOLUTION

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

February 01 – Town Board Meeting
February 08 - Committee of the Whole Meeting
February 15 - Town Board Meeting

SO MOVED: J. Conte/S. Eagleton

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

Nays: None

CARRIED: 7-0

03:07-32 AUTHORIZE

Special Consent Items SC 1, SC 2,
SC 3 and SC 4

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby grant Special Consent to the following items; to wit:

SC 1. Notification	Verizon Wireless-antenna Replacement
SC 2. Appointment	Trish McLoughlin-Board of Assessment
SC 3. Authorize Supervisor To Sign	Key Bank Documents/Resolutions
SC 4. Set Date for Public Hearing	Flood Damage Prevention

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: M. Cifone/J. Conte

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

Nays: None

CARRIED: 7-0

03:07-SC 1 NOTIFICATION

Tectonic Engineering On Behalf Of
Verizon Wireless Proposes To
Upgrade Antennas On Two
Telecommunication Facilities
Constructed On Town Property

MEMORANDUM

TO: Supervisor Todd Tancredi and Members of the Town Board

FROM: Eric Hollman, Planner

DATE: March 5, 2012

RE: Request by Verizon Wireless to replace antennas on existing telecommunications facilities on Town property under lease

20 Barnes Drive, Parcel #6262-04-620357 (near water tank off Route 44)
198 Cedar Avenue, Parcel #6160-02-705540 (on water tank by the Water Department)

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

Nays: None

CARRIED: 7-0

03:07-SC 2 APPOINTMENT

To Board Of Assessment Review
Of Trish McLoughlin

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Trish McLoughlin as a member of the Town of Poughkeepsie Board of Assessment Review for a term commencing immediately and terminating on September 30, 2016.

SO MOVED: S. Krakower/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None CARRIED: 7-0

03:07-SC 3 AUTHORIZE Banking Contracts & Resolutions With
SUPERVISOR Key Bank
TO SIGN

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor or his designee to execute banking contracts and resolutions with Key Bank for the Town and County Property Tax Account, the School Tax Account, the Water and Sewer Account, the Town Clerk's Account and the Town Clerk's Decal Account, and further authorizes the Receiver of Taxes to be the signatory on the Town and County Property Tax, School Tax and Water and Sewer Accounts, and the Town Clerk to be the signatory on the Town Clerk's and the Town Clerk's Decal Accounts.

SO MOVED: A. Shershin/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None CARRIED: 7-0

03:07-SC 4 SET DATE FOR Flood Damage Prevention
PUBLIC HEARING

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 21st day of March, 2012 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 Town Code Chapter 113, entitled "Flood Damage Prevention", which amendment would be as follows:

REPEAL: Chapter 113 – Flood Damage Prevention

ADD: Chapter 113 – Flood Damae Prevention

SEE ATTACHMENT

AND BE IT FURTHER RESOLVED, that the Town Board does hereby waive the verbatim reading and does direct that said amendment be spread across the record as if it, in fact, had been read verbatim; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie determines that it is the only Involved Agency, declares itself to be the Lead Agency, and finds that this Action is an Unlisted Action for environmental review purposes; and

BE IT FURTHER RESOLVED, that the Town Board finds that this Action will have no adverse environmental impacts and adopts the Negative Declaration included in Part III of the annexed Short Environmental Assessment Form; and

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

SO MOVED: Supervisor Tancredi/J. Conte

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

Nays: None

CARRIED: 7-0

AMENDMENTS ATTACHED TO FINAL BOOK COPY
PUBLIC HEARING TO BE HELD AT MARCH 21, 2012
TOWN BOARD MEETING

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

CARRIED: 7-0

Jon Zenz: I am here representing a number of families on Bayberry Lane. This is the fourth time I've been here on this issue and I would love to get some closure. We have a drainage issue. We know how to fix it and we feel that we deserve some kind of assurance, preferably in writing, that the two problem areas are going to be inspected. We have the problem area at McCann Golf Course, which was fixed and the problem was cleared up and then the problem at Spackenkill High School where the area became a pond. I warned you about it two and a half years ago and nothing happened.

Councilman Cifone: Didn't we have a crew out there working on it?

Jon Zenz: Yes, two and a half years ago. Nothing happened. We got killed with the rain in September. My house had a lot of damage. I came back here and brought up the problem again and said "PLEASE"! A month later it was cleared out. It's wonderful. Here is my problem. Our worry is when was the last time the other problem area was inspected? Our worry is not that it's possibly been years. When was the last time the other problem was inspected? They need periodic inspections to make sure they are kept clear. We just need assurances that these are being inspected. We just want some insurance that these are being periodically inspected so they don't become a problem again.

Supervisor Tancredi: You should be pleading with the School District. It's on their property. We took care of it, but it is up to the school now to maintain it, not us. We can ask the Engineering Department to take a look at the other site on an annual basis. The problem was algae in the pond that accumulated in the pipe and McCann was supposed to cooperate and purchase something to eat the algae, the last I heard. We will look at it, and if McCann is not doing what they said they would do, contact them and plead with them to taking care of the pond.

Councilman Eagleton: You should have some leverage with the School District because you do pay taxes to them and they should be maintaining it and keeping it that way. Those taxes should be used to maintain their property.

Supervisor Tancredi: I make a motion to close the meeting. Seconded by J. Conte

CARRIED: 7-0

TOWN BOARD MEETING CLOSED AT 10:40 PM

SJM:ikm