



# Town of Wappinger

## Regular Meeting

~ Minutes ~

20 Middlebush Road  
Wappingers Falls, NY 12590  
[townofwappinger.us](http://townofwappinger.us)

Joseph Paoloni  
(845)297-5771

Monday, January 30, 2017

7:30 PM

Town Hall

### I. Call to Order

| Attendee Name      | Organization      | Title             | Status  | Arrived |
|--------------------|-------------------|-------------------|---------|---------|
| Lori A. Jiava      | Town of Wappinger | Supervisor        | Present | 7:30 PM |
| William H. Beale   | Town of Wappinger | Councilman        | Present | 7:30 PM |
| William Ciccarelli | Town of Wappinger | Councilman        | Present | 7:30 PM |
| John J. Fenton     | Town of Wappinger | Councilman        | Present | 7:30 PM |
| Michael Kuzmicz    | Town of Wappinger | Councilman        | Present | 7:30 PM |
| Joseph P. Paoloni  | Town of Wappinger | Town Clerk        | Present | 7:30 PM |
| Grace Robinson     | Town of Wappinger | Deputy Town Clerk | Present | 7:30 PM |
| Albert Roberts     | Consultant        | Attorney          | Present | 7:30 PM |
| Bob Gray           | Consultant        | Engineer          | Present | 7:30 PM |

### II. Salute to the Flag

### III. Adoption of Agenda

#### 1. Motion To: Adopt Agenda

COMMENTS - Current Meeting:

The agenda was amended to remove the resolution regarding the "Transfer of Highway Funds". This was because the attorney submitted a resolution that had already been adopted at the last meeting from the floor at the January 9th, 2017 meeting.

|                  |   |
|------------------|---|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                |
| <b>MOVER:</b>    | William Ciccarelli, Councilman            |
| <b>SECONDER:</b> | John J. Fenton, Councilman                |
| <b>AYES:</b>     | Jiava, Beale, Ciccarelli, Fenton, Kuzmicz |

### IV. Accept Minutes

#### 1. Motion To: Acknowledge Minutes of January 9th

|                  |   |
|------------------|---|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                |
| <b>MOVER:</b>    | John J. Fenton, Councilman                |
| <b>SECONDER:</b> | William Ciccarelli, Councilman            |
| <b>AYES:</b>     | Jiava, Beale, Ciccarelli, Fenton, Kuzmicz |

**V. Correspondence Log**

The Correspondence log was amended to include the following Liquor License Waiver from HV Hospitality Group as 2107-01-23-013.



HELBRAUN & LEVEY LLP  
ATTORNEYS AT LAW

1/25/2017

TOWN OF WAPPINGER  
Town Clerk (Liquor Licensing)  
20 MIDDLE RUSH ROAD  
WAPPINGERS FALLS NY 12590

RE: HV HOSPITALITY GROUP LLC  
1379 US 9  
WAPPINGERS FALLS NY 12590

To Whom It May Concern,

I am writing to you on behalf of my client in the subject of this letter, located at the address above. They will be occupying space at the above address where they operate a restaurant/bar. Our client's intention is to apply to the New York State Liquor Authority for an on-premise license.

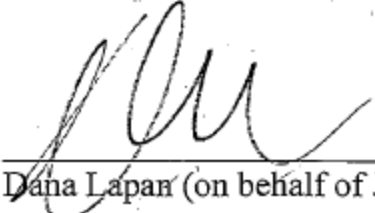
As you are aware, part of the licensing process requires that the local municipality. We originally been in touch with Dutchess County, confirming that they would like to receive this notice. We have notified Dutchess, and filed the application with the New York State Liquor Authority when we were free to do so. We now hear from the NYSLA that we should also be in touch with you. We apologize so greatly for this oversight. Could you kindly give me a call when you're available to discuss options that the NYSLA is giving us, in order to avoid business hardships for these applicants?

In addition, please forward any meeting notification information and/or questionnaire to me at the address indicated in my letterhead above, or to [dana@helbraunlevey.com](mailto:dana@helbraunlevey.com). If you need any further information, please contact me at 212-219-1193.

Thank you so much in advance for your time and consideration on this matter.

RECEIVED

JAN 30 2017

  
Dana Lapan (on behalf of Joseph Levey)

opla-rev 01/22/16

|                                |                               |            |
|--------------------------------|-------------------------------|------------|
| OFFICE USE ONLY                |                               |            |
| <input type="radio"/> Original | <input type="radio"/> Amended | Date _____ |

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**State Liquor Authority**

**Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a Local Municipality or Community Board**

(Page 1 of 2 of Form)

1. Date Notice Was Sent: 1/25/2017 1a. Delivered by: Certified Mail
2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License
- New Application  Renewal  Alteration  Corporate Change  Removal  Class Change

For **New** applicants, answer each question below using all information known to date.  
 For **Renewal** applicants, set forth your approved Method of Operation only.  
 For **Alteration** applicants, attach a complete written description and diagrams depicting the proposed alteration(s).  
 For **Corporate Change** applicants, attach a list of the current and proposed corporate principals.  
 For **Removal** applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation.  
 For **Class Change** applicants, attach a statement detailing your current license type and your proposed license type.

**This 30-Day Advance Notice is Being Provided to the Clerk of the following Local Municipality or Community Board**

3. Name of Municipality or Community Board: Town of WAPPINGER

**Applicant/Licensee Information**

4. License Serial Number, if Applicable: n/a Expiration Date, if Applicable: n/a

5. Applicant or Licensee Name: Hudson Hospitality HV Hospitality Group LLC

6. Trade Name (if any): n/a

7. Street Address of Establishment: 1379 U.S. 9

8. City, Town or Village: Wappingers Falls, NY 12590, NY Zip Code: 12590

9. Business Telephone Number of Applicant/Licensee: N/A

10. Business Fax Number of Applicant/Licensee: N/A

11. Business E-mail of Applicant/Licensee: DANA@HELBRAUNLEVEY.COM

12. Type(s) of Alcohol sold or to be sold:  Beer & Cider  Wine, Beer & Cider  Liquor, Wine, Beer & Cider

13. Extent of Food Service:  Full food menu; Full Kitchen run by a chef or cook  Menu meets legal minimum food availability requirements; Food prep area at minimum

14. Type of Establishment: Restaurant/Bar

15. Method of Operation: (Check all that apply)

Seasonal Establishment  Juke Box  Disc Jockey  Recorded Music  Karaoke

Live Music (Give details: i.e. rock bands, acoustic, jazz, etc.): \_\_\_\_\_

Patron Dancing  Employee Dancing  Exotic Dancing  Topless Entertainment

Video/Arcade Games  Third Party Promoters  Security Personnel

Other (specify): \_\_\_\_\_

16. Licensed Outdoor Area: (Check all that apply)

None  Patio or Deck  Rooftop  Garden/Grounds  Freestanding Covered Structure

Sidewalk Cafe  Other (specify): \_\_\_\_\_

opla-rev 01/22/16

|                                |                               |            |
|--------------------------------|-------------------------------|------------|
| OFFICE USE ONLY                |                               |            |
| <input type="radio"/> Original | <input type="radio"/> Amended | Date _____ |

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**State Liquor Authority**

**Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a Local Municipality or Community Board**

(Page 2 of 2 of Form)

- 17. List the floor(s) of the building that the establishment is located on:
- 18. List the room number(s) the establishment is located in within the building, if appropriate:
- 19. Is the premises located within 500 feet of three or more on-premises liquor establishments?  Yes  No
- 20. Will the license holder or a manager be physically present within the establishment during all hours of operation?  Yes  No
- 21. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee.
- 22. Does the applicant or licensee own the building in which the establishment is located?  Yes (if Yes SKIP 23-26)  No

**Owner of the Building in Which the Licensed Establishment is Located**

- 23. Building Owner's Full Name:
- 24. Building Owner's Street Address:
- 25. City, Town or Village:  State:  Zip Code:
- 26. Business Telephone Number of Building Owner:

**Representative or Attorney representing the Applicant in Connection with the application for a license to traffic in alcohol at the establishment identified in this notice**

- 27. Representative/Attorney's Full Name:
- 28. Street Address:
- 29. City, Town or Village:  State:  Zip Code:
- 30. Business Telephone Number of Representative/Attorney:
- 31. Business Email Address:

I am the applicant or hold the license or am a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

32. Printed Name:  Title:

Signature: X

**RESOLUTION: 2017-59**

**Correspondence Log**

Resolution Authorizing the Acceptance of the Correspondence Log

## Correspondence Log - 2017-01-23

| Number    | To               | From                | Date       | Date Rec' | Re:   | Agenda Date |
|-----------|------------------|---------------------|------------|-----------|---|-------------|
| 01-23-001 | Town Board       | Town Comptroller    | 1/19/2017  | 1/19/2017 | Claim and Warrant for Payment - III             | 1/23/2017   |
| 01-23-002 | Town Board       | Heather L. Kitchen  | 1/4/2017   | 1/5/2017  | Annual Justice Report for the Year of 2016      | 1/23/2017   |
| 01-23-003 | Town Board       | Glen Kubista        | 12/28/2016 | 1/6/2017  | Odyssey Diner/State Liquor Authority            | 1/23/2017   |
| 01-23-004 | Town Board       | Hindu Samaj         | 1/6/2017   | 1/6/2017  | 283 All Angels Hill Rd/Sewer District Inclusion | 1/23/2017   |
| 01-23-005 | Town Board       | US Bankruptcy Court | 1/9/2017   | 1/9/2017  | Transcare Corp                                  | 1/23/2017   |
| 01-23-006 | Town Board       | Carl S. Wolfson     | 1/9/2017   | 1/9/2017  | Justice Report for the Month of Nov. 2016       | 1/23/2017   |
| 01-23-007 | Town Board       | Carl S. Wolfson     | 1/10/2017  | 1/10/2017 | Justice Report for the Month of Dec. 2016       | 1/23/2017   |
| 01-23-008 | Town Board       | Carl S. Wolfson     | 1/10/2017  | 1/10/2017 | Annual Justice Report for the Year of 2016      | 1/23/2017   |
| 01-23-009 | Town Board       | Albert P. Roberts   | 1/12/2017  | 1/13/2017 | Tall Trees Emergency Interconnection Contract   | 1/23/2017   |
| 01-23-010 | Town Board       | Mark Roland         | 1/17/2017  | 1/17/2017 | Lake Oniad Owners/Aquatic Control Treatments    | 1/23/2017   |
| 01-23-011 | Town Board       | Vincent Bettina     | 1/18/2017  | 1/18/2017 | 284 Agreement to Spend Highway Funds            | 1/23/2017   |
| 01-23-012 | Supervisor Jiava | Mark Liebermann     | 1/17/2017  | 1/18/2017 | Carnwarth Lane Inspection/Violations            | 1/23/2017   |

NOW, THEREFORE, BE IT RESOLVED, that the letters and communications itemized on the attached Correspondence Log are hereby accepted and placed on file in the Office of the Town Clerk.

## 2017-01-23-001

**Abstract of Claim and Warrant for Payment of Claim Audited by Town Comptroller - III**

The following claims have been duly audited and allowed by the Town Comptroller of the Town of Wappinger, New York (the "Town"):

**Claim Packet: 2016-III**

| <b>Vendor</b>           | <b>A<br/>(General<br/>Town<br/>wide)</b> | <b>B Fund<br/>(Part<br/>Town)</b> | <b>DB Fund<br/>(Highway)</b> | <b>AM Fund<br/>(Ambulance)</b> | <b>T16<br/>(Aflac)</b> |
|-------------------------|--|-----------------------------------|------------------------------|--------------------------------|------------------------|
| Camo                    | 25.00                                    |                                   |                              |                                |                        |
| Camo                    | 25.00                                    |                                   |                              |                                |                        |
| Central Hudson          | 387.40                                   |                                   |                              |                                |                        |
| Central Hudson          | 111.41                                   |                                   |                              |                                |                        |
| Central Hudson          | 40.39                                    |                                   |                              |                                |                        |
| Central Hudson          | 42.13                                    |                                   |                              |                                |                        |
| Central Hudson          | 7,478.76                                 |                                   |                              |                                |                        |
| Southern Dut News       |  | 56.19                             |                              |                                |                        |
| Home Depot              | 392.04                                   |                                   |                              |                                |                        |
| Mid Hudson<br>Fasteners |  |                                   | 486.83                       |                                |                        |
| RBT CPA's               | 1,948.75                                 |                                   |                              |                                |                        |
| Bottoni Fuel            | 611.87                                   |                                   |                              |                                |                        |
| Optimum                 | 139.83                                   |                                   |                              |                                |                        |
| Vehicle Tracking Sol    |  |                                   | 936.00                       |                                |                        |
| E-Conolight             | 1,264.65                                 |                                   |                              |                                |                        |
| Safeguard               |  |                                   |                              |                                |                        |

|                             |                    |                 |                   |                 |                 |
|-----------------------------|--------------------|-----------------|-------------------|-----------------|-----------------|
| June Visconti Reimb         |                    | 19.44           |                   |                 |                 |
| Iriwn Roslavker<br>Translat | 140.00             |                 |                   |                 |                 |
| Arkel Motors                |                    |                 | 93.41             |                 |                 |
| NY Tech Supply              |                    |                 | 83.64             |                 |                 |
| Thalle Ind                  |                    |                 | 248.80            |                 |                 |
| DC Truck Parts              |                    |                 | 129.27            |                 |                 |
| DC Truck Parts              |                    |                 | 460.14            |                 |                 |
| Staples                     |                    | 32.60           |                   |                 |                 |
| Staples                     | 145.34             |                 |                   |                 |                 |
| Staples                     | 111.49             |                 |                   |                 |                 |
| Dot Groark<br>Reimburse     | 40.83              |                 |                   |                 |                 |
| Aflac                       |                    |                 |                   |                 | 131.90          |
| C & C Hydraulics            |                    |                 | 385.25            |                 |                 |
| R. Costa Electric           | 1,950.00           |                 |                   |                 |                 |
| Auto Zone                   |                    |                 | 338.14            |                 |                 |
| Mobile Life Serv            |                    |                 |                   | 200.00          |                 |
| Inter City Tire             |                    |                 | 1,410.88          |                 |                 |
| Joe Johnson Equip           |                    |                 | 555.83            |                 |                 |
| Roberts IT Consulting       | 1,657.50           |                 |                   |                 |                 |
| AMI Serv                    | 6,802.11           |                 |                   |                 |                 |
| American Rock Salt          |                    |                 | 3,049.20          |                 |                 |
| <b>Total</b>                | <b>\$23,264.50</b> | <b>\$108.23</b> | <b>\$8,177.39</b> | <b>\$200.00</b> | <b>\$131.90</b> |



| Vendor                      | A<br>(General<br>Town<br>wide) | WU<br>(Wapp<br>United)<br>Water | SU<br>(Wapp<br>United)<br>Sewer |  | Paid | Town Board | Hold |
|-----------------------------|--------------------------------|---------------------------------|---------------------------------|--|------|------------|------|
| Camo                        |                                |                                 |                                 |  |      | 25.00      |      |
| Camo                        |                                |                                 |                                 |  |      | 25.00      |      |
| Central Hudson              |                                |                                 |                                 |  |      | 387.40     |      |
| Central Hudson              |                                |                                 |                                 |  |      | 111.41     |      |
| Central Hudson              |                                |                                 |                                 |  |      | 40.39      |      |
| Central Hudson              |                                |                                 |                                 |  |      | 42.13      |      |
| Central Hudson              |                                |                                 |                                 |  |      | 7,478.76   |      |
| Southern Dut News           |                                |                                 |                                 |  |      | 56.19      |      |
| Home Depot                  |                                |                                 |                                 |  |      | 392.04     |      |
| Mid Hudson<br>Fasteners     |                                |                                 |                                 |  |      | 486.83     |      |
| RBT CPA's                   |                                |                                 |                                 |  |      | 1,948.75   |      |
| Bottoni Fuel                |                                |                                 |                                 |  |      | 611.87     |      |
| Optimum                     |                                |                                 |                                 |  |      | 139.83     |      |
| Vehicle Tracking Sol        |                                |                                 |                                 |  |      | 936.00     |      |
| E-Conolight                 |                                |                                 |                                 |  |      | 1,264.65   |      |
| Safeguard                   |                                |                                 |                                 |  |      | 542.27     |      |
| June Visconti Reimb         |                                | 271.13                          | 271.14                          |  |      | 19.44      |      |
| Iriwn Roslavker<br>Translat |                                |                                 |                                 |  |      | 140.00     |      |
| Arkel Motors                |                                |                                 |                                 |  |      | 93.41      |      |
| NY Tech Supply              |                                |                                 |                                 |  |      | 83.64      |      |
| Thalle Ind                  |                                |                                 |                                 |  |      | 248.80     |      |

|                       |  |                 |                 |               |                    |               |
|-----------------------|--|-----------------|-----------------|---------------|--------------------|---------------|
| DC Truck Parts        |  |                 |                 |               | 129.27             |               |
| DC Truck Parts        |  |                 |                 |               | 460.14             |               |
| Staples               |  |                 |                 |               | 32.60              |               |
| Staples               |  | 72.67           | 72.67           |               | 290.68             |               |
| Staples               |  |                 |                 |               | 111.49             |               |
| Dot Groark            |  |                 |                 |               | 40.83              |               |
| Reimburse             |  |                 |                 |               | 131.90             |               |
| Aflac                 |  |                 |                 |               | 385.25             |               |
| C & C Hydraulics      |  |                 |                 |               | 1,950.00           |               |
| R. Costa Electric     |  |                 |                 |               | 338.14             |               |
| Auto Zone             |  |                 |                 |               | 200.00             |               |
| Mobile Life Serv      |  |                 |                 |               | 1,410.88           |               |
| Inter City Tire       |  |                 |                 |               | 555.83             |               |
| Joe Johnson Equip     |  |                 |                 |               | 1,657.50           |               |
| Roberts IT Consulting |  |                 |                 |               | 6,802.11           |               |
| AMI Serv              |  |                 |                 |               | 3,049.20           |               |
| American Rock Salt    |  |                 |                 |               |                    |               |
| <b>Total</b>          |  | <b>\$343.80</b> | <b>\$343.81</b> | <b>\$0.00</b> | <b>\$32,569.63</b> | <b>\$0.00</b> |

\$32,569.6

\$32,569.63

3

The foregoing was put to a vote which resulted as follows:

| ✓ Vote Record - Resolution RES-2017-59      |                    |          |                                     |                          |                          |                          |  |
|---|--------------------|----------|-------------------------------------|--------------------------|--------------------------|--------------------------|--|
|   |                    |          | Yes/Aye                             | No/Nay                   | Abstain                  | Absent                   |  |
| <input checked="" type="checkbox"/> Adopted | Lori A. Jiava      | Voter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |
| <input type="checkbox"/> Adopted as Amended | William H. Beale   | Secunder | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |
| <input type="checkbox"/> Defeated           | William Ciccarelli | Mover    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |
| <input type="checkbox"/> Tabled             | John J. Fenton     | Voter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |
| <input type="checkbox"/> Withdrawn          | Michael Kuzmicz    | Voter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |

Dated: Wappingers Falls, New York  
January 30, 2017

The Resolution is hereby duly declared Adopted.

## VI. Public Hearings

1. **Resolution Reintroducing A Local Law Which Amends Chapter 240, Zoning, Of The Town Code With Respect To A Variety Of Planning And Zoning Matters**
2. **Motion To:** Close Public Hearing

|                  |   |
|------------------|---|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                |
| <b>MOVER:</b>    | William Ciccarelli, Councilman            |
| <b>SECONDER:</b> | Michael Kuzmicz, Councilman               |
| <b>AYES:</b>     | Jiava, Beale, Ciccarelli, Fenton, Kuzmicz |

## VII. Public Portion

1. **Motion To:** Open Public Portion

COMMENTS - Current Meeting:

Resident Barbara Gutzler addressed two items on the agenda, Highway Department and Carnwath. She complained that roads weren't clear over a month ago, on December 17, 2016 until late in the afternoon. She said the roads were not plowed or salted at 11:00 AM. She also referenced January 6th, 2017 where a school bus was sliding along MacFarland lane and Spook Hill road because she said the roads were not salted or plowed. She stressed the need to clear the roads for a safe transport of school children.

She then addressed the Carnwath mansion. She asked about plans for demolition for either building. She asked about the Memorandum of Understanding about Carnwath. She also asked if Carnwath is up for sale. Supervisor Jiava explained that Carnwath cannot be sold due to conservation easements. She explained that a Memorandum of Understanding that the board was trying to enter into with business developers and presented to the board back in May or June could not be executed because they didn't have the money to support it.

Resident Richard Thurston of Wheeler Hill Road addressed the board. He heard that a developer had offered \$150,000 for the property. He asked why historical minutes are not on the website. After analysis, the Historical minutes' link was pointing to the wrong webpage. He then asked about the future of Carnwath. He researched all the minutes from 2007-2008 and pointed out that there was many meeting regarding a roof but after 2008 nothing was done. Councilman Beale pointed out that the recession of 2008 was not a favorable environment for investing. He said the buildings are unable to be inhabited based on the professional's reports. Mr. Thurston asked why the fence hasn't been put up yet. Supervisor Jiava said that if there is a good snow and ice and the walls were to fall, pedestrians would be at risk and asbestos would be released and it would create a larger problem. Mr. Thurston asked for the engineering report. Supervisor promised to provide it. Councilman Beale said that the report that is being addressed was just given to the board. He added that it is the town's responsibility that they do their best to preserve the open space. He added that they have to be realistic on the spending and he promised to "look

at this from all angles to determine the best way to move forward and protect the taxpayers on both sides." Mr. Thurston asked for the master plan which is on the town's website. Supervisor said she is ambitious enough to look for grants. Mr. Thurston asked on how much money is left on the bond that was issued on the emergency repair and what the debt service is. Councilman Beale deferred to Co-Historian Cavaccini who did not know the bond amounts but provided the balance of the Friends of Carnwath account of \$48,000. For historical minutes purposes and subsequent to this meeting, For historical purposes, Town Clerk Paoloni received information from Comptroller Awino stating that of the \$4 million that was bonded for in 2007, \$1.125 million had been drawn down with \$868,650 debt outstanding and the last day to draw down additional funds within the 10 year window would be January 27, 2017.

Mr. Thurston continued saying, "Shifting topics, I heard Barbara mention the highway superintendent. I'd like to take a contrary position having been involved in these things. We do have to be careful how we look at snow removal. You can't be at everyplace at one time, but I will say and I know talking with neighbors in our section of the woods with all that hilly area, Wheeler Hill and Old Troy the roads have been always sanded, ice removed and other safety interests have been taken care of. Bill also helped out. In the past we had 4 cars and trucks that had crashed into our wall. The signs that Bill and Vinne had put up have really helped overall and fortunately in the last six months I haven't had a car walk into our wall." He added, "The road that I've seen and in talking to other people there is far less employees taking longer breaks in our area and so forth. So, my say is that we've seen a significant improvement and very positive results so I hope we take a balanced approach here."

Resident Rosemary Cummings from 19 Carmel Heights addressed the board and said, "The Highway Superintendent has not successfully performed his duties for the town." She said she saw the Highway Superintendent driving his town vehicle out of the town limits in July and September of 2016 and speaking on his cell phone while driving. At that time, she asked him what he was doing out of the town limits. At that time, Highway Superintendent Bettina responded that he was going to the nearby Fishkill post office. Ms. Cummings questioned why he didn't use the Village of Wappingers Falls post office. She expressed concern about liability exposure to the town. She cited December 16, 2016 where a snowstorm left her area unplowed until 7:30 PM that night. She claimed a loss of town revenue because the neighbors could not go out to shop. She said the Fishkill roads were clear right down to the blacktop. She added that 6:15 AM on January 6th, 2017 the roads were not treated, yet Fishkill's were. She added that on January 23rd, 2017 starting at 4:00 PM and continued through January 24th there was 6-8 inches of frozen rain on her street making the road completely impassable. She said, "There was no plow, no salt, no sand till 3:15 AM the following morning." She said her son and friends had to spend the night at the Dutchess Diner in Poughkeepsie. She added, "Fishkill had plowed their residents' streets before 11:30 PM." She added that on December 17th, 2016 all the neighbors driveways were plowed, but the streets were not. She asked the board for a reduction in her taxes. She said she will continue to get signatures on her petitions. She continued saying that the petition falls under the NY Public officers law 737, asking for the removal of the current Highway Superintendent from his position, sanctions or fines for failure to perform duties, for misuse of town property, for placing the town in a hazardous and liable position while driving out of the town limits during town hours in a town vehicle for personal use and driving and talking on a cell phone and not asking the town board for approval. She asked to remove the task of snow removal from the position of the Highway Superintendent and putting it under the Town Board. She asked for the reduction in salary of the Highway Superintendent. Lastly, she asked

for proportional reduction in town taxes for each resident for snow removal not provided by the town Highway Superintendent.

Resident Alex Reese rose to talk about Carnwath. He pointed out that the property was purchased for the enjoyment of our residents and should stay open and he agreed to help in any way.

Helen Fumarello asked to have Wheeler Hill residents notified when decisions on Carnwath are made. Supervisor Jiava agreed.

Vince Bettina addressed the board. He relayed his attorney’s statement that the town board is in violation of the law in refusing to recognize an authorized payment to his deputy who was lawfully appointed to his position. He said, "Upon my election as Highway Superintendent, I discovered there was a substantial lapse in the enforcement of the highway department work hours, an oversight of compliance on lunch hour rules, and storage of beer in the highway department garage refrigerator, highway gym equipment." He said that he started to address the work hour rules with the use of a time clock. He said he has set rules and requirements. He said, "Certain employees and the Union to engage in a course of action complicit with the town board and town supervisor designed to thwart my authority as the elected Superintendent of Highways and allow the union and the department to act as if they were the elected superintendent." He said the town has cut his budget and refused to have his deputy have a say. He explained that his judgement call at the last snowfall was a reasonable one. He said certain highway employees do not get the opportunity to get more overtime. He also stated that driving condition vary from minute to minute and mile to mile. He explained that driving a town owned vehicle outside town limit is permissible. He added that he listens to the weatherman who is not always right and sometimes it's a judgment call and is happy to take constructive criticism. He added that he received a call from the Wappingers Central School district saying there is no problem with him regarding the snow and when asked if anyone had called to complain, the response was, no.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** John J. Fenton, Councilman  
**SECONDER:** Michael Kuzmicz, Councilman  
**AYES:** Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

2. **Motion To:** Close Public Portion

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Michael Kuzmicz, Councilman  
**SECONDER:** John J. Fenton, Councilman  
**AYES:** Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

**VIII. Discussions**

1. **Carnwath**

## TOWN OF WAPPINGER



FIRE INSPECTOR  
Mark Liebermann - Ext. 127

DEPUTY FIRE INSPECTOR  
Tyler Pettit - Ext. 129

CLERICAL ASSISTANT  
Michelle Gale - Ext. 123

CODE ENFORCEMENT OFFICER  
Brian Rexhouse - Ext. 142

CODE ENFORCEMENT OFFICER  
Sue Dao - Ext. 126

ZONING ADMINISTRATOR  
Barbara Roberti - Ext. 128

**FIRE INSPECTOR**  
20 MIDDLEBUSH ROAD  
WAPPINGERS FALLS, NY 12590  
PH: 845-297-1373  
Fax: 845-297-0579  
[MLiebermann@townofwappinger.us](mailto:MLiebermann@townofwappinger.us)  
[Tpettit@townofwappinger.us](mailto:Tpettit@townofwappinger.us)

SUPERVISOR  
Lori A. Jiava

TOWN BOARD  
William H. Beale  
William Ciccarella  
John Fenton  
Michael Kuzmicz

RECEIVED

JAN 18 2017

SUPERVISOR OFFICE

Tuesday, January 17, 2017

Lori Jiava - Town Supervisor  
Town of Wappinger

**RE: 70-94 Carnwath Lane**

This letter is to advise that I conducted an inspection of the dorm building and the Chapel area.

**The following violations were found to exist in this building.**

1. **No running water.**
2. **No telephone line.**
3. **No operational fire alarm system.**
4. **no heat**
5. **no toilet facilities.**

This building also houses the Sports Museum and Town storage of records

Pursuant to the Fire Code of New York State (19 NYCRR 1225) section 107.1 when a structure is found to be unfit for human occupancy the building shall be condemned. §107.1 **General.** When a structure or equipment is found to be unsafe, or when a structure is found to be unfit for human occupancy or is found unlawful, such structure shall be condemned pursuant to the provisions of this code or the *Building Code of New York State*.

Pursuant to 19 NYCRR 11225 Section 107.2 said structure is hereby condemned and posted and shall not be occupied or used by anyone until the above violations are corrected and a permit to perform corrections is applied for and issued. §107.2 **Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or to the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire; or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, or structurally unsafe; or is of such faulty construction or unstable foundation that partial or complete collapse is possible.

Yours truly,

Mark Liebermann - Fire Inspector / CEO

Fire Inspector Lieberman, Buildings and Grounds Supervisor Frazier approached the professionals table. Fire Inspector Lieberman said, "As far as the dormitory building which houses the walk through to the chapel, the newspaper article said that we condemned both buildings. Totally false. The building is posted un-inhabitable." He said you can't inhabit a

building with no fire alarm system, no water, no heat, or toilet facilities which doesn't exist at the dormitory. He said nobody can go in there until it's corrected. He passed the microphone on to engineer Bob Gray to address the mansion. He passed out an engineering report to the board, but not to the town clerk. He said water had gotten into the building and deteriorated the floor and is unsafe to walk on. He said the framing done in 2007 as emergency work to support key points in the roof. Since then the roof has leaked had deteriorated parts of the building. He suggested two options. Option one is to expose the framing and replace or repair them. He suggested rebuilding the roof and gutters and then to restore the floors. He had no cost estimates as of yet. He said some asbestos abatement had been done in 2007, and asked to find out how much asbestos abatement had been done. The other option would be to demo the building. He agreed with the Fire inspectors actions. The board discussed the history of the repairs and the future options. Supervisor Jiava stressed addressing the underlying issues. Councilman Beale stressed the preservation of the open space and the need to develop a vision of what the buildings should be used for. He expressed concerns about the building collapsing at a future snowstorm. He supports the sports museum. He said that if the mansion is a collapse hazard then a fence would be needed. Councilman Fenton asked, "Was there ever like a schedule of maintenance, I mean why are we stuck with this mess right now?" He then asked, "Hey Bob, do you have like a rough number?" Engineer Gray responded, "The only thing I can tell you is that I never saw any of the bills, because I wasn't here, but I believe the town was pushing a million dollars for the shoring, only the shoring, so take that and think about the order of magnitude of the work I described to restore that building." Councilman Beale continued. He said he would need numbers to make the decision and the need to involve the citizens on what we should be focusing on. Helen Fumarello referenced a study done by a company in Westchester County. An unidentified resident spoke and praised the 2007 event that was held at the mansion. Sandra Vacium from the Carnwath Historical society said that 1999 to 2017 is a long time and something should have been done. Supervisor said, "We are not going to live in the past, we're going to move forward." Joe Cavaccini expressed his gratitude that the building will not be sold and that something will be done. John Fenton said that this board has gotten a lot done and we are going to tackle this. Mr. Thurston suggested pooling together the names of a committee now to get the ball rolling because we can't delay. Supervisor Jiava closed the meeting saying, "Carnwath is to be continued".

**2. Motion To:** Forbid Access to Carnwath Mansion and Re-Evaluate Fence at Carnwath

COMMENTS - Current Meeting:

Councilman Beale moved that "No one be permitted inside the building without the authorization of the town board and/or the engineer and also that the engineer be authorized along with the fire inspector to re-evaluate the perimeter of the fence and take whatever necessary actions that are necessary to secure the perimeter."

|                  |   |
|------------------|---|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                |
| <b>MOVER:</b>    | William H. Beale, Councilman              |
| <b>SECONDER:</b> | John J. Fenton, Councilman                |
| <b>AYES:</b>     | Jiava, Beale, Ciccarelli, Fenton, Kuzmicz |

3. **Motion To:** Let Professionals move forward on the process to add the Hindu Samj to the Sewer District

COMMENTS - Current Meeting:

Engineer Gray spoke for the Hindu Samaj applicants to ask for the adjoining house at the Hindu Samaj to be added to the sewer district. The board agreed.

|                  |   |
|------------------|---|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                |
| <b>MOVER:</b>    | Michael Kuzmicz, Councilman               |
| <b>SECONDER:</b> | William H. Beale, Councilman              |
| <b>AYES:</b>     | Jiava, Beale, Ciccarelli, Fenton, Kuzmicz |

4. **Highway Dept & Road Preparation for Inclement Weather**

Supervisor Jiava relayed information about phone calls she received about different storms over the past couple of months. Highway employee Daniel Barry said that the highway employees put in 12 hours. Councilman Beale said he thought the Highway Superintendent would be in attendance. Supervisor Jiava said that the Deputy Highway Superintendent is not someone you take orders from unless the Highway Superintendent is in-capacitated. She added that there is no salary for the Deputy Highway Superintendent. She added that Dutchess County Human Resources Civil Service has never recognized a Town of Wappinger Deputy Highway Superintendent. She added that the Deputy Highway Superintendent does not get a salary gives direction only in the absence of the Highway Superintendent and the title does not exist with the county. Chris Heady from the highway department said, "the Deputy Highway Superintendent position has been in existence and for the last 35 years has only been reserved for the Highway Foreman only under the pretense that when the Superintendent was not gone had a little bit of legality as being deputized to either call us in on overtime or somebody to make the emergency purchases that we needed by the Highway Superintendent that wasn't there. We never had an outside Deputy Highway Superintendent." Councilman Ciccarelli asked if the highway superintendent is to document his road clearing process. Attorney Roberts said he did not know. Highway employee, Mr. Bohanen of 23 Win drive from Poughkeepsie, complained that we came in at 7:30 PM and were sent home at 10:30 PM in the middle of an ice storm. He said, "I went home, he called us back at 1:30 AM, I didn't feel safe coming in, so I didn't come in. I'm not going to risk my life, my vehicle to come into work when we never actually should have left. With Graham Foster we actually came in when the snow or storm would start or even before it would start go out, prep the roads get everything situated so that if there were an emergency vehicles that needed to get out, everything was safe. That is not how it's done now. They're not even safe for us to get into work or for emergency vehicles." Supervisor Jiava asked if anyone has had an adult conversation with the Highway Superintendent. Highway Employee Craig Taylor from 65 Kretch Circle approached the podium. He said they did, but he went off on a tangent and avoided the question about a schedule. They discussed the school district closing process. Mr. Taylor said that he was the driver who filmed himself driving behind the school bus on Pine Ridge. Supervisor Jiava said the town board is going to make a concerted effort sit



down with the Highway Superintendent and iron out the issues and get a handle on this. Daniel Barry said that at the last ice storm, the guys wanted to stay, but were told to go home by the Highway Superintendent. Councilman Beale re-iterated that the town board has no jurisdiction over the Highway Superintendent. He added that the board needs to have a conversation and come to a happy medium. Supervisor Jiava said that maybe he's being fiscally conservative but she was going to try to have a productive conversation.

**5. Motion To: Prepare Specs and Go Out to Bid for Maintenance on Water Sources**

COMMENTS - Current Meeting:

Bob Gray handed out correspondence to the board, but did not give a report to the Town Clerk. Supervisor Jiava addressed the sources of water. Mike Tremper explained the 3 significant water sources, the newest or Atlas which is fresh and operational, Hilltop built in the 60's and 70's which have 3 of the 4 wells needing attention, and the 2 wells at Meadowood which needs filtration. The two wells that are out of service at Hilltop can produce up to 430 gallons per minute. The two wells that at Meadowood can produce up to 300 gallons per minute for a total of 720 gallons per minute. There is \$2 million in fund balance in the UWWD which was recommended to be used. Mike Tremper recommended getting the meters accurate to be able to change the billing system to encourage water savings.

|                  |   |
|------------------|---|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                |
| <b>MOVER:</b>    | Michael Kuzmicz, Councilman               |
| <b>SECONDER:</b> | William H. Beale, Councilman              |
| <b>AYES:</b>     | Jiava, Beale, Ciccarelli, Fenton, Kuzmicz |

**RESOLUTION: 2017-63**

**Town of Wappinger Municipal Resolution**

WHEREAS, the Town of Wappinger is applying to the Hudson River Valley Greenway for a grant under the Greenway Communities Grant Program for a project entitled Wappinger Greenway Trail Restoration to be located in Wappingers Falls,

WHEREAS, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality or municipalities in which the project will be located;

NOW, THEREFORE, be it resolved that the governing board of the Town of Wappinger hereby does approve and endorse the application for a grant under the Greenway Communities Grant Program, for a project known as Wappinger Greenway Trail and located within this community.

The foregoing was put to a vote which resulted as follows:

| ✓ Vote Record - Resolution RES-2017-63      |                    |          |                                     |                          |                          |                          |
|---|--------------------|----------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|   |                    |          | Yes/Aye                             | No/Nay                   | Abstain                  | Absent                   |
| <input checked="" type="checkbox"/> Adopted | Lori A. Jiava      | Voter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Adopted as Amended | William H. Beale   | Mover    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Defeated           | William Ciccarelli | Voter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Tabled             | John J. Fenton     | Voter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Withdrawn          | Michael Kuzmicz    | Secunder | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Dated: Wappingers Falls, New York  
January 30, 2017

The Resolution is hereby duly declared Adopted.

7. **Motion To:** Soccer Clinic

COMMENTS - Current Meeting:

Jessica Fulton proposed a soccer-clinic and permission to hire an instructor at \$25 hour from line A7140.119 in the amount of \$600.

January 18, 2017

TO: LORI JIAVA, SUPERVISOR  
WILLIAM BEALE, COUNCILMAN  
WILLIAM CICCARELLI, COUNCILMAN  
JOHN FENTON, COUNCILMAN  
MICHAEL KUZMICZ, COUNCILMAN

Due to the fact that our planned volleyball clinic had no registrants, we now have a two block of open time at the Oak Grove Elementary School gym on Monday nights from 6:00 to 8:00 p.m. through March 27.

We'd love to use that time for something; Recreation Committee member Bruce Lustig had the idea of the town offering a soccer clinic. Ralph Holt thought it would be feasible and told me to reach out to the soccer league. League president Bill Chang has found an instructor and interested families who may sign up. The dates would be Jan. 30, Feb. 6, 13, 27, Mar. 6, 13, 20, equal to eight two-hour sessions. We would pay the instructor \$25/hr., and there would be a fee of \$35/resident child and \$50/non-resident child, which is a rate structure in line with our other programming.

If the Town Board would approve moving existing Recreation funds into a soccer clinic I would be able to get this scheduled and advertised, hopefully filling the clinic and maintaining the slot with the school in anticipation of fall programming.

Thank you.

Jessica Fulton  
Recreation Director

Donna Lenhart  
Recreation Secretary

RECEIVED

JAN 19 2017

TOWN OF WAPPINGERS

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Michael Kuzmicz, Councilman  
**SECONDER:** William H. Beale, Councilman  
**AYES:** Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

**IX. Resolutions**

**RESOLUTION:** 2017-11

**Resolution To Authorize The Town Supervisor, Town Highway Superintendent And Town Board To Execute The Agreement For The Expenditure Of Highway Moneys**

**WHEREAS**, pursuant to Section 284 of the Highway Law, the Town Board and the Town Highway Superintendent are required to enter into a written Agreement stating the places and manner in which the Highway fund appropriation for repairs and improvements are to be expended; and

**NOW, THEREFORE BE IT RESOLVED**, that the Town Highway Superintendent and the Town Board agree that the monies levied and collected in the Town for repair and improvement of highways, and received from New York State for State Aid for the repair and improvement of Highways shall be expended in accordance with the annexed Agreement for the Expenditure of Highway Moneys; and

**BE IT FURTHER RESOLVED**, that the Supervisor and the Town Board are hereby authorized and directed to execute the attached AGREEMENT FOR THE EXPENDITURES OF HIGHWAY MONEYS in duplicate and file said agreement with the Town Clerk; and

**BE IT FURTHER RESOLVED**, that the Town Clerk is directed to forward one executed Agreement to the Dutchess County Commissioner of Public Works in his capacity as County Superintendent of Highways.

The foregoing was put to a vote which resulted as follows:

| ✓ Vote Record - Resolution RES-2017-11      |                       |          |                                     |                          |                          |                          |
|---|-----------------------|----------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|   |                       |          | Yes/Aye                             | No/Nay                   | Abstain                  | Absent                   |
| <input type="checkbox"/> Adopted            |                       |          |                                     |                          |                          |                          |
| <input type="checkbox"/> Adopted as Amended |                       |          |                                     |                          |                          |                          |
| <input type="checkbox"/> Defeated           |                       |          |                                     |                          |                          |                          |
| <input checked="" type="checkbox"/> Tabled  |                       |          |                                     |                          |                          |                          |
| <input type="checkbox"/> Withdrawn          |                       |          |                                     |                          |                          |                          |
|   | Next: 2/13/17 7:30 PM |          |                                     |                          |                          |                          |
|   | Lori A. Jiava         | Voter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | William H. Beale      | Voter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | William Ciccarelli    | Voter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | John J. Fenton        | Mover    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | Michael Kuzmicz       | Seconder | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Dated: Wappingers Falls, New York  
 January 30, 2017

The Resolution is hereby duly declared Tabled.

**RESOLUTION:** 2017-60

**Resolution Adopting Local Law 1 of 2017 Which Amends Chapter 240, Zoning, Of The Town Code With Respect To A Variety Of Planning And Zoning Matters**

**WHEREAS**, a Resolution was duly adopted by the Town Board of the Town of Wappinger introducing a proposed Local Law entitled, “A Local Law for the Purpose of Amending Chapter 240, Zoning, of the Town Code with Respect to a Variety of Planning and Zoning Matters.”; and

**WHEREAS**, a Public Hearing was duly advertised in the Southern Dutchess News and the Poughkeepsie Journal as required by law; and

**WHEREAS**, a Public Hearing was held on January 23, 2017 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law or any part thereof; and

**WHEREAS**, the Town Board adopted a Negative Declaration of Significance in connection with the amendments to the Town Code adopted herein on April 27, 2015; and

**WHEREAS**, the Town Board of the Town of Wappinger after due deliberation, finds that it is in the best interest of the Town to adopt said Local Law; and

**WHEREAS**, said Local Law has been on the desks of the members of the Town Board of the Town of Wappinger for at least seven (7) days exclusive of Sunday prior to the adoption of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.
2. The Town Board of the Town of Wappinger hereby adopts the Local Law entitled, “A Local Law for the Purpose of Amending Chapter 240, Zoning, of the Town Code with Respect to a Variety of Planning and Zoning Matters”, a copy of which is attached hereto and made a part of this Resolution.
3. The Town Clerk is directed to enter said Local Law in the minutes of this meeting into the Local Law book for the Town of Wappinger and shall file the Local Law with the Secretary of State of New York as provided by law.
4. This Local Law shall become effective immediately upon filing with the Secretary of State as provided by law.

The foregoing was put to a vote which resulted as follows:

| ✓ Vote Record - Resolution RES-2017-60      |                    |        |                                     |                          |                          |                          |
|---|--------------------|--------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|   |                    |        | Yes/Aye                             | No/Nay                   | Abstain                  | Absent                   |
| <input checked="" type="checkbox"/> Adopted | Lori A. Jiava      | Voter  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Adopted as Amended | William H. Beale   | Second | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Defeated           | William Ciccarelli | Mover  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Tabled             | John J. Fenton     | Voter  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Withdrawn          | Michael Kuzmicz    | Voter  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Dated: Wappingers Falls, New York  
January 30, 2017

The Resolution is hereby duly declared Adopted.

**RESOLUTION:** 2017-61

**Resolution Authorizing The Settlement Of The Tax Certiorari Proceeding Regarding Nature Preserve Mgt**

**WHEREAS**, there is now pending in the Dutchess County Supreme Court a tax certiorari proceeding commenced in 2015 and 2016 by Nature Preserve MGT LLC regarding real property as listed in Schedule “A” annexed hereto seeking a reduction in the 2016 tax assessment for their respective tax roll; and

**WHEREAS**, the owners of the above mentioned parcels have agreed to withdraw the petition requesting a reduction for the 2015 said tax roll; and

**WHEREAS**, the Town Assessor and Special Counsel have recommended a settlement of this tax review proceedings; now, therefore be it

**RESOLVED**, that the Town Board of the Town of Wappinger hereby approves a settlement on behalf of the Town of Wappinger of the tax review proceedings for the year 2016, as it pertains to real property as listed in Schedule “A” annexed hereto; and be it further

**RESOLVED**, that the Town Supervisor, Town Assessor and Scott L. Volkman, Esq., Special Counsel to the Town of Wappinger, are hereby authorized to take all action necessary and appropriate to effectuate the terms of this Resolution.

The foregoing was put to a vote which resulted as follows:

| ✓ Vote Record - Resolution RES-2017-61      |                    |          |                                     |                          |                          |                          |
|---|--------------------|----------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|   |                    |          | Yes/Aye                             | No/Nay                   | Abstain                  | Absent                   |
| <input checked="" type="checkbox"/> Adopted |                    |          |                                     |                          |                          |                          |
| <input type="checkbox"/> Adopted as Amended |                    |          |                                     |                          |                          |                          |
| <input type="checkbox"/> Defeated           |                    |          |                                     |                          |                          |                          |
| <input type="checkbox"/> Tabled             |                    |          |                                     |                          |                          |                          |
| <input type="checkbox"/> Withdrawn          |                    |          |                                     |                          |                          |                          |
|   | Lori A. Jiava      | Voter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | William H. Beale   | Voter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | William Ciccarelli | Seconder | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | John J. Fenton     | Voter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | Michael Kuzmicz    | Mover    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Dated: Wappingers Falls, New York  
January 30, 2017

The Resolution is hereby duly declared Adopted.

**RESOLUTION:** 2017-62

**Resolution Authorizing The Settlement Of The Tax Certiorari Proceeding Regarding Widmer Construction**

**WHEREAS**, there is now pending in the Dutchess County Supreme Court a tax certiorari proceeding commenced in 2015 and 2016 by Widmer Construction Corp. regarding real property located at 125 Widmer Road, Wappingers Falls, Grid # 6258.01-161-0000 seeking a reduction in the 2015 and 2016 tax assessment for their respective tax roll; and

**WHEREAS**, the Town Assessor and Special Counsel have recommended a settlement of this tax review proceedings; now, therefore be it

**RESOLVED**, that the Town Board of the Town of Wappinger hereby approves a settlement on behalf of the Town of Wappinger of the tax review proceedings for the year 2015 and 2016, as it pertains to:

Grid # 6258-01-161630-0000

| <u>Year</u> | <u>Original Total Assessment</u> | <u>Revised Total Assessment</u> | <u>Reduction</u> |
|-------------|----------------------------------|---------------------------------|------------------|
| 2015        | \$400,000                        | \$250,000                       | \$150,000        |
| 2016        | \$400,000                        | \$400,000                       | \$ -0-           |

**RESOLVED**, that the Town Supervisor, Town Assessor and Scott L. Volkman, Esq., Special Counsel to the Town of Wappinger, are hereby authorized to take all action necessary and appropriate to effectuate the terms of this Resolution.

The foregoing was put to a vote which resulted as follows:

| ✓ Vote Record - Resolution RES-2017-62      |                    |          |                                     |                          |                          |                          |
|---|--------------------|----------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|   |                    |          | Yes/Aye                             | No/Nay                   | Abstain                  | Absent                   |
| <input checked="" type="checkbox"/> Adopted |                    |          |                                     |                          |                          |                          |
| <input type="checkbox"/> Adopted as Amended |                    |          |                                     |                          |                          |                          |
| <input type="checkbox"/> Defeated           |                    |          |                                     |                          |                          |                          |
| <input type="checkbox"/> Tabled             |                    |          |                                     |                          |                          |                          |
| <input type="checkbox"/> Withdrawn          |                    |          |                                     |                          |                          |                          |
|   | Lori A. Jiava      | Voter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | William H. Beale   | Voter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | William Ciccarelli | Voter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | John J. Fenton     | Secunder | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | Michael Kuzmicz    | Mover    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Dated: Wappingers Falls, New York  
January 30, 2017

The Resolution is hereby duly declared Adopted.

**RESOLUTION:** 2017-64

**Resolution Authorizing Supervisor To Execute Proposals And Receive Compensation From Dutchess County For The Acquisition Of Temporary Easements In Connection With The Rehabilitation Of Portions Of Old Hopewell Road And All Angels Hill Road**

**WHEREAS**, Dutchess County has undertaken the rehabilitation of certain portions of Old Hopewell Road (CR 28) and All Angels Hill Road (CR 94) in an effort to improve the roadways; and

**WHEREAS**, the proposed rehabilitation of Old Hopewell Road (CR 28) begins just east of US Route 9 and ends approximately 700 feet east of the All Angels Hill Road (CR 94) intersection (the "Old Hopewell Portion"); and

**WHEREAS**, the proposed rehabilitation of All Angels Hill Road (CR 94) begins approximately 700 feet north of its intersection with Old Hopewell Road (CR 28) to approximately 850 feet south of the intersection (the "All Angels Portion"); and

**WHEREAS**, not all the proposed work will be within the existing County Highway and, therefore, it is necessary for the County to acquire additional rights to properties within the project corridors in the form of temporary easements; and

**WHEREAS**, the County is in need of acquiring two portions of Town owned property in the form of temporary easements and has offered the Town compensation to acquire these easements; and

**WHEREAS**, by letter dated August 2, 2016 from Beckmann Appraisals, Inc., the County has offered the Town an appraisal amount of \$980.00 to acquire a temporary easement for a period of three years, with an option for the County to extend the term of the temporary easement for two additional one-year terms upon payment of \$327.00 for each one-year extension of term, for the All Angels Portion of Town owned property identified as Map #35, Parcel #37, Tax Map Designation 135689-6257-03-162462; and

**WHEREAS**, by letter dated December 14, 2016 from Beckmann Appraisals, Inc., the County has offered the Town an appraisal amount of \$2,705.00 to acquire a temporary easement for a period of three years, with an option for the County to extend the term of the temporary

easement for two additional one-year terms upon payment of \$902.00 for each one-year extension of term, for the Old Hopewell Portion of Town owned property identified as Map #54, Parcel #57, Tax Map Designation 135689-6257-01-405571; and

**WHEREAS**, in order for the Town to authorize the above-mentioned temporary easements and to accept the compensation offered by the County, the Town Supervisor has been requested to sign two (2) proposals as prepared by Beckmann Appraisals, Inc., copies of which are affixed hereto.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.

2. The Town Board Members each have read the above-mentioned two (2) proposals from Beckmann Appraisals, Inc. and hereby understands and agrees to the terms and conditions contained therein.

The Town Board hereby authorizes the Town Supervisor, Lori A. Jiava, to execute the above-mentioned two (2) proposals by and on behalf of the Town in substantially the same form as affixed hereto.

The foregoing was put to a vote which resulted as follows:

| ✓ Vote Record - Resolution RES-2017-64      |                    |          |                                     |                          |                          |                          |
|---|--------------------|----------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|   |                    |          | Yes/Aye                             | No/Nay                   | Abstain                  | Absent                   |
| <input checked="" type="checkbox"/> Adopted |                    |          |                                     |                          |                          |                          |
| <input type="checkbox"/> Adopted as Amended |                    |          |                                     |                          |                          |                          |
| <input type="checkbox"/> Defeated           |                    |          |                                     |                          |                          |                          |
| <input type="checkbox"/> Tabled             |                    |          |                                     |                          |                          |                          |
| <input type="checkbox"/> Withdrawn          |                    |          |                                     |                          |                          |                          |
|   | Lori A. Jiava      | Voter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | William H. Beale   | Voter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | William Ciccarelli | Voter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | John J. Fenton     | Secunder | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | Michael Kuzmicz    | Mover    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Dated: Wappingers Falls, New York  
January 30, 2017

The Resolution is hereby duly declared Adopted.

**RESOLUTION:** 2017-65

**Resolution Approving And Authorizing The Adoption Of The Dutchess County Hazard Mitigation Plan Municipal Annex**

**WHEREAS**, the Town of Wappinger has worked cooperatively with Dutchess County, with the assistance of Tetra Tech, Inc., in gathering information and preparing the Dutchess County Multi-Jurisdictional Hazard Mitigation Plan Municipal Annex (the Plan), a copy of which is annexed hereto; and

**WHEREAS**, the Dutchess County Multi-Jurisdictional Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

**WHEREAS**, Dutchess County and the Town of Wappinger are units of government that have afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

**WHEREAS**, Dutchess County and the Town of Wappinger has reviewed the Plan and affirms the Plan will be updated no less than every five years.

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.
2. The Town Board of the Town of Wappinger hereby approves and adopts the attached Dutchess County Hazard Mitigation Plan Municipal Annex as this jurisdiction’s Natural Hazard Mitigation Plan, and resolves to execute the actions of the Plan.

The foregoing was put to a vote which resulted as follows:

| ✓ Vote Record - Resolution RES-2017-65      |                    |          |                                     |                          |                          |                          |
|---|--------------------|----------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|   |                    |          | Yes/Aye                             | No/Nay                   | Abstain                  | Absent                   |
| <input checked="" type="checkbox"/> Adopted | Lori A. Jiava      | Voter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Adopted as Amended | William H. Beale   | Mover    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Defeated           | William Ciccarelli | Voter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Tabled             | John J. Fenton     | Secunder | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Withdrawn          | Michael Kuzmicz    | Voter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Dated: Wappingers Falls, New York  
January 30, 2017

The Resolution is hereby duly declared Adopted.

**RESOLUTION:** 2017-66

**Resolution Accepting Map, Plan & Report For United Wappinger Water District Extension To Tall Trees**

**WHEREAS**, the Tall Trees Water Improvement Area (hereinafter “TTWIA”) was authorized by Resolution of the Town Board on March 12, 1973; and

**WHEREAS**, TTWIA was formed for the purposes of acquiring the water system from a private waterworks corporation and making certain repairs to the water system; and

**WHEREAS**, by Resolution adopted by the Town Board on September 9, 1974, the Town Board authorized the issuance of \$80,000 in Serial Bonds to pay the costs of acquiring the water system and making the necessary repairs to the water system; and

**WHEREAS**, the wells servicing the TTWIA have been unable to provide sufficient quantity of water to supply the needs of the inhabitants of the Tall Trees Subdivision; and

**WHEREAS**, the Town, through the United Wappinger Water District (UWWD), constructed a water main along Old Hopewell Road, through New Hamburg Road, through Wheeler Hill Road, through Carnwath Farms and eventually to River Road, to supply the New York City DEP Chelsea site, as well as the inhabitants of Chelsea with water; and

**WHEREAS**, the TTWIA was connected to the UWWD water main on a temporary basis to supply the needs of the inhabitants of the Tall Trees Subdivision; and

**WHEREAS**, the Town Board has determined it is in the best interest of the residents of the Tall Trees Subdivision to make a permanent underground interconnection between the existing facilities of the TTWIA and the UWWD by extending the boundaries of the UWWD to include the Tall Trees Subdivision; and

**WHEREAS**, the projected costs for the extension of the UWWD are estimated to be \$621,400, less total estimated grants of \$375,000; and

**WHEREAS**, the Town Board may authorize the issuance of Serial Bonds to fund the costs of the district extension; and



**WHEREAS**, on October 11, 2016, by Resolution 2016-264, the Town Board authorized the Engineer to the Town, Morris Associates Engineering and Surveying Consultants, PLLC, to prepare a Map, Plan and Report in connection with the construction of a permanent underground interconnection between the TTWIA facilities and the UWWD; and

**WHEREAS**, Morris Associates Engineering and Surveying Consultants, PLLC prepared a Map, Plan and Report dated December 20, 2016, which includes an estimate of costs for the proposed permanent underground interconnection and any other expenses in connection therewith, a copy of which is on file at the Town Clerk’s Office; and

**WHEREAS**, the Town Board wishes to accept the Map, Plan and Report and authorize the preparation of the proceedings necessary to extend the UWWD to service the Tall Trees Subdivision in accordance with the provisions of Article 12-A of the Town Law;

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.
2. The Town Board hereby accepts the Map, Plan and Report dated December 20, 2016 prepared by Morris Associates Engineering and Surveying Consultants, PLLC for the extension of the UWWD, a copy of which is on file in the Town Clerk’s Office.
3. The Town Board hereby directs the Town Clerk to file in his office the Map, Plan and Report, above-described, in accordance with the provisions of Town Law § 209-c for extending the UWWD to serve the Tall Trees Subdivision and pursuant to Article 12-A of the Town Law.
4. The Town Board directs the Town Clerk to forward a copy of the Map, Plan and Report to Douglas Goodfriend, Esq. of Orrick, Herrington & Sutcliffe for the purposes of preparing the necessary proceedings for the extension of the UWWD and for the issuance of capital bonds to pay for the costs associated therewith as identified in the Map, Plan and Report. The Town Board further authorizes the Attorney to the Town and the Engineer to the Town to prepare and formalize bid specifications, notices to bidders, contract documents and related materials and to otherwise solicit public bids as soon as the requisite bond authorizations and proceedings are concluded.

The foregoing was put to a vote which resulted as follows:

| ✓ Vote Record - Resolution RES-2017-66      |                    |        |                                     |                          |                          |                          |
|---|--------------------|--------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|   |                    |        | Yes/Aye                             | No/Nay                   | Abstain                  | Absent                   |
| <input checked="" type="checkbox"/> Adopted |                    |        |                                     |                          |                          |                          |
| <input type="checkbox"/> Adopted as Amended |                    |        |                                     |                          |                          |                          |
| <input type="checkbox"/> Defeated           |                    |        |                                     |                          |                          |                          |
| <input type="checkbox"/> Tabled             |                    |        |                                     |                          |                          |                          |
| <input type="checkbox"/> Withdrawn          |                    |        |                                     |                          |                          |                          |
|   | Lori A. Jiava      | Voter  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | William H. Beale   | Mover  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | William Ciccarelli | Voter  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | John J. Fenton     | Voter  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | Michael Kuzmicz    | Second | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Dated: Wappingers Falls, New York  
January 30, 2017

The Resolution is hereby duly declared Adopted.

**X. Items for Special Consideration**

28 Beale

Cicc

Bruce Flowers Chaiman Planning Board

Abstain

**RESOLUTION:** 2017-28

**Resolution Appointing Chairperson Of The Town Of Wappinger Planning Board**

**BE IT RESOLVED**, that Bruce Flowers is hereby appointed as Chairperson of the Town of Wappinger Planning Board for calendar year 2017.

The foregoing was put to a vote which resulted as follows:

| ✓ Vote Record - Resolution RES-2017-28      |                    |          |                                     |                          |                                     |                          |
|---|--------------------|----------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
|   |                    |          | Yes/Aye                             | No/Nay                   | Abstain                             | Absent                   |
| <input checked="" type="checkbox"/> Adopted |                    |          |                                     |                          |                                     |                          |
| <input type="checkbox"/> Adopted as Amended |                    |          |                                     |                          |                                     |                          |
| <input type="checkbox"/> Defeated           |                    |          |                                     |                          |                                     |                          |
| <input type="checkbox"/> Tabled             |                    |          |                                     |                          |                                     |                          |
| <input type="checkbox"/> Withdrawn          |                    |          |                                     |                          |                                     |                          |
|   | Lori A. Jiava      | Voter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
|   | William H. Beale   | Mover    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
|   | William Ciccarelli | Seconder | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
|   | John J. Fenton     | Voter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
|   | Michael Kuzmicz    | Voter    | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Dated: Wappingers Falls, New York  
January 30, 2017

The Resolution is hereby duly declared Adopted.

**XI. Adjournment**

**Motion To:** Wappinger Adjournment & Signature

COMMENTS - Current Meeting:

The meeting adjourned at 9:57 PM.

\_\_\_\_\_  
Joseph P. Paoloni  
Town Clerk

|                  |   |
|------------------|---|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                |
| <b>MOVER:</b>    | William Ciccarelli, Councilman            |
| <b>SECONDER:</b> | William H. Beale, Councilman              |
| <b>AYES:</b>     | Jiava, Beale, Ciccarelli, Fenton, Kuzmicz |