



Town of Wappinger

Regular Meeting

~ Minutes ~

20 Middlebush Road
Wappingers Falls, NY 12590
townofwappinger.us

Joseph Paoloni
(845)297-5771

Monday, June 12, 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
David Stolman	Consultant	Planner	Present	7:30 PM
Bob Gray	Consultant	Engineer	Present	7:30 PM
Albert Roberts	Consultant	Attorney	Present	7:30 PM

II. Salute to the Flag

III. Adoption of Agenda

1. **Motion To:** Adopt the Agenda

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

IV. Accept Minutes

1. **Motion To:** Acknowledge Minutes of May 22, 2017

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

V. Correspondence Log

RESOLUTION: 2017-110

Correspondence Log

Resolution Authorizing the Acceptance of the Correspondence Log

Correspondence Log - 2017-06-12						
Number	To	From	Date	Date Rec'	Re:	Agenda Date
06-12-001	Town Board	Town Comptroller	5/19/2017	5/19/2017	Warrants 2017 - W and X	6/12/2017
06-12-002	Town Board	Village of Wappingers Falls	5/9/2017	5/19/2017	Legal Notice - Planning Board	6/12/2017
06-12-003	Town Board	Village of Wappingers Falls	5/16/2017	5/19/2017	Legal Notice - ZBA	6/12/2017
06-12-004	Joseph P. Paoloni	Keane & Beane	5/19/2017	5/23/2017	Withdrawing a FOIL Request - DeGarmo Plaza	6/12/2017
06-12-005	Supervisor Jiava	Gary Lindstrom	5/24/2017	5/25/2017	Comments & Opinions Regarding Local Law 3	6/12/2017
06-12-006	Town Board	Dolce Von Inc/Farm to Table Bistro	5/31/2017	5/31/2017	State Liquor Authority / Local Municipality	6/12/2017
06-12-007	Town Board	Jessica Fulton	5/25/2017	6/1/2017	Playground Inspector	6/12/2017
06-12-008	Town Board	Bea Ogunti	6/1/2017	6/2/2017	Planning/Zoning Report, March, April, May 2017	6/12/2017
06-12-009	Town Board	Carl S. Wolfson	6/1/2016	6/2/2017	Monthly Justice Report, May 2017	6/12/2017
06-12-010	Town Board	Heather L. Kitchen	6/6/2017	6/5/2017	Monthly Justice Report, May 2017	6/12/2017
06-12-011	Town Board	Lee Anne Freno	6/5/2017	6/5/2017	Monthly Tax Report, May 2017	6/12/2017

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.

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

✓ Vote Record - Resolution RES-2017-110						
			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	Second	<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	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York
June 12, 2017

The Resolution is hereby duly declared Adopted.

VI. Public Hearings

1. Resolution Introducing Local Law No. 3 Of 2017 Which Would Amend Chapter 240, Zoning, Of The Town Code By Adding New Principal And Accessory Uses And New Supplementary Special Permit Use Regulations Regarding The Restoration And Sale Of Antique Passenger Motor Vehicles

COMMENTS - Current Meeting:

Gary Lindstrom of Kent Road addressed the board to suggest that Local Law 3 of 2017 is too narrow and appears to be designed to address specific businesses rather than what a general law should address. He pointed out that 30 years is defined as an antique whereas New York State uses 25 years. He suggested that car should be replaced with motor vehicle citing that a Camino is technically a truck not a car. He addressed the sales limit of 7 versus the NY State building at 5 years, and the required acreage of 4 years. Zoning Administrator Roberti said, "the law did

come up because of Custom Cadillac and we were trying to fit it into what the town laws already are for different types of auto repair and we thought it would be fair with 4 or more acres because this is not a business that you might want to see on very small lots."

2. Resolution Introducing "Local Law No. 4 Of The Year 2017, Amending Section 230-46 Of The Code Of The Town Of Wappinger, To Prohibit Parking Along Both Sides Of Front Street From Its Intersection With Bank Street Heading In A Northerly Direction To Its Termination At The Hudson River"

COMMENTS - Current Meeting:

No comments from the general public.

3. Resolution Introducing Local Law No. 5 Of 2017 Which Would Amend Chapter 240, Zoning, Of The Town Code By Modifying The Shopping Center (SC) District And Changing The Zoning Of Two Parcels To SC

COMMENTS - Current Meeting:

Clifford Davis addressed the board to represent Pete's Deli who opposes this rezone. He said the application did not address the reduction in acreage requirement for shopping center zoning from 10 acres to 5 acres. He said there has to be a new petition before anything could change. He added that there are two lots involved both of which are less than 5 acres, one being 4.2 acres and the other 1.0 acre. Thus, neither of those lots meet the required acreage requirement. He said there was no SEQRA analysis, no analysis of what the impact of the zone change would be or even on the impact on traffic. He said there should be a full SEQRA analysis. He warned that "once you change the master plan, once you change the zone, then all the businesses are going to come in and request a zone change and you're going to create a precedent." Planner Stolman explained that SEQRA was done. He added that traffic patterns were looked into and concluded that no additional traffic will be generated by the change of zone. He added that this is a direct action of the town board. Attorney Roberts added that the parcels would have to be consolidated before anything could happen and that would happen at the Planning Board.

4. Resolution Introducing Proposed Amendment To Town Comprehensive Plan In Connection w/ DeGarmo Plaza

COMMENTS - Current Meeting:

Clifford Davis re-iterated his position on this at the prior Public Hearing on Local Law Number 5 of 2017.

VII. Public Portion

1. Motion To: Open Public Portion

COMMENTS - Current Meeting:

Resident Lindstrom from Kent Road addressed highway easements and felt they were not mowed and complained about overgrown grass these highway easements. He also addressed the Emstar ambulances and the length of time they are left idling. Councilman Fenton suggested that the refrigerated vehicles need to be kept at temperatures that can accommodate the health drugs stored inside the emergency vehicles. He suggested powering from the buildings.

John Paladoro from 24 Sherwood Heights addressed the board to complain about the condition of Maloney Road after the recent tornado that touched down in that area. He handed out pictures to the town board. Nothing was filed with the town clerk. A long discussion ensued regarding the alleged condition of the roads. He asked why the roads are not being maintained. Councilman Kuzmicz responded that he did go out to Maloney road and said that he did go out there and saw that the roads were clear; he did see that there were some trees on people's personal property which would be the responsibility of the owners of the property. He promised to go out and look at trees that were just left there. He added that under Federal emergency monies can be provided to governments to take care of personal property such as with Hurricane Sandy and the events of September 11th; but, until that federal emergency declaration is granted, taxpayers cannot subsidize work needed to be done on other's private property. The discussion continued back and forth and ended.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	William Ciccarelli, 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:	Lori A. Jiava, Supervisor
AYES:	Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

VIII. Discussions

1. **Motion To:** Approve Mission and Vision Statement

COMMENTS - Current Meeting:

June 12, 2017

MISSION STATEMENT

The Town of Wappinger is committed to managing the balance between the collective visions of our residents, improving quality of life, preserving the historical beauty of our town, and facilitating smart growth and responsible economic development. The Town will provide for and encourage a collaborative and courteous environment whereby the town government effectively serves our town residents through transparency and open government principles.

VISION STATEMENT

The Town of Wappinger will continue to be recognized as a proactive, innovative, and conscientious community. We will strive to enhance the quality of life for our residents through responsible planning while respecting our small town heritage. We will continue to be committed to respecting and preserving our rich history as we focus on our future.

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

- 2. **Motion To:** Set Escrow of \$10,000 for Hackensack Heights Proposed Rezoning & Work with Professionals

COMMENTS - Current Meeting:

Zoning Administrator Roberti explained the proposal to remedy the abandoned gas station on 376 at the center of the New Hackensack hamlet. The proposal includes a rezone of an adjacent residential property from residential to commercial. Supervisor Jiava asked the board to set an escrow for 10K and to approve work with the town planner for the rezone from R40 to the GB commercial zoning.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lori A. Jiava, Supervisor
SECONDER:	William Ciccarelli, Councilman
AYES:	Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

3. Highway Emergencies

The board felt that this was discussed in the public portion.

4. Highway Maintenance of Town Roads, Easements and Grass

No Further Discussion than what was covered under the public portion.

5. Motion To: Approve Upcoming Recreation Events

COMMENTS - Current Meeting:

The recreation group addressed the board to provide a status of some upcoming events. Mr Cavaccini informed that a liability agreement will be provided by participants in the car show. The 30 cars accepted will fit comfortably in the non-wet part of Schlathaus Park. It was asked to donate the proceeds of the car show to displaced residents of the recent Village fire. Attorney Roberts asked for a letter outlining definitive statements of donations. Mr. Cavacinni informed that the town will not be collecting money. He added, an Independent body will collect and donate the funds. Attorney Roberts insisted on receiving a letter from the Recreation department. Buildings and Grounds superintendent Frazier has not done a site visit. Supervisor Jiava will accept Mr. Frazier's recommendation, the Attorney's approval, 2 backup rain dates, and a list of participants.

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

IX. Resolutions

RESOLUTION: 2017-111

Authorizing A Portion Of The Emergency Services Building To Be Leased To Emstar

WHEREAS, the Town Board entered into an Ambulance Service Agreement with Empire State Ambulance Corp. d/b/a EmStar on March 13, 2016 (hereinafter "EmStar"); and

WHEREAS, the Agreement between the Town and EmStar was for the purposes of providing general ambulance services for all sick and/or injured persons found in the boundaries of Town of Wappinger Town-wide Ambulance District; and

WHEREAS, pursuant to the Ambulance Service Agreement, EmStar is to secure a leased premise within the Town of Wappinger and use same as its base of operations for the performance of its duties; and

WHEREAS, the Town of Wappinger owns a building known as the Emergency Services Building located at 16 Middlebush Road in the Town of Wappinger, a portion of which was occupied by TC Hudson Valley, Inc. d/b/a TransCare (hereinafter "TransCare"), the ambulance company that previously supplied ambulance services to the Town; and

WHEREAS, the Town of Wappinger has agreed to lease a portion of the Emergency Services Building to EmStar in general accordance with the terms of the Draft Lease annexed hereto; and

WHEREAS, it is the intention that the Lease Agreement will be co-terminus with the Ambulance Service Agreement between the Town and EmStar and will provide for an annual sum of \$26,400, prorated from the commencement date, for the initial Lease term; all payments are to be made by EmStar in equal monthly installments payable on the 1st day of each and every calendar month; and

WHEREAS, the Lease Agreement is a transfer of the lease to EmStar, where there will be no material change in permit conditions or the scope of permitted activities for purposes of SEQRA Review;

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 determines that entry into the Lease Agreement is a Type II Action pursuant to 6 NYCRR §617.5(c)(26).
3. The Town Board hereby agrees to lease a portion of the Emergency Services Building formerly occupied by TransCare to EmStar and will provide for an annual sum of \$26,400, prorated from the commencement date, for the initial Lease term; all payments are to be made by EmStar in equal monthly installments payable on the 1st day of each and every calendar month.
4. The Town Board and EmStar both understand and agree that the Lease Agreement and the Ambulance Service Agreement will be terminated and/or extended together and remain co-terminus with each other.
5. Supervisor Lori A. Jiava is hereby authorized to execute the Lease Agreement on behalf of the Town in substantially in the same form as annexed hereto.
6. This resolution is adopted subject to a Permissive Referendum in accordance with the provisions of Article 7 of the Town Law.
7. Within ten days after the adoption of this resolution, the Town Clerk, in the same manner as provided for notice of a special election, shall post and publish the attached notice which shall set forth the date of the adoption of the resolution and contain an abstract of such resolution concisely stating the purpose and effect thereof.

This resolution shall not take effect until thirty days after its adoption; nor until approved by the affirmative vote of a majority of the qualified electors of such town or district affected, voting on such proposition, if within thirty days after its adoption there be filed with the town clerk a petition signed, and acknowledged or proved, or authenticated by electors of the town qualified to vote upon a proposition to raise and expend money, in number equal to at least five per centum of the total vote cast for governor in said town at the last general election held for the election of state officers, but which shall not be less than one hundred in a town of the first class nor less than twenty-five in a town of the second class, protesting against such act or resolution and requesting that it be submitted to the qualified electors of the town or district affected, for their approval or disapproval.

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

✓ Vote Record - Resolution RES-2017-111						
		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	Secunder	<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"/>
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Dated: Wappingers Falls, New York
June 12, 2017

The Resolution is hereby duly declared Adopted.

RESOLUTION: 2017-112

Resolution Authorizing Return Of Building Application Fee

WHEREAS, Lighthouse Solar submitted a Building Application in connection with Earth Angels Veterinary Hospital project located at 44 St. Nicholas Road; and

WHEREAS, Sun Technologies paid One Hundred Dollars (\$100.00) for the application fee; and

WHEREAS, the project was taken off the Planning Board agenda and no work was done processing the application.

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 hereby authorizes the return of the application fee to Sun Technologies, 4 Cheery Hill Road, New Paltz, New York 12561 in the amount of One Hundred Dollars (\$100.00) submitted in connection with Earth Angels Veterinary Hospital project located at 44 St. Nicholas Road.

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

✓ Vote Record - Resolution RES-2017-112						
			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	Voter	<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	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Michael Kuzmicz	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York
June 12, 2017

The Resolution is hereby duly declared Adopted.

RESOLUTION: 2017-113

Resolution Authorizing The Execution Of Lease Agreement With NYCOMCO For Radio Equipment For The Highway Department

WHEREAS, the Town of Wappinger Highway Department requires radio equipment to facilitate efficient communication between Highway Department personnel and various Town administrative agencies to promptly address issues relating to the maintenance and safety of

Town roadways and the traveling public, and local emergencies as they may arise; and

WHEREAS, the Town of Wappinger Superintendent of Highways, Vincent Bettina, has recommended the renewal of a Lease Agreement with the New York Communications Co., Inc. (NYCOMCO) including service of said equipment at a lease rate of \$1,924.00 per month for a 72 month lease term in accordance with a lease proposal prepared for the Town of Wappinger Highway Department, a copy of which is annexed hereto; and

WHEREAS, the Highway Superintendent has noted that the Town of Wappinger Highway Department has had a positive experience with NYCOMCO, both for equipment and service, and has recommended entering into this Lease Agreement; and

WHEREAS, this proposal complies with the Town’s Procurement Policy.

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 hereby determines that there is need for the lease of equipment for a wireless radio communication system as set forth in the attached proposal, at a lease rate of \$1,924.00 per month for a 72 month lease term.
3. The Town Highway Superintendent determines that the lease terms and conditions set forth in the Lease Agreement are acceptable and consistent with the needs of the Town of Wappinger Highway Department and otherwise complies with the Procurement Policy of the Town of Wappinger; and the Town Board concurs with that determination.
4. The Town Board hereby accepts the terms and conditions as set forth in the Lease Agreement and hereby authorizes the Supervisor to execute the Lease Agreement in substantially the same form as annexed hereto.

The Town Board directs that the amounts identified in the Lease Agreement approved herein shall be appropriated through budget lines DB 5110.401 and B2410.400 in the respective amounts of \$1,860 and \$64, respectively..

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

✓ Vote Record - Resolution RES-2017-113						
			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: 6/26/17 7:30 PM						
	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	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Michael Kuzmicz	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York
June 12, 2017

The Resolution is hereby duly declared Tabled.

RESOLUTION: 2017-114

Resolution Accepting Deed Of Dedication For Road Frontage In Connection w/ the Obercreek Subdivision

WHEREAS, Obercreek L.P. was the owner of a parcel of property having frontages on both New Hamburg Road and Marlerville Road; and

WHEREAS, Obercreek L.P. made application to the Town of Wappinger Planning Board for a 14-lot average density subdivision, which was granted Final Subdivision Plat Approval on June 20, 2014, for the subdivision known as “Obercreek Farm Subdivision”; and

WHEREAS, one of the conditions of subdivision approval required the applicant to dedicate road frontage along Marlorville Road; and

WHEREAS, Obercreek L.P. transferred all of its right, title and interest to the subject subdivision to Obercreek Development, LLC; and

WHEREAS, the attorney for the owner, Richard I. Cantor, Esq., has certified title to the property being dedicated to the Town of Wappinger.

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 Deed of Dedication for the road frontage along Marlorville Road from Obercreek Development, LLC to the Town of Wappinger.

3. The Town Board directs the Town Supervisor to execute any documents necessary to record said documents in the Dutchess County Clerk’s Office upon a determination that the aforesaid documents are delivered free and clear of any liens or encumbrances and are otherwise in compliance with the Town’s Subdivision Regulations, Zoning Code, Highway Specifications, and Rules and Regulations of the Town Code.

Upon receipt of the recorded deed, the Town Clerk shall file the recorded deed in his office for future reference.

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

✓ Vote Record - Resolution RES-2017-114						
			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	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York
June 12, 2017

The Resolution is hereby duly declared Adopted.

RESOLUTION: 2017-115

Authorizing A Portion Of The Emergency Services Building To Be Leased To The NY State Police

WHEREAS, the Town of Wappinger owns a building known as the Emergency Services Building located at 16 Middlebush Road in the Town of Wappinger; and

WHEREAS, the Town of Wappinger entered into a lease agreement with the State of New York, Executive Department, on behalf of the New York State Police on or about June 1, 1994 to lease a portion of the Emergency Services Building; and

WHEREAS, the leased premises was used for the official business of the Executive Department, Division of State Police, or by such other department, commission, board of officers

of the State of New York, or by the Superintendent of State Police as provided by the State Finance Law; and

WHEREAS, the New York State Police continues to occupy a portion of the Emergency Services Building and the original lease agreement has expired; and

WHEREAS, the State of New York, Executive Department, on behalf of the New York State Police wishes to occupy an additional two garage bays located within the Emergency Services Building which were not covered under the terms of the original lease; and

WHEREAS, the Town of Wappinger and the State of New York, Executive Department, on behalf of the New York State Police, have agreed to renew the lease in accordance with the terms of the Agreement of Lease annexed hereto; and

WHEREAS, for purposes of SEQRA Review, the scope of the activities being performed on the leased premises will remain the same;

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 determines that entry into the Agreement of Lease is a Type II Action pursuant to 6 NYCRR §617.5(c)(26).

3. The Town Board hereby agrees to lease the portion of the Emergency Services Building currently occupied by the New York State Police and the additional two garage bays in general accordance with the terms of the Agreement of Lease annexed hereto.

4. Supervisor Lori A. Jiava is hereby authorized to execute the Agreement of Lease on behalf of the Town in substantially in the same form as annexed hereto.

5. The Supervisor, the Attorney to the Town, Comptroller and any other Town Officers are authorized to execute any other documents that are necessary to effectuate this Lease.

6. The fully executed Lease Agreement shall be provided to the Town Clerk upon its receipt for filing in the records of the Town of Wappinger and a copy of the Lease Agreement shall be forwarded to the Attorney to the Town.

A copy of the fully executed Lease Agreement shall be provided to the Town Comptroller so that he may collect the rents due on behalf of the Town.

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

✓ Vote Record - Resolution RES-2017-115						
			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	Second	<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	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York
June 12, 2017

The Resolution is hereby duly declared Adopted.

RESOLUTION: 2017-116

Resolution Authorizing Litigation To Enjoin Violations At 1318 Route 9

WHEREAS, a certain parcel of land with an address of 1318 Route 9 in the Town of Wappinger, County of Dutchess, State of New York, and further identified by tax map parcel number 6157-02-619532, is currently owned by the Joseph A. Eulie Trust; and

WHEREAS, the tenant of the property, Five Star Automotive of NY LLC, is operating the premises in a manner that is not consistent with the approved site plan for the property in that vehicles are being parked on grass and other unapproved parking areas; and

WHEREAS, notices of violations, orders to remedy and appearance tickets regarding the Zoning Violations have been served upon the tenant of the property but the violations have continued unabated; and

WHEREAS, the Town of Wappinger Justice Court is without jurisdiction to issue an injunction to cure said violations so it is necessary to commence legal proceedings in the Supreme Court, Dutchess County, New York, to seek equitable relief to enjoin the above-referenced continuing violations.

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. For the reasons discussed in executive session this evening, the Town Board hereby authorizes the Attorney to the Town, Albert P. Roberts, and any member of his firm, Stenger, Roberts, Davis & Diamond, LLP, to bring appropriate legal proceedings in Supreme Court, Dutchess County, New York against the owner, tenants or occupants of 1318 Route 9 to enjoin the continuing violations of the Town of Wappinger Zoning Code, the Town of Wappinger Property Maintenance Code, the New York State Uniform Code and any other applicable violations of the Town of Wappinger Code

3. Supervisor Lori A. Jiava and the Attorney to the Town are hereby authorized to execute on behalf of the Town of Wappinger any documents necessary for the commencement of such legal proceedings.

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

✓ Vote Record - Resolution RES-2017-116						
			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
June 12, 2017

The Resolution is hereby duly declared Adopted.

RESOLUTION: 2017-117

Resolution Authorizing Litigation To Correct Violations At 12 Blackthorn Loop

WHEREAS, a certain parcel of property with an address of 12 Blackthorn Loop in the Town of Wappinger, County of Dutchess, State of New York, and further identified by tax map parcel number 6258-03-085058, is currently owned by Irving A. Jacobson and Nilda I. Jacobson, and

WHEREAS, multiple unregistered motor vehicles, lawn mowers and inoperative equipment are being stored on the premises in a manner that is harmful to the health, safety and welfare of the residents of the Town of Wappinger and in violation of the Town of Wappinger Zoning Code, the Town of Wappinger Property Maintenance Code and the New York State Uniform Code; and

WHEREAS, notices of violations, orders to remedy and appearance tickets regarding the Zoning Violations have been served upon the tenant of the property but the violations have continued unabated; and

WHEREAS, the Town of Wappinger Justice Court is without jurisdiction to issue an injunction to cure said violations so it is necessary to commence legal proceedings in the Supreme Court, Dutchess County, New York, to seek equitable relief to enjoin the above-referenced continuing violations.

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. For the reasons discussed in executive session this evening, the Town Board hereby authorizes the Attorney to the Town, Albert P. Roberts, and any member of his firm, Stenger, Roberts, Davis & Diamond, LLP, to bring appropriate legal proceedings in Supreme Court, Dutchess County, New York against the owner, tenants or occupants of 12 Blackthorn Loop to enjoin the continuing violations of the Town of Wappinger Zoning Code, the Town of Wappinger Property Maintenance Code, the New York State Uniform Code and any other applicable violations of the Town of Wappinger Code

3. Supervisor Lori A. Jiava and the Attorney to the Town are hereby authorized to execute on behalf of the Town of Wappinger any documents necessary for the commencement of such legal proceedings.

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

✓ Vote Record - Resolution RES-2017-117						
			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	Voter	<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	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Michael Kuzmicz	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York
June 12, 2017

The Resolution is hereby duly declared Adopted.

RESOLUTION: 2017-118

Resolution Adopting “Local Law No. 4 Of The Year 2017, Amending Section 230-46 Of

The Code Of The Town Of Wappinger, To Prohibit Parking Along Both Sides Of Front Street From Its Intersection With Bank Street Heading In A Northerly Direction To Its Termination At The Hudson River”

WHEREAS, a Resolution was duly adopted by the Town Board of the Town of Wappinger introducing a proposed Local Law entitled “Local Law No. 4 of the Year 2017, Amending Section 230-46 of the Code of the Town of Wappinger, to prohibit parking along both sides of Front Street from its intersection with Bank Street heading in a northerly direction to its termination at the Hudson River”; and

WHEREAS, the Public Hearing was duly advertised in the Southern Dutchess News and the Poughkeepsie Journal, official newspapers of the Town of Wappinger; and

WHEREAS, the Public Hearing was held on June 12, 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 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 Local Law No.4 of the Year 2017 in the form annexed hereto.
3. The Town Clerk is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book for the Town of Wappinger and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

The Town Superintendent of Highways is hereby authorized to install the no parking signs at the appropriate locations in accordance with this Local Law and to take any other necessary actions to implement the above mentioned no parking areas as required in accordance with the spirit and intent of this Local Law.

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

✓ Vote Record - Resolution RES-2017-118						
			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	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	William Ciccarelli	Mover	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York
June 12, 2017

The Resolution is hereby duly declared Adopted.

RESOLUTION: 2017-119

Resolution Authorizing Shared Services Agreement Between NYSDOT And The Town Of Wappinger

WHEREAS, the New York State Department of Transportation “NYSDOT” is authorized to contract with the Town of Wappinger to provide snow and ice control pursuant to Highway Law § 55 and General Municipal Law § 99-r; and

WHEREAS, NYSDOT has prepared and submitted a form agreement for snow and ice control services that do not exceed \$10,000 so that when a snow emergency should arise a contract to supply services is already in place; and

WHEREAS, the term of the agreement is one year which may be extended; and

WHEREAS, the shared services agreement is reciprocal so that the Town may call on the services of the NYSDOT and vice versa; and

WHEREAS, compensation under the agreement may be in funds, services, supplies or equipment; and

WHEREAS, the advanced execution of the instant Shared Services Agreement provides the Town with knowledge of the conditions of the transfer before an emergency should occur and it is in the best interest of the Town; and

WHEREAS, the Town Superintendent of Highways recommends that this Shared Services Agreement be executed;

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 on behalf of the Town of Wappinger approves the annexed Shared Services Agreement Between NYSDOT and authorizes the Town of Wappinger Superintendent of Highways to sign said agreement on behalf of the Town of Wappinger. The fully executed Shared Services Agreement shall be filed in the records of the Town Clerk and copies shall be provided to the Superintendent of Highways, the Supervisor, the Town Comptroller and the Attorney to the Town.

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

✓ Vote Record - Resolution RES-2017-119						
			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	Voter	<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	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Michael Kuzmicz	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York
June 12, 2017

The Resolution is hereby duly declared Adopted.

RESOLUTION: 2017-120

Resolution Adopting Local Law No. 3 Of 2017 Which Would Amend Chapter 240, Zoning, Of The Town Code By Adding New Principal And Accessory Uses And New Supplementary Special Permit Use Regulations Regarding The Restoration And Sale Of

Antique Passenger Motor Vehicles

WHEREAS, a Resolution was duly adopted by the Town Board of the Town of Wappinger introducing a proposed Local Law entitled, “Local Law No. 3 of the Year 2017 WHICH WOULD AMEND CHAPTER 240, ZONING, OF THE TOWN CODE BY ADDING NEW PRINCIPAL AND ACCESSORY USES AND NEW SUPPLEMENTARY SPECIAL PERMIT USE REGULATIONS REGARDING THE RESTORATION AND SALE OF ANTIQUE PASSENGER MOTOR VEHICLES”; 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 June 12, 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 hereby adopts a Negative Declaration of Significance in connection with the amendments to the Town Code adopted herein; 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 has taken a hard look at the environmental effects related to the Adoption of this Local Law and has determined that it will not result in a significant adverse effect therefore a Negative Declaration is adopted. The Town Clerk is directed to file the required notice with the NYS DEC pursuant to the SEQR regulations.

3. The Town Board of the Town of Wappinger hereby adopts the Local Law entitled, ““Local Law No. 3 of the Year 2017 WHICH WOULD AMEND CHAPTER 240, ZONING, OF THE TOWN CODE BY ADDING NEW PRINCIPAL AND ACCESSORY USES AND NEW SUPPLEMENTARY SPECIAL PERMIT USE REGULATIONS REGARDING THE RESTORATION AND SALE OF ANTIQUE PASSENGER MOTOR VEHICLES”, a copy of which is attached hereto and made a part of this Resolution.

4. 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.

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-2017-120						
			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	Voter	<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	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York

June 12, 2017

The Resolution is hereby duly declared Adopted.

11. Motion To: Two Seasonal Positions for Buildings and Grounds

COMMENTS - Current Meeting:

Steve Frazier requested the need to fill two seasonal positions. He said, "They are budget lines on the budget, the pay rate is \$12 per hour. Two candidates, one is Brent Lingardo, second is Manuel Boccini and I would like to approved to be on the...." An email was sent to the town board. No document were given to the town clerk regarding budget lines or pay rates.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lori A. Jiava, Supervisor
SECONDER:	Michael Kuzmicz, Councilman
AYES:	Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

X. Items for Special Consideration/New Business

Councilman Fenton asked to have the open planning board seat filled and put on the June 26th, 2017 Town Board Meeting.

Councilman Ciccarelli asked for a report of town's GPS systems and report to justify the continued use of them.

1. Motion To: Waive Water/Sewer Fee

COMMENTS - Current Meeting:

Town Board of Wappingers Falls
Attn: Supervisor
20 Middlebush Road
Wappingers Falls, NY 12590

RECEIVED

JUN 12 2017

SUPERVISOR OFFICE

52-56310

RE: Acct #: 52-0056310-0
Bill #: 003386
Service Address: 27 Deer Run Rd

To Whom This May Concern,

I, Carry Garcia, am writing to the board to ask for a waive on the late penalty fee. We are new to the town of Wappingers Falls and are aware that we are supposed to get a bill for the Water/Sewer. But we did not receive any invoice in the mail. I called the Town Clerk to see why we haven't receive an invoice, but she confirmed that our information is correct in the system. We just never received the bill.

So, I ask if you could please waive the penalty fee this one time.

Please contact me at (914) 310-3939, I would greatly appreciate it.

Thank you for assisting me in this matter.

Sincerely,

Carry Garcia

RECEIVED

JUN 13 2017

RESULT: ADOPTED [UNANIMOUS]
MOVER: Lori A. Jiava, Supervisor
SECONDER: Michael Kuzmicz, Councilman
AYES: Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

XI. Adjournment

Motion To: Wappinger Adjournment & Signature

COMMENTS - Current Meeting:

The meeting adjourned at 9:32 PM.

Joseph P. Paoloni
Town Clerk

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