



# Town of Wappinger

## Regular Meeting

~ Minutes ~

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

Joseph Paoloni  
(845)297-5771

Monday, June 26, 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 |
| Bob Gray           | Consultant        | Engineer          | Present | 7:30 PM |
| Al Roberts         | Consultant        | Attorney          | Present | 7:30 PM |

### II. Salute to the Flag

### III. Adoption of Agenda

#### 1. Motion To: Amend and Adopt Agenda

COMMENTS - Current Meeting:

Amended to add late property maintenance resolutions.

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

### IV. Accept Minutes

#### 1. Motion To: Acknowledge Minutes of June 12, 2017

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

### V. Correspondence Log

**RESOLUTION:** 2017-122

**Correspondence Log**

Resolution Authorizing the Acceptance of the Correspondence Log

| <b>Correspondence Log - 2017-06-26</b> |                   |                         |           |           |                                             |             |
|----------------------------------------|-------------------|-------------------------|-----------|-----------|---------------------------------------------|-------------|
| Number                                 | To                | From                    | Date      | Date Rec' | Re:                                         | Agenda Date |
| 06-26-001                              | Town Board        | Town Comptroller        | 6/26/2017 | 6/26/2017 | Warrants 2017 -Y and Z                      | 6/26/2017   |
| 06-26-002                              | Joseph P. Paoloni | Christopher Heady       | 6/6/2017  | 6/8/2017  | Regarding FOIL Request, April 11, 2017      | 6/26/2017   |
| 06-26-003                              | Town Board        | Alfred A. Cappelli, Jr. | 6/7/2017  | 6/12/2017 | Balloon Markers / Proposed Sikh Temple      | 6/26/2017   |
| 06-26-004                              | Town Board        | Vincent Bettina         | 6/12/2017 | 6/12/2017 | Notice of Absence                           | 6/26/2017   |
| 06-26-005                              | Town Board        | Carry Garcia            | 6/6/2017  | 6/13/2017 | Request to Waive Penalty Fee, Water & Sewer | 6/26/2017   |
| 06-26-006                              | Town Board        | James P. Horan          | 6/12/2017 | 6/14/2017 | Local Law for Solar Energy Systems          | 6/26/2017   |
| 06-26-007                              | Town Board        | Ralph Holt              | 6/12/2017 | 6/15/2017 | Request Vendor Approval                     | 6/26/2017   |
| 06-26-008                              | Town Board        | James P. Horan          | 6/22/2017 | 6/22/2017 | Order To Remedy                             | 6/26/2017   |

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-2017-122     |                    |          |                                     |                          |                          |                          |
|---------------------------------------------|--------------------|----------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|                                             |                    |          | 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"/> |

Dated: Wappingers Falls, New York  
June 26, 2017

The Resolution is hereby duly declared Adopted.

**VI. Public Hearing on Property Maintenance Violations**

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

COMMENTS - Current Meeting:

Nobody from the Public was in attendance and therefore no comments were made by the public.

|                  |                                           |
|------------------|-------------------------------------------|
| <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 |

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

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

## VII. Public Portion

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

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

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

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

## VIII. Discussions

1. **Motion To:** Town Board Summer Schedule

COMMENTS - Current Meeting:

The Town agreed to set the summer Town Board meeting as July 10th and an August 21st.

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

2. **Town Culverts and Easements**

Councilman Fenton looked at culverts over the weekend. He identified faulty ones at 74 Spook Hill Rd, 7 Drew Court, and 3 Dwyer Lane. Attorney Roberts indicated that the Highway Department is responsible. Engineer Gray agreed to look at it. Supervisor Jiava read aloud a letter from Ms. Dengler who was in attendance. No letter was filed with the Town Clerk. Mr. Roberts suggested compiling a list that he and the Engineer would look into it.

3. **Motion To:** Ask the Engineer to Cost the List of Roads Provided and Communicate Back to The Board For Approval.

COMMENTS - Current Meeting:

The town has already agreed on paving Brothers Road with 1.4 miles of road. Losee Road (0.9 miles) and McFarlane Road (0.9 miles) were suggested. Councilman Kuzmicz suggested that

Brothers Road can be paved at the same time that roads are being decided on. Engineer Gray said in the past he received a list and the engineer would cost it. He then asked the board for a list of roads. He added that we need only 1.8 miles of road. The discussion continued and they agreed that the remainder would be done on portions of Ketchamtown Road that need attention and portions of Marlerville and Creek road. The board moved and voted to authorize the Engineer.

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

4. **Motion To:** Approval Vendor Charlie Cornacchio and Mike Mahoney for Summer Concerts and Camp.

COMMENTS - Current Meeting:

Ralph Holt addressed the board for approval of Vendors Charlie Cornacchio for the summer concerts and Mike Mahoney with Kona Ice for the summer camp.

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

## IX. Resolutions

**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: 7/10/17 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     | Seconder | <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 26, 2017

The Resolution is hereby duly declared Tabled.

**RESOLUTION:** 2017-123

**Resolution Adopting Proposed Amendment To Town Comprehensive Plan In Connection With Degarmo Plaza**

WHEREAS, the Town Board is considering an amendment to the Town Comprehensive Plan for the purpose of adding a small amount of property to the Commercial designation as a result of what was perhaps an inadvertent omission; and

WHEREAS, the subject property is part of the DeGarmo Plaza shopping center and is known as tax parcel 6258-02-781586 (the "Subject Property"), which is located immediately to the north and east of the lot comprising the majority of the shopping center (tax parcel 6258-02-759569) on Myers Corners Road; and

WHEREAS, a Public Hearing on the proposed amendment to the Comprehensive Plan 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 amendment or any part thereof; and

WHEREAS, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Proposed Action is the rezoning of the two above mentioned tax parcels and an amendment to the Town Comprehensive Plan regarding the Subject Property; and

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted action pursuant to Article 8 of the Environmental Conservation Law, Part 617 NYCRR (commonly known as "SEQRA"); and

WHEREAS, the Town Board has determined that the Proposed Action is an action for which there are no other Involved Agencies and that the Town Board is therefore, by default, the Lead Agency for this action; and

WHEREAS, the Town Board referred the proposed amendment to the Town Planning Board for its advisory opinion; and

WHEREAS, although the Town Planning Board recommended that the subject properties be rezoned from the Neighborhood Business District to the Shopping Center District, the Planning Board did not specifically respond to the Town Board’s referral of the proposed amendment to the Comprehensive Plan; and

WHEREAS, as in accordance with Section 239 of the New York State General Municipal Law, the Town Board referred the proposed amendment to the Dutchess County Department of Planning and Development (DCDPD) for its advisory opinion; and

WHEREAS, in response to said referral the DCDPD stated that this is a “Matter of Local Concern;” and

WHEREAS, the Town Board has given due consideration to the comments of the Town Planning Board and the DCDPD; and

WHEREAS, said amendment 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, AS FOLLOWS:

1. The Town Board hereby adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.
2. Pursuant to the State Environmental Quality Review regulations, the Town Board hereby adopts the attached Negative Declaration for the reasons stated therein, thereby finding that the Proposed Action will not result in any significant adverse environmental impacts, and consequently finding that a Draft Environmental Impact Statement will not be required and that the SEQRA process is therefore complete.
3. The Town Board, after due deliberation, finds that it is in the best interest of the Town to adopt the proposed amendment to the Town Comprehensive Plan as shown on attached Exhibit A entitled, “Proposed DeGarmo Plaza Amendment of Comprehensive Plan,” and dated May 16, 2017, a copy of which is attached hereto and made a part of this resolution; except as specifically modified by the amendment contained therein, the Town Comprehensive Plan, as originally adopted and amended from time to time thereafter, is to remain in full force and effect.
4. The Town Clerk is directed to enter said amendment to the Town Comprehensive Plan in the minutes of this meeting into the records of the Town of Wappinger.

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

| ✓ Vote Record - Resolution RES-2017-123     |                    |        |                                     |                          |                          |                          |
|---------------------------------------------|--------------------|--------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|                                             |                    |        | 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          |                    |        |                                     |                          |                          |                          |
|                                             | 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 | Second | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

|                       |                 |       |                                     |                          |                          |                          |
|-----------------------|-----------------|-------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Next: 7/10/17 7:30 PM | 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 26, 2017

The Resolution is hereby duly declared Tabled.

**RESOLUTION:** 2017-124

**Resolution Adopting 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**

WHEREAS, the Town Board is considering the adoption of 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; and

WHEREAS, a Public Hearing on the proposed Local Law 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 has determined that the Proposed Action is an Unlisted action pursuant to Article 8 of the Environmental Conservation Law, Part 617 NYCRR (commonly known as "SEQRA"); and

WHEREAS, the Town Board has determined that the Proposed Action is an action for which there are no other Involved Agencies and that the Town Board is therefore, by default, the Lead Agency for this action; and

WHEREAS, on June 12, 2017 and pursuant to the State Environmental Quality Review regulations, the Town Board hereby adopted a Negative Declaration for the reasons stated therein, thereby finding that the proposed Local Law will not result in any significant adverse environmental impacts, and consequently finding that a Draft Environmental Impact Statement will not be required and that the SEQRA process is therefore complete; and

WHEREAS, the Town Board referred the proposed Local Law to the Town Planning Board for its advisory opinion; and

WHEREAS, in response to said referral the Town Planning Board responded and stated: "...at the Planning Board meeting held on March 6, 2017, the board voted favorably to the rezoning of DeGarmo Plaza from Neighborhood Business to Shopping Zoning District;" and WHEREAS, as in accordance with Section 239 of the New York State General Municipal Law, the Town Board referred the proposed Local Law to the Dutchess County Department of Planning and Development (DCDPD) for its advisory opinion; and

WHEREAS, in response to said referral the DCDPD offered comments and concluded that: "...our Department recommends that parcels 6258-02-759569 and 6258-02-781586 not be rezoned to Shopping Center District. We also recommend the Board not adopt the

proposed change to the Schedule of Dimensional Regulations Table.....If the Board acts contrary to our recommendation, the law requires that it do so by a majority plus one of the full membership of the Board and that it notify us of the reasons for its decision;” and WHEREAS, the Town Board has given due consideration to the comments of the Town Planning Board and the DCDPD; 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, AS FOLLOWS:

1. The Town Board hereby adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.
2. The Town Board, after due deliberation, finds that it is in the best interest of the Town to adopt said Local Law, and the Town Board hereby adopts Local Law No. \_\_ of 2017, a copy of which is attached hereto and made a part of this resolution; except as specifically modified by the amendments contained therein, the Town Code, as originally adopted and amended from time to time thereafter, is to remain in full force and effect.
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 to give due notice of the adoption of said Local Law to the Secretary of State of New York.

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

| ✓ Vote Record - Resolution RES-2017-124     |                    |          |                                     |                          |                          |                          |
|---------------------------------------------|--------------------|----------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|                                             |                    |          | 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: 7/10/17 7:30 PM                       |                    |          |                                     |                          |                          |                          |
|                                             | Lori A. Jiava      | Voter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                             | William H. Beale   | Secunder | <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 26, 2017

The Resolution is hereby duly declared Tabled.

**RESOLUTION:** 2017-132

**Resolution Accepting First Reduction In The Security Posted With The Performance Agreement Secured By A Letter Of Credit In Connection With The Ridges Subdivision**

WHEREAS, by Resolution 2016-125, the Town Board accepted a Performance Agreement executed by Mid-Hudson Holdings, LLC and personally guaranteed by John Goetz, a Managing Member of Mid-Hudson Holdings, LLC., secured by an Irrevocable Letter of Credit issued by Rhinebeck Bank in the principal sum of Four Hundred Three Thousand Five Hundred Sixty-Seven 20/100 Dollars (\$403,567.20) in favor of the Town of Wappinger as the guarantee of completion of the construction, installation and dedication of improvements required for The Ridges Subdivision; and

WHEREAS, Mid-Hudson Holdings, LLC has completed most of the required improvements for said subdivision; and



**WHEREAS**, by letter dated June 21, 2017, a copy of which is affixed hereto, Robert J. Gray, P.E. of Morris Associates Engineering & Surveying Consultants, PLLC, has recommended a reduction in the security posted to the sum of One Hundred Four Thousand Four Hundred Sixty-Four 80/100 Dollars (\$104,464.80); and

**WHEREAS**, the Town of Wappinger Highway Superintendent concurs in the reduction in the Irrevocable Letter of Credit to sum of One Hundred Four Thousand Four Hundred Sixty-Four 80/100 (\$104,464.80); and

**WHEREAS**, the Town Board hereby agrees to and authorizes a reduction in the security posted with the Performance Agreement, and hereby agrees to accept a reduced Irrevocable Letter of Credit in the sum of One Hundred Four Thousand Four Hundred Sixty-Four 80/100 Dollars (\$104,464.80) as security to guarantee the completion of the remaining work.

**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 agrees to accept a reduced Irrevocable Letter of Credit in the amount of One Hundred Four Thousand Four Hundred Sixty-Four 80/100 Dollars (\$104,464.80), as the security posted with the Performance Agreement so as to insure that the improvements required for The Ridges Subdivision will be properly completed and maintained as required by the Planning Board Resolution of Approval dated June 15, 2015.

The Letter of Credit previously posted in the sum of Four Hundred Three Thousand Five Hundred Sixty-Seven 20/100 Dollars (\$403,567.20) is hereby authorized to be released by the Town Clerk to Mid-Hudson Holdings, LLC upon delivery of a reduced Irrevocable Letter of Credit in the sum of One Hundred Four Thousand Four Hundred Sixty-Four 80/100 Dollars (\$104,464.80) in form acceptable to the Attorney to the Town.

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

| ✓ Vote Record - Resolution RES-2017-132     |                    |          |                                     |                          |                          |                          |
|---------------------------------------------|--------------------|----------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|                                             |                    |          | 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   | Seconder | <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 26, 2017

The Resolution is hereby duly declared Adopted.

**RESOLUTION:** 2017-125

**Resolution Ordering The Abatement Of Property Maintenance Violations At 1 Circle Drive**

**WHEREAS**, SD Funding, Inc., is the last known owner of real property shown on the tax records and the tax map of the Town of Wappinger as Tax Parcel ID # 6056-01-237810, having a street address of 1 Circle Drive (“Property”); and

**WHEREAS**, there is no record of a mortgage on the Property; and

**WHEREAS**, the Town of Wappinger received complaints that the Property had become overgrown with grass and weeds and that it was unsightly; and

**WHEREAS**, an Enforcement Official of the Town of Wappinger observed the existence of weeds and/or grass on the Property that exceeds ten (10) inches in height which violates § 185-3(C) of the Town of Wappinger Code on June 16, 2017 and thereafter issued a Notice of Violation & Order to Remedy High Grass & Weeds dated June 19, 2017 (copy attached as Exhibit "A"), which informed any person in control of the property that they had an opportunity to appear and be heard at this meeting of the Town Board to offer proof that the property is in compliance with the standards of Chapter 185 of the Town Code or that additional time is needed to take corrective action to cure the violation; and

**WHEREAS**, an Enforcement Official of the Town of Wappinger filed a written report with the Town Board of the Town of Wappinger noting that he/she had inspected the Property and found that weeds and/or grass on the property exceeded ten (10) inches and the Property was not in compliance with the property maintenance requirements of Chapter 185 of the Town Code; and

**WHEREAS**, a Public Hearing was held on June 26, 2017 and all parties in attendance were permitted an opportunity to speak regarding the maintenance conditions of the Property; and

**WHEREAS**, the Town Board of the Town of Wappinger after due deliberation, finds that the height of weeds and/or grass on the property exceeds ten (10) inches in height and the Property is not in compliance with the property maintenance requirements of Chapter 185 of the Town Code; that such condition has continued after the Order to Remedy was duly issued and it is determined that abatement of the high grass and weeds is now required.

**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 directs that the Supervisor of Buildings and Grounds dispatch workers to the Property to cut the grass and weeds as soon as possible.
3. In the event, that the Department of Buildings and Grounds is unable to mow the Property, the Supervisor of the Town or the Supervisor of Buildings and Grounds is authorized to engage the services of a landscape contractor to undertake such work as expeditiously as possible, which is not subject to competitive bidding.
4. In either case, accurate records of the labor and material costs required to perform the abatement work at the Property shall be kept so that they can be assessed and levied against the Property.
5. Claims for all work performed on the property shall be audited and approved in accordance with Article 8 of the Town Law.
6. A notice stating the total amount due and the nature of the charge shall be mailed by the Town to the last known address of the person whose name appears on the records in the office of the Town Assessor as being the owner or agent or as the person designated by the owner to receive tax bills or, where no name appears, to the premises, addressed to either the owner or the agent. Such notice shall have stamped or printed thereon a reference to Section 185-6 of the Town Code. The property owner shall have 10 days, after a copy of the notice establishing the costs and expenses is received to challenge any of the costs incurred by the Town.
7. After expiration of the time period to challenge the determination of costs and expenses, the amounts thereof shall be reported to the Assessor to the Town to be levied and assessed against the property, and the expense so assessed shall constitute a lien and charge on the property on which it is levied until paid or otherwise satisfied or discharged and shall otherwise be collected in the same manner and at the same time as other Town charges.

8. The Town Clerk is directed to mail the annexed Order of Abatement (copy attached as Exhibit “B”) within two (2) days hereof to the Property Owner at the addresses shown on said Order.

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

| ✓ Vote Record - Resolution RES-2017-125     |                    |        |                                     |                          |                          |                          |
|---------------------------------------------|--------------------|--------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|                                             |                    |        | 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     | Mover  | <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  
June 26, 2017

The Resolution is hereby duly declared Adopted.

**RESOLUTION:** 2017-126

**Resolution Ordering The Abatement Of Property Maintenance Violations At 111 All Angels Hill Road**

**WHEREAS**, HSBC Bank USA NA, are the last known owners of real property shown on the tax records and the tax map of the Town of Wappinger as Tax Parcel ID # 6258-02-572600, having a street address of 111 All Angels Hill Road (“Property”); and

**WHEREAS**, the Town of Wappinger received complaints that the Property had become overgrown with grass and weeds and that it was unsightly; and

**WHEREAS**, an Enforcement Official of the Town of Wappinger observed the existence of weeds and/or grass on the Property that exceeds ten (10) inches in height which violates § 185-3(C) of the Town of Wappinger Code on June 16, 2017 and thereafter issued a Notice of Violation & Order to Remedy High Grass & Weeds dated June 19, 2017 (copy attached as Exhibit “A”), which informed any person in control of the property that they had an opportunity to appear and be heard at this meeting of the Town Board to offer proof that the property is in compliance with the standards of Chapter 185 of the Town Code or that additional time is needed to take corrective action to cure the violation; and

**WHEREAS**, an Enforcement Official of the Town of Wappinger filed a written report with the Town Board of the Town of Wappinger noting that he/she had inspected the Property and found that weeds and/or grass on the property exceeded ten (10) inches and the Property was not in compliance with the property maintenance requirements of Chapter 185 of the Town Code; and

**WHEREAS**, a Public Hearing was held on June 26, 2017 and all parties in attendance were permitted an opportunity to speak regarding the maintenance conditions of the Property; and

**WHEREAS**, the Town Board of the Town of Wappinger after due deliberation, finds that the height of weeds and/or grass on the property exceeds ten (10) inches in height and the Property is not in compliance with the property maintenance requirements of Chapter 185 of the Town Code; that such condition has continued after the Order to Remedy was duly issued and it is determined that abatement of the high grass and weeds is now required.

**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 directs that the Supervisor of Buildings and Grounds dispatch workers to the Property to cut the grass and weeds as soon as possible.
3. In the event that the Department of Buildings and Grounds is unable to mow the Property, the Supervisor of the Town or the Supervisor of Buildings and Grounds is authorized to engage the services of a landscape contractor to undertake such work as expeditiously as possible, which is not subject to competitive bidding.
4. In either case, accurate records of the labor and material costs required to perform the abatement work at the Property shall be kept so that they can be assessed and levied against the Property.
5. Claims for all work performed on the property shall be audited and approved in accordance with Article 8 of the Town Law.
6. A notice stating the total amount due and the nature of the charge shall be mailed by the Town to the last known address of the person whose name appears on the records in the office of the Town Assessor as being the owner or agent or as the person designated by the owner to receive tax bills or, where no name appears, to the premises, addressed to either the owner or the agent. Such notice shall have stamped or printed thereon a reference to Section 185-6 of the Town Code. The property owner shall have 10 days, after a copy of the notice establishing the costs and expenses is received to challenge any of the costs incurred by the Town.
7. After expiration of the time period to challenge the determination of costs and expenses, the amounts thereof shall be reported to the Assessor to the Town to be levied and assessed against the property, and the expense so assessed shall constitute a lien and charge on the property on which it is levied until paid or otherwise satisfied or discharged and shall otherwise be collected in the same manner and at the same time as other Town charges.
8. The Town Clerk is directed to mail the annexed Order of Abatement (copy attached as Exhibit "B") within two (2) days hereof to the Property Owner and the mortgagee of record at the addresses shown on said Order.

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

| ✓ Vote Record - Resolution RES-2017-126     |                    |          |                                     |                          |                          |                          |
|---------------------------------------------|--------------------|----------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|                                             |                    |          | 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     | Secunder | <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 26, 2017

The Resolution is hereby duly declared Adopted.

**RESOLUTION:** 2017-127

**Resolution Ordering The Abatement Of Property Maintenance Violations At 43**

**Middlebush Road**

**WHEREAS**, Adam White and Michael Volkmann, are the last known owners of real property shown on the tax records and the tax map of the Town of Wappinger as Tax Parcel ID # 6157-01-487887, having a street address of 43 Middlebush Road (“Property”); and

**WHEREAS**, the Town of Wappinger received complaints that the Property had become overgrown with grass and weeds and that it was unsightly; and

**WHEREAS**, an Enforcement Official of the Town of Wappinger observed the existence of weeds and/or grass on the Property that exceeds ten (10) inches in height which violates § 185-3(C) of the Town of Wappinger Code on June 16, 2017 and thereafter issued a Notice of Violation & Order to Remedy High Grass & Weeds dated June 19, 2017 (copy attached as Exhibit “A”), which informed any person in control of the property that they had an opportunity to appear and be heard at this meeting of the Town Board to offer proof that the property is in compliance with the standards of Chapter 185 of the Town Code or that additional time is needed to take corrective action to cure the violation; and

**WHEREAS**, an Enforcement Official of the Town of Wappinger filed a written report with the Town Board of the Town of Wappinger noting that he/she had inspected the Property and found that weeds and/or grass on the property exceeded ten (10) inches and the Property was not in compliance with the property maintenance requirements of Chapter 185 of the Town Code; and

**WHEREAS**, a Public Hearing was held on June 26, 2017 and all parties in attendance were permitted an opportunity to speak regarding the maintenance conditions of the Property; and

**WHEREAS**, the Town Board of the Town of Wappinger after due deliberation, finds that the height of weeds and/or grass on the property exceeds ten (10) inches in height and the Property is not in compliance with the property maintenance requirements of Chapter 185 of the Town Code; that such condition has continued after the Order to Remedy was duly issued and it is determined that abatement of the high grass and weeds is now required.

**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 directs that the Supervisor of Buildings and Grounds dispatch workers to the Property to cut the grass and weeds as soon as possible.

3. In the event that the Department of Buildings and Grounds is unable to mow the Property, the Supervisor of the Town or the Supervisor of Buildings and Grounds is authorized to engage the services of a landscape contractor to undertake such work as expeditiously as possible, which is not subject to competitive bidding.

4. In either case, accurate records of the labor and material costs required to perform the abatement work at the Property shall be kept so that they can be assessed and levied against the Property.

5. Claims for all work performed on the property shall be audited and approved in accordance with Article 8 of the Town Law.

6. A notice stating the total amount due and the nature of the charge shall be mailed by the Town to the last known address of the person whose name appears on the records in the office of the Town Assessor as being the owner or agent or as the person designated by the owner to receive tax bills or, where no name appears, to the premises, addressed to either the owner or the agent. Such notice shall have stamped or printed thereon a reference to Section 185-6 of the Town Code. The property owner shall have 10 days, after a copy of the notice

establishing the costs and expenses is received to challenge any of the costs incurred by the Town.

7. After expiration of the time period to challenge the determination of costs and expenses, the amounts thereof shall be reported to the Assessor to the Town to be levied and assessed against the property, and the expense so assessed shall constitute a lien and charge on the property on which it is levied until paid or otherwise satisfied or discharged and shall otherwise be collected in the same manner and at the same time as other Town charges.

8. The Town Clerk is directed to mail the annexed Order of Abatement (copy attached as Exhibit "B") within two (2) days hereof to the Property Owner and the mortgagee of record at the addresses shown on said Order.

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

| ✓ Vote Record - Resolution RES-2017-127     |                    |          |                                     |                          |                          |                          |
|---------------------------------------------|--------------------|----------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|                                             |                    |          | 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    | Seconder | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Dated: Wappingers Falls, New York  
June 26, 2017

The Resolution is hereby duly declared Adopted.

**RESOLUTION:** 2017-128

**Resolution Ordering The Abatement Of Property Maintenance Violations At 12 Robin Lane**

**WHEREAS**, John and Debra Proctor, are the last known owners of real property shown on the tax records and the tax map of the Town of Wappinger as Tax Parcel ID # 6258-04-658160, having a street address of 12 Robin Lane ("Property"); and

**WHEREAS**, the Town of Wappinger received complaints that the Property had become overgrown with grass and weeds and that it was unsightly; and

**WHEREAS**, an Enforcement Official of the Town of Wappinger observed the existence of weeds and/or grass on the Property that exceeds ten (10) inches in height which violates § 185-3(C) of the Town of Wappinger Code on June 16, 2017 and thereafter issued a Notice of Violation & Order to Remedy High Grass & Weeds dated June 19, 2017 (copy attached as Exhibit "A"), which informed any person in control of the property that they had an opportunity to appear and be heard at this meeting of the Town Board to offer proof that the property is in compliance with the standards of Chapter 185 of the Town Code or that additional time is needed to take corrective action to cure the violation; and

**WHEREAS**, an Enforcement Official of the Town of Wappinger filed a written report with the Town Board of the Town of Wappinger noting that he/she had inspected the Property and found that weeds and/or grass on the property exceeded ten (10) inches and the Property was not in compliance with the property maintenance requirements of Chapter 185 of the Town Code; and

**WHEREAS**, a Public Hearing was held on June 26, 2017 and all parties in attendance were permitted an opportunity to speak regarding the maintenance conditions of the Property; and

**WHEREAS**, the Town Board of the Town of Wappinger after due deliberation, finds that the height of weeds and/or grass on the property exceeds ten (10) inches in height and the Property is not in compliance with the property maintenance requirements of Chapter 185 of the Town Code; that such condition has continued after the Order to Remedy was duly issued and it is determined that abatement of the high grass and weeds is now required.

**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 directs that the Supervisor of Buildings and Grounds dispatch workers to the Property to cut the grass and weeds as soon as possible.
3. In the event that the Department of Buildings and Grounds is unable to mow the Property, the Supervisor of the Town or the Supervisor of Buildings and Grounds is authorized to engage the services of a landscape contractor to undertake such work as expeditiously as possible, which is not subject to competitive bidding.
4. In either case, accurate records of the labor and material costs required to perform the abatement work at the Property shall be kept so that they can be assessed and levied against the Property.
5. Claims for all work performed on the property shall be audited and approved in accordance with Article 8 of the Town Law.
6. A notice stating the total amount due and the nature of the charge shall be mailed by the Town to the last known address of the person whose name appears on the records in the office of the Town Assessor as being the owner or agent or as the person designated by the owner to receive tax bills or, where no name appears, to the premises, addressed to either the owner or the agent. Such notice shall have stamped or printed thereon a reference to Section 185-6 of the Town Code. The property owner shall have 10 days, after a copy of the notice establishing the costs and expenses is received to challenge any of the costs incurred by the Town.
7. After expiration of the time period to challenge the determination of costs and expenses, the amounts thereof shall be reported to the Assessor to the Town to be levied and assessed against the property, and the expense so assessed shall constitute a lien and charge on the property on which it is levied until paid or otherwise satisfied or discharged and shall otherwise be collected in the same manner and at the same time as other Town charges.
8. The Town Clerk is directed to mail the annexed Order of Abatement (copy attached as Exhibit "B") within two (2) days hereof to the Property Owner and the mortgagee of record at the addresses shown on said Order.

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

| ✓ Vote Record - Resolution RES-2017-128     |                    |          |                                     |                          |                          |                          |
|---------------------------------------------|--------------------|----------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|                                             |                    |          | 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     | 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  
June 26, 2017

The Resolution is hereby duly declared Adopted.

**RESOLUTION:** 2017-129

**Resolution Ordering The Abatement Of Property Maintenance Violations At 12 Doyle Drive**

**WHEREAS**, John and Patricia Toia, are the last known owners of real property shown on the tax records and the tax map of the Town of Wappinger as Tax Parcel ID # 6257-02-849542, having a street address of 12 Doyle Drive (“Property”); and

**WHEREAS**, the Town of Wappinger received complaints that the Property had become overgrown with grass and weeds and that it was unsightly; and

**WHEREAS**, an Enforcement Official of the Town of Wappinger observed the existence of weeds and/or grass on the Property that exceeds ten (10) inches in height which violates § 185-3(C) of the Town of Wappinger Code on June 15, 2017 and thereafter issued a Notice of Violation & Order to Remedy High Grass & Weeds dated June 19, 2017 (copy attached as Exhibit “A”), which informed any person in control of the property that they had an opportunity to appear and be heard at this meeting of the Town Board to offer proof that the property is in compliance with the standards of Chapter 185 of the Town Code or that additional time is needed to take corrective action to cure the violation; and

**WHEREAS**, an Enforcement Official of the Town of Wappinger filed a written report with the Town Board of the Town of Wappinger noting that he/she had inspected the Property and found that weeds and/or grass on the property exceeded ten (10) inches and the Property was not in compliance with the property maintenance requirements of Chapter 185 of the Town Code; and

**WHEREAS**, a Public Hearing was held on June 26, 2017 and all parties in attendance were permitted an opportunity to speak regarding the maintenance conditions of the Property; and

**WHEREAS**, the Town Board of the Town of Wappinger after due deliberation, finds that the height of weeds and/or grass on the property exceeds ten (10) inches in height and the Property is not in compliance with the property maintenance requirements of Chapter 185 of the Town Code; that such condition has continued after the Order to Remedy was duly issued and it is determined that abatement of the high grass and weeds is now required.

**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 directs that the Supervisor of Buildings and Grounds dispatch workers to the Property to cut the grass and weeds as soon as possible.
3. In the event that the Department of Buildings and Grounds is unable to mow the Property, the Supervisor of the Town or the Supervisor of Buildings and Grounds is authorized to engage the services of a landscape contractor to undertake such work as expeditiously as possible, which is not subject to competitive bidding.
4. In either case, accurate records of the labor and material costs required to perform the abatement work at the Property shall be kept so that they can be assessed and levied against the Property.



5. Claims for all work performed on the property shall be audited and approved in accordance with Article 8 of the Town Law.

6. A notice stating the total amount due and the nature of the charge shall be mailed by the Town to the last known address of the person whose name appears on the records in the office of the Town Assessor as being the owner or agent or as the person designated by the owner to receive tax bills or, where no name appears, to the premises, addressed to either the owner or the agent. Such notice shall have stamped or printed thereon a reference to Section 185-6 of the Town Code. The property owner shall have 10 days, after a copy of the notice establishing the costs and expenses is received to challenge any of the costs incurred by the Town.

7. After expiration of the time period to challenge the determination of costs and expenses, the amounts thereof shall be reported to the Assessor to the Town to be levied and assessed against the property, and the expense so assessed shall constitute a lien and charge on the property on which it is levied until paid or otherwise satisfied or discharged and shall otherwise be collected in the same manner and at the same time as other Town charges.

8. The Town Clerk is directed to mail the annexed Order of Abatement (copy attached as Exhibit "B") within two (2) days hereof to the Property Owner and the mortgagee of record at the addresses shown on said Order.

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

| ✓ Vote Record - Resolution RES-2017-129     |                    |          |                                     |                          |                          |                          |
|---------------------------------------------|--------------------|----------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|                                             |                    |          | 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     | Mover    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                             | Michael Kuzmicz    | Secunder | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Dated: Wappingers Falls, New York  
June 26, 2017

The Resolution is hereby duly declared Adopted.

**RESOLUTION:** 2017-130

**Resolution Ordering The Abatement Of Property Maintenance Violations At 33 Bowdoin Lane**

**WHEREAS**, Ventures Trust 2013-I-H-R by MCM Capital Partners, LLC, are the last known owners of real property shown on the tax records and the tax map of the Town of Wappinger as Tax Parcel ID # 6057-040808482, having a street address of 33 Bowdoin Lane ("Property"); and

**WHEREAS**, the Town of Wappinger received complaints that the Property had become overgrown with grass and weeds and that it was unsightly; and

**WHEREAS**, an Enforcement Official of the Town of Wappinger observed the existence of weeds and/or grass on the Property that exceeds ten (10) inches in height which violates § 185-3(C) of the Town of Wappinger Code on June 16, 2017 and thereafter issued a Notice of Violation & Order to Remedy High Grass & Weeds dated June 19, 2017 (copy attached as Exhibit "A"), which informed any person in control of the property that they had an opportunity

to appear and be heard at this meeting of the Town Board to offer proof that the property is in compliance with the standards of Chapter 185 of the Town Code or that additional time is needed to take corrective action to cure the violation; and

**WHEREAS**, an Enforcement Official of the Town of Wappinger filed a written report with the Town Board of the Town of Wappinger noting that he/she had inspected the Property and found that weeds and/or grass on the property exceeded ten (10) inches and the Property was not in compliance with the property maintenance requirements of Chapter 185 of the Town Code; and

**WHEREAS**, a Public Hearing was held on June 26, 2017 and all parties in attendance were permitted an opportunity to speak regarding the maintenance conditions of the Property; and

**WHEREAS**, the Town Board of the Town of Wappinger after due deliberation, finds that the height of weeds and/or grass on the property exceeds ten (10) inches in height and the Property is not in compliance with the property maintenance requirements of Chapter 185 of the Town Code; that such condition has continued after the Order to Remedy was duly issued and it is determined that abatement of the high grass and weeds is now required.

**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 directs that the Supervisor of Buildings and Grounds dispatch workers to the Property to cut the grass and weeds as soon as possible.

3. In the event that the Department of Buildings and Grounds is unable to mow the Property, the Supervisor of the Town or the Supervisor of Buildings and Grounds is authorized to engage the services of a landscape contractor to undertake such work as expeditiously as possible, which is not subject to competitive bidding.

4. In either case, accurate records of the labor and material costs required to perform the abatement work at the Property shall be kept so that they can be assessed and levied against the Property.

5. Claims for all work performed on the property shall be audited and approved in accordance with Article 8 of the Town Law.

6. A notice stating the total amount due and the nature of the charge shall be mailed by the Town to the last known address of the person whose name appears on the records in the office of the Town Assessor as being the owner or agent or as the person designated by the owner to receive tax bills or, where no name appears, to the premises, addressed to either the owner or the agent. Such notice shall have stamped or printed thereon a reference to Section 185-6 of the Town Code. The property owner shall have 10 days, after a copy of the notice establishing the costs and expenses is received to challenge any of the costs incurred by the Town.

7. After expiration of the time period to challenge the determination of costs and expenses, the amounts thereof shall be reported to the Assessor to the Town to be levied and assessed against the property, and the expense so assessed shall constitute a lien and charge on the property on which it is levied until paid or otherwise satisfied or discharged and shall otherwise be collected in the same manner and at the same time as other Town charges.

8. The Town Clerk is directed to mail the annexed Order of Abatement (copy attached as Exhibit "B") within two (2) days hereof to the Property Owner and the mortgagee of record at the addresses shown on said Order.

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

| ✓ Vote Record - Resolution RES-2017-130                                                                                                                                                                  |                    |        |                                     |                          |                          |                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> Adopted<br><input type="checkbox"/> Adopted as Amended<br><input type="checkbox"/> Defeated<br><input type="checkbox"/> Tabled<br><input type="checkbox"/> Withdrawn |                    |        | Yes/Aye                             | No/Nay                   | Abstain                  | Absent                   |
|                                                                                                                                                                                                          | 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  
June 26, 2017

The Resolution is hereby duly declared Adopted.

## X. Items for Special Consideration/New Business

Attorney Roberts suggested signs for canine waste be posted by the Highway Department on Amherst and Bowdoin Lane.

- Motion To:** Request Highway Department to Post Canine Waste signs on Amherst and Bowdoin Lane paid Out of B Fund Contingency

COMMENTS - Current Meeting:

Attorney Roberts suggested signs for canine waste be posted by the Highway Department on Amherst and Bowdoin Lane.

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

- Motion To:** Request to Move \$1,800 from A7110.239 to Castlepoint A7110.402

COMMENTS - Current Meeting:

This was to renovate the Castlepoint Ken Brown memorial.

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

## XI. Executive Session

- Motion To:** Enter Executive Session

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

2. **Motion To:** Return From Executive Session

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

3. **Motion To:** Reduce Rent for Sports Museum at \$100 per month and refund retroactively from Earlier in the Year

COMMENTS - Current Meeting:

The amount of refund will be finalized by the Comptroller.

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

**XII. Adjournment**

**Motion To:** Wappinger Adjournment & Signature

COMMENTS - Current Meeting:

The meeting adjourned at 10:00 PM.

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Joseph P. Paoloni  
Town Clerk

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