

lawsuit on it to fight over \$50,000. Maybe there should be some financial recourse of this.

Margaret Alferman: I'm sure the EPA can find out who left it there and I'm sure they are going to try and recoup their money from them, immediately. We do have an investigation going right now and we have sent a letter to all of the parties we think might have any sort of connection and we offered them the opportunity to do the clean up. We haven't heard anything back. So, since no one is stepping up, we are going to go ahead and use our funds and then cost recover during and after.

Supervisor Myers: I think we have no other recourse than to go forward. If any of this stuff should leak or become volatile, we could have a serious problem. It is close to the College, to Star Gas and a lot of residential places that we don't certainly want to put into any danger.

Councilman Tancredi: I agree 100% that it needs to be cleaned up and I'm glad the EPA is taking the initiative to try to find the responsible party because as Councilman Conte said, just because you're paying it, doesn't mean our residents aren't still paying it, it still comes out of the resident's pockets one way or another.

Lenny Splain from the Building Department stated that they haven't found cyanide in the analytical results. What it consists of is a series of air monitoring stations that monitor for both particulates as well as violatory organics and they are co-located and so we will be monitoring inside the work zones while they are sampling as well as along the perimeter of the property. Everything we've identified thus far does not show that there would be any kind of reaction. Some of it is non-hazardous, it's just blue ink and then some low level substances in it. It shouldn't be anything that would react and result in anything hazardous to the citizens.

Councilman Eagleton: Then the risk is low.

Lenny Splain: Very low. (Mr. Splain submitted a few pictures of the site as well, and is (ATTACHED TO FINAL BOOK COPY) The Fire Department is also on duty to investigate any hazardous conditions and substances.

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

CARRIED: 6-0

Rob Rubin: Are there any plans in the event that when transporting these chemicals of a tractor trailer accidents while it's in the Town of Poughkeepsie. What kind of precautions is being made in the removal of those tractor trailers?

Andrew Confortini, EPA On-Scene Coordinator: We move a lot of material throughout the States of New York and New Jersey that has hazardous waste and if there should be an accident with any kind of hazardous substance, it would pretty much fall under the

County Hazardous team, they would be the first responders. I don't expect anything that would be overly hazardous. The first phone call comes to me on it. There wouldn't be anything going over the roads that would be hazardous and impact any kind of evacuation procedure or anything like that.

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

CARRIED: 6-0

03:16-SM 1 APPOINT

Kyle W. Barnett, Esq. As Special Counsel
To Apply, With the EPA, For A Warrant
To Enter Property Located At 3440-3444
North Road (Former Western Publishing
Site) To Remove Hazardous Materials

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Kyle W. Barnett, Esq. as special counsel, at the hourly rate of \$165.00 to apply, in conjunction with the U.S. Environmental Protection Agency (EPA), for a warrant to enter property located at 3440-3444 North Road (former Western Publishing Site) to remove hazardous materials.

SO MOVED: Supervisor Myers/J. Conte

Councilman Tancredi: I had asked Mr. Nelson when this came up, if there was an estimate on the amount needed and I think it was something like \$2500.

(Unidentified speaker) \$2500 to close up the last warrant and to work with them on this.

Councilman Tancredi: So, I would like to put a cap on this if we could. I prefer not to leave it open ended.

Motion made to amend this resolution that we cap this at \$3000 at this point in time.
Seconded by Councilman Tancredi.

ROLL CALL ON AMENDMENT: Ayes: Councilmen Eagleton, Conte, Cifone,
Krakower, Tancredi and Supervisor Myers
Nays: None CARRIED: 6-0

ROLL CALL ON RESOLUTION AS AMENDED: Ayes: Councilmen Eagleton, Conte,
Cifone, Krakower, Tancredi
and Supervisor Myers
Nays: None
CARRIED: 6-0

03:16-SM 2 AUTHORIZE

Re-Advertisement For Bids For The Disposal
Of Liquid Sludge & Containers & Transportation
Of Dewatered Sludge To Disposal Sites

WITHDRAWN FROM AGENDA

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

CARRIED: 6-0

Rob Rubin: I just want to take a moment to discuss the degree of accessibility of our Town Government. From personal experience, I would like to say the following: Our Supervisor is absolutely available, thank you. Our Town Clerk, also, never a problem, Sue, thank you again. My Ward representative, work in progress. Our Town Lawyer, it's been two weeks, and I'm still waiting for you to get back to me. As a matter of fact, I happened to be in Town Hall and I was in the Town Clerk's Office and your secretary came in seeking a copy of the document that I wanted to talk to you about. I went home, I got it and immediately returned it to your office, but I still haven't heard from you yet. Our Town Comptroller. I called a request in to him on three occasions and haven't received anything back. That I have to pursue. Summarizing, Maybe I'm niece, but I still believe in "Truth, Justice and the American Way" and furthermore, I believe in government "Of the People, by the People and for the People" and it's just a warning to those who don't listen to the people to watch out because "We the People", both Democrats and Republicans alike, will step forward by means of the ballot box to retake our government.

Thank you.

Councilman Cifone: Mr. Rubin, if I could, the Town Attorney, it's been our past practice that the Town Attorney works for the Board and the elected officials.

Councilman Krakower: And the communications would come through the Supervisor or Councilman.

Rob Rubin: Thank you, I'm ignorant of that. So, thank you.

Doreen Tignanelli: I would like to give you my semi-weekly update on the Arlington Fire District. The Budget for 2010 is \$15.1 million. They had a \$1.7 million fund balance also for 2010, so that's an unappropriated, unreserved fund balance. That means not money to go for salaries or medical or anything like that. So, in spite of that, which comes out to be \$16.8 million Arlington Fire District ended 2010 with a Budget deficit of minus \$33,000. The Treasurer attributed the deficit to the fact that they bought three trucks and an ambulance in 2010 and those purchases came to a little over \$2 million. So, basically they blew through all their budgeted money and the fund balance they could have used at least part of it for tax relief, but they chose to buy that equipment that ended in a deficit and again they are still talking about buying one more truck and potentially another ambulance this year. There doesn't seem to be any fiscal responsibilities.

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

CARRIED: 6-0

Motion made to close the Special Meeting: Supervisor Myers/T. Tancredi

CARRIED: 6-0

Motion made to open the Committee of the Whole Meeting: Supervisor Myers/T. Tancredi

CARRIED: 6-0

COMMITTEE OF THE WHOLE MEETING
MARCH 16, 2011
MEETING OPENED AT 7:36 PM

03:16 – COW 1 PRESENTATION

New York State Energy
Research & Development
Authority (NYSERDA)

REMOVED FROM AGENDA UNTIL NEXT MONTH

03:16-COW 2 DISCUSSION

Greenway Environmental
Services Compost Facility

Councilman Tancredi introduced Josephine Papagni and Shabazz Jackson and stated that they have been discussing the possibility of doing a composting operation over at the Frank Wells site where the Town Highway currently stockpiles debris and some contracting out of some chipping.

Shabazz Jackson, President of Greenway Environmental Services: Walked through the update sheet which is (ATTACHED TO FINAL BOOK COPY.) and the Plan for development (ALSO ATTACHED TO FINAL BOOK COPY).

DISCUSSION with Town Board:

Councilman Tancredi: Approximately how much fill will fill the area to be filled?

Shabazz Jackson: The entire area would need approximately 80,000 yards of fill.

Supervisor Myers: How much is that going to raise that?

Shabazz Jackson: It's going to raise the outside area to the same approximate height as this (Pointing to a map). Basically it will be a flat area with some contour to it, but that's the extent of the fill.

Councilman Tancredi: Is it 8 or 9 feet in height? I think I saw reading that somewhere?

Shabazz Jackson: It's not a completely flat area. Currently the elevation here it will go from 157 to 167 and so it will be about 10 feet all the way. It kind of drops down and it will be less coming across the site. The site will be graded a little higher at this end (referring to map) and then the stormwater will come this way and through a bio filtration system and be stored in these two ponds.

Councilman Tancredi: Then this site, when complete, will be large enough to manage all of the Town's Fall leaf harvest?

Shabazz Jackson: Yes. We did manage in 2001 and 2002, we managed the Town of Poughkeepsie's leaves over at Vassar Farms and then the Town of Poughkeepsie made the arrangements they currently have and stopped bringing their leaves there. So we are very familiar of the quantity of leaves and the quality of the material that comes in and when we think of it, we think of it as not as waste, but as a resource and we have to think always of the product that we are going to make from it. We are confident that we can make a premium product that is valuable enough to offset your costs. In exchange for the use of the property, we will be able to process your wood waste and your leaves at no cost and then we would also take it as a drop off for your residents and they would get a sticker or something identifying them. The area is sectioned off for this area is for leaves, this area is for wood waste, there is a small area for food waste, and we would manage the current deer composting rights in the middle of the site.

Councilman Tancredi: What hours of operation would you plan on holding at the site?

Shabazz Jackson: The same hours as at Vassar. We would be open half a day on Saturdays. So it would be Monday through Friday 8 to 3 and Saturday 8 to 12.

Councilman Eagleton: Is this the only site available as why we picked this site?

Shabazz Jackson: Yes, this is the only one that is owned by the Town. The other alternative is to take land off the tax roll and the only real land that is available is right at the headwater of the Casperkill and so that site has it's own problems. This site is large enough for us to maintain and control all the water that runs off. It is large enough to manage the Town's waste, it's geared to educate the Town's people. We have what we call a Zero Waste Education complex here and a garage here so we can maintain our equipment inside and it's a fairly simple process. The real nice thing about this, we still have this process in place over at Vassar Farms. If you wanted to see what these ponds look like and the bio filtration system and what the composting looks like and our finished products, you could certainly come over at Vassar Farms and have a look. We have 10,000 yards of compost there now and we have the system completely set up.

Councilman Eagleton: How long can this last? What is the lifespan?

Shabazz Jackson: In theory, it will last forever. Unless you were actually to annex the next Town, your material is not going to increase because it has to do with the number of square miles of your Town. So, there is a finite amount of material to be managed each year and this site is capable of managing all of them.

Councilman Conte: How much impact would be on the surrounding residents 600 feet away, as to smell, and noise, etc.?

Shabazz Jackson: Because of the way the land is regulated, the Town has total control so that if this operation doesn't live up to its specifications, the Town can shut it down. So, you don't have to go to the DEC or anywhere. Also, the hours of operation and then what we've done and demonstrate at Vassar is the ability to set the site up so that the sound is actually absorbed by the site. The surrounding neighbors at Vassar, Todd could tell you, we have never had one complaint.

03:16-COW 3 DISCUSSION

Permit Requirements & Review
Process For Installation Of Fences

Neil Wilson, Development Director: Our current process of review and permitting of fences which mostly involve fences that people put up as part of their houses, residential fences. A little over a year ago we instituted a process that requires a nominal fee. It's a \$10 permit fee. The idea being, we seem to have a bit of a rash of fences that were going in places that were triggering the need for people to come in for variances before the Zoning Board of Appeals or they were taking fences down. Specifically, the regulations, the way that they are drafted, we didn't change the language when we adopted the Code in 2007, it is a carry over from the 1993 Code. It allows fences up to 8' in height, which is a little unusual. Most towns allow up to 6', but the 8' height limitation applies only to those areas of a yard outside of the front yard. In other words, the limitation is 3 ½' for walls, fences and hedges, within the first whatever the front yard setback is. So typically, in the R-20,000 residential district, you've got a 30 foot setback, which usually also turns out to be the setback for the house itself. So, we went through a period where people were putting up stockade fences or fences or hedges over 3 ½' in height and in many cases, the hedges became an issue because when they were installed they are low and then they grow and result in the need for enforcement action. So, one of the things we thought, a little over a year ago, was to institute a permit system requiring people to come in so that we can take a look and advise people appropriately as to the proper location for the fences, placement in the front yard. It's a bit of a "mixed bag", we still have a number of people who go and put fences in. The issues there tend to be those houses that are on a corner where they have two front yards and the fence companies seem to be very aware of the permit process, but whatever they are telling their clients, they are probably simply leaving it to them to obtain whatever permit is necessary. They are then going in

and installing these fences and our Zoning Administrator is picking them up. The fences and walls over 3 ½' in height that she is citing, are in the front yard. If someone puts up a 10' fence in their back yard, we are not looking for that. So, the question gets to be whether or not the Board wants us to continue that process and I would simply be guessing if I had some kind of a ratio as to whether or not for every two permits we receive, one goes in without a permit, I don't know, we just don't know. It's a large Town and the issues really come up with the placement of fences in the front yard. The other issue is that the idea behind limiting walls and fences and hedges in the front yard is to avoid sort of a corridor affect down our streets. We don't want people putting large fences hard up against the roadside so you are blocking views down the street. But, the other idea is to limit obstructions that are placed out along the road so that people have trouble like coming out of their driveways and they are blocked to the view left or right. We don't necessarily need a 30' set back in most cases, so the question I have for the Board is whether you want us to take a look at the regulations and make a recommendation back to the Board to either keep or drop the permit process and/or to change the limitations on the height within the front yard and the setback.. Do you want us to consider maybe a lesser set back in the front of the house. We don't necessarily need the entire 30' setback. Something like 15' instead. I'm posing the question, this came up when I was talking to Councilman Tancredi, and he was asking about our experience again, it is sort of a mixed bag as far as whether the permit process has really prevented the problems that we are seeing. We are still seeing people putting in fences without a permit and trigger the need for enforcement action and ZBA action. So, I am here to have that discussion.

Supervisor Myers: I know if you told me that if I wanted to put up a fence, it would have to be 30' back, it would be on my front steps. I think that is a concern of a lot of people, at least in my side of Town. We don't have a lot of frontage.

Councilman Krakower: That's what is on the books right now though, right?

Neil Wilson: It's been on the books, yes.

Supervisor Myers: I know people can go to the Zoning Board and get a variance, but I think we are also trying to limit the visits to the Zoning Board at the same time.

Neil Wilson: The other thing that is happening, keep in mind that we effectively got rid of the R10 and R15 Zones. Those houses were built with different setbacks at that time and now they are probably subject to a greater setback. So, we do have non-conformities throughout the town.

Supervisor Myers: Does this apply to fences that are only 1 ½' high?

Neil Wilson: No, only those 3 ½' in height, fences, hedges and solid structures over 3 ½' high for safety reasons.

Councilman Tancredi discussed that he understood the need for safety in seeing over the fences, beyond that he didn't feel the town should become involved or interfere and he thought the \$10 fee should be eliminated.

Councilman Krakower felt that it was good to still have the nominal fee of \$10 permit because it would possibly save a thousand dollars in problems. It probably wouldn't hurt to have the town look at it and see that it would be a good height and location.

Marc Pfeifer, Highway Department: If we do change the setbacks from the 30', we don't need 30' but, just in case there are setbacks, the right of way on the side of the road is 10' for the front or corner and that needs to be followed and there are many people putting the fence 2' or 3' from the street and when I plow, we break them and then they want us to fix them. This year was a perfect example. We had nowhere to put the snow.

Councilman Conte: After coordinating with the Highway and the Zoning, etc, then the people should coordinate with people who sell fences and bring them a sheet of paper and say "This is the reasons why we ask for the setbacks" so the people who sell the fencing and that way they would be informed of the law."

Neil Wilson: Last year we had a meeting with Sara Davis and she came up with an idea and we are going to be implementing it soon, where we have these pre-printed door hangers as a friendly reminder that you need a permit or something that needs to be removed and it would have information where to call and that sort of thing because most homeowners are not home if she stops by to inform them of that sort of thing.

Councilman Krakower: I agree, if people realized that we are not here to hurt them, we are here to help them and to educating them would be a large help and also would save the Town from grief and the homeowner some grief of having possibly taking the fence down, etc.

Neil Wilson: Also, shortly we are going to put in the Code diagrams and simple explanations of certain Code references in order to clarify the Code for the residents. We hope to do that within the next month or so.

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

CARRIED: 6-0

Ronald Tritschler: I own a piece of property on 214 Van Wagner Road and there is plenty of smell from leaves. My shop is down from the leaf pile and when leaves are collected it's not too bad, but after they sit and the guy comes to grind and load them, there is a lot of smell from the leaves. The other thing that concerns me is the entire fill he wants to bring in, it's going to be a lot of truck traffic. That's a windy steep hill up there and they are calling it a business. It is not a commercial spot there. I had to buy a commercial spot to run my business and so I don't think you should be running a business in a residential neighborhood.

Mark Tervenski: I am a resident for the past 4 years in the Town of Poughkeepsie and I am here to speak about Greenways facility at Vassar Farms. I've noticed in my past 4 years on Boardman Road, no problems related to noise or dust or odor. Also, before that, I was a resident in the City of Poughkeepsie for 29 years on the west side of Vassar Farms and never in all the years of their operation, I've never had any problems with odor and so I just wanted to let you know that and I also want to say that I've also gotten some great products from them and their compost and top soil and they do a professional job.

Steve Englehart: The one concern I have is about seepage for drinking water. I noticed that there are some plants there. I just wanted to know if there is any possibility for seepage there getting into the Wappingers Creek sump pump.

Supervisor Myers: I don't think so.

Councilman Conte: Lee was saying there was going to be two retention ponds behind that property.

Councilman Tancredi: I don't believe there is going to have anything spill into that creek and once it is treated through the process, it may not be drinkable, but it will be very clean water. About the leaves the gentleman was talking about. Those leaves were untreated, but the Greenway treats those leaves and there would be no smell when they are treated first.

Steve Englehart: I wasn't worried about the run off, I think he has that covered, but I was just thinking about slow seepage going into the water system.

Supervisor Myers: I don't think there is going to be a problem there.

Jim Barretta: I had the opportunity to tour the Greenway operation last summer and he took us all there and I think, you may remember, there were a lot of 90+ degree days and the day we went through there was one of those days and I can tell you, there was no smell, not even the smell of cedar or pine, there was nothing. It was like walking through a field and it is a beautiful wetland. I took photographs because I was so impressed. It was very alive with wetlands, birds, etc. It's actually a very beautiful wetland with no smell whatsoever. I also asked Shabazz about the food waste coming in from Vassar College, because that would be a concern for me too, and the way I understood it, those compost piles are so hot, inside, that when they bring food over, in a short period of time, that stuff disintegrates and breaks down. So, I think that if people really saw what this looks like and walked through like I did, you would be very comfortable with it. You really have to see it in order to be comfortable with it.

Jack Cupelli: I've also been to the Vassar Farms location and I would like to let everyone know that I was shocked that no rodents and no smell of any kind to be honest with you and if you can do something where we can take care of our waste in a "Green"

way, to me this is a very good thing and we save money on it, too. Where is the negative? I don't see any negative. I do think the Town will benefit from it.

Motion made to resume the rules: Supervisor Myers/J. Conte CARRIED: 6-0

Motion made to close the meeting: Supervisor Myers/S. Eagleton

CARRIED: 6-0

MEETING CLOSED AT 8:35 PM

SJM:lkm