

**MINUTES OF COMMITTEE OF THE WHOLE TOWN BOARD
MEETING HELD ON FEBRUARY 8, 2012 AT 7:00 PM
AT TOWN HALL, ONE OVEROCKER ROAD
POUGHKEEPSIE, NEW YORK**

PRESENT: Supervisor Tancredi
Councilman Eagleton
Councilman Conte (Arrived at 7:10 PM)
Councilman Krakower (Left at 8:50 PM and Returned at 9:12 PM)
Councilwoman Shershin
Town Attorney Nelson
Town Clerk Miller

ABSENT: Councilman Baisley
Councilman Conte

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

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

{ } designates corrections or amendments to

7:00 PM

CALL TO ORDER

SALUTE THE FLAG

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

CARRIED: 3-0

Doreen Tignanelli: First I would like to talk about the Invasive Annihilators; again I think it's a very great thing that the students are concerned about the environmental issues in the Town and I would like to thank them for that. The Wegman Assisted Living project, we are going to hear about that tonight, most of us for the first time and one of my main concerns on the project would be any entrance or exits off of Spackenkill Road. I would like to see only emergency access there. I believe that is a dangerous spot. The O'Neill-Dutton Waterfront project, I know Mr. Kaufman is here to make a presentation, there have supposedly many changes since last time and I know that an FCIS has been submitted to the City Council, not yet accepted, but it would be, even though it is not required yet under law, it would be nice to have that FCIS on a website so that we could look at it and I've asked Mr. Kaufman to look into that, so that would be helpful to have that information before you go ahead and make your Zoning changes. Thank you.

Carol Joseph: I want to talk about the Wegman Assisted Living. I'm looking at this and it looks like the same layout from Faith Assembly, the only difference is that the building is smaller. You've got the same road, which is coming out on Spackenkill, which is right where another driveway is. That is also the same spot that every winter and when it gets

icy people going (inaudible) We've had, I think, four people this season go down. One actually spun around and it took them over an hour to get them out. I'm really concerned about the safety of everyone here, this is a neighborhood. It may not look like it's a lot of people, but this is our neighborhood and we are concerned about our safety. I really don't want to have people coming in and out. We have hard times getting out of the driveways now and this is going to make it even worse and I would really like to see it changed.

Victor Gennodie: I'm concerned about the Spackenkill Project, also, with the entrance and exit onto Spackenkill. Knowing that that is the actual cross route for all our garbage trucks going to the incinerator and coming over that hill, there is little bit of a curve and I've known myself to be in a panic situation trying to stop when somebody wants to make a left. For somebody to try and make a sharp right-hand turn to get in there, it would be a no-no. It would be people coming over that hill, blind, and hitting their brakes on ice or without ice. To come in and out of Boardman Road would be, I think, the safest thing. It looks like it could be a nice project, but, we don't need the possible accidents there. That is also the Dutchess County cross-over for all truck traffic, also.

Jim Bernard – I've lived on Colburn Drive over 35 years. I have the same issue with Wegman coming in and out, even where the light is it is difficult and now having the same sort of problem on the lower end coming out and entering. This would increase the flow of traffic on a road that already has a tremendous amount of traffic on it.

Rob Rubin: I would also like to weigh in on this Wegman Project. I think it is certainly meritorious and it should be looked into and examined in detail by the Town. This intersection proposed seems to present serious hazards to at least the motoring public, not to mention people in the area and that is one of the issues that the Town Board should consider when reviewing this project.

Motion made to resume the rules:

Supervisor Tancredi: Ok, let's get to the first presentation by Wegman Assisted Living.

John Andrews, I am a New York State Licensed professional Engineer with the firm of Rohde, Soyka & Andrews located here in Poughkeepsie. I represent the Wegman's Assisted Living Project (MAP OF PROJECT ATTACHED TO FINAL BOOK COPY). With me is Mr. Gerry Watkins from Wegman's, who is the project's sponsor in this case. The project is located at the corner of Spackenkill and Boardman Road. We are taking over the 23.6 acre parcel, which was previously considered for the proposed church. The property is zoned Institutional. The proposal is for an Assisted Living facility consisting of 96 dwelling units. 76 of them are individual dwelling units with a 20 bed memory care facility, an Alzheimer facility. This is a two-story residential appearing structure. We have done a traffic study in consideration of the comments of the individuals. The traffic could be generated here is substantially less than what was proposed by the church. This operation is a three shift operation. It therefore generates traffic at off-peak times. This property is a for-profit company and in the event they purchase this, this property will go

back on the tax rolls. The purpose of Senior Assisted Living is not currently a permitted use in the Institutional Zone. That Zone covers all manner of educational institutions, hospitals, etc. However, this institution fits somewhere else in your Code under Nursing Homes or Alternate Care Housing. So, it would have to be in the R-20000 Zone and so what we are requesting is, not changing the underlying Zone of this property, leave it institutional, but make a text change which would allow nursing homes and alternate care facilities to be permitted in the Institutional Zone as a special permitted use, subject to Site Plan, Zoning and Planning approvals. This is a much smaller project than the aforementioned church. The DOT has to approve the traffic flow to and from the site.

Jerry Watkins with Wegman Company from Rochester, New York. He explained the Facility is a level just below a nursing home with residents in their low 80's. Controlled medications are used at the facility. That is the only medical service provided. There would be a few nurses on staff, but primarily aides. The facility consists of a dining room served restaurant style with a chef who prepares three meals a day and off the dining room we have a smaller dining room we call the family dining room where the residents can have family for Birthday's and special occasions. We have a great room with a fire place where the residents would gather for social affect. The building has two wings, which are two story and these rooms are studio's about 300 sq. ft. including a kitchenette, no stove, but has a refrigerator, cabinets, microwave, full bathroom and bed area with easy chair. They have activities every day, arts and crafts, exercise activities. Once a week a hair dresser comes in. One of the first floor wings has 20 dementia beds which are strictly studios without the kitchen facilities and it is secured for the protection of the residents. They also have their own private dining room. We do not accept any other but private pay. No Social Security or government sponsored money coming in. We would like to bring this facility to Poughkeepsie and be part of the community. The cost per day would be approximately \$100. The dementia wing is more expensive, that would be about \$5,000 a month. This includes all meals. A couple of others we looked at in Town are approximately the same price.

Supervisor Tancredi asked if it would be feasible to them to have the Spackenkill Road access to be used as emergency access only in the light of the serious traffic condition around the corner of that road.

Jerry Watkins stated that they could look at that, but, he stated that their traffic is very low. They only have about 60 employees and three shifts. That means about 17 people getting there before the AM/PM. At 3 PM there is a shift change and from 3 to 11 it's much less because the aides are not left in the building. There is a very low traffic count. We've done studies on how many visitors come through and they usually come from late morning to early afternoon and we get an average of 25 people. We can discuss it with the DOT, it's not our preference, but we could probably live with it.

Supervisor Tancredi stated it would be his preference. His concern would be not so much the staff, but one of the resident's family members who also may be elderly visiting the site.

Councilmen Krakower stated he had a lot of concerns about the site and he stated he is not convinced that it is the best location for that type of project. He felt the Route 9 corridor or a busier road that could handle the traffic and not adjacent to a neighborhood was better. He felt his biggest concern was for emergency vehicles because this type of facility would facilitate a pretty decent amount of emergency vehicles and visits to doctors and hospitals for the residents and neither place coming in or out is a good entrance or exit of getting in or out of that property in an emergency. The Route 9 corridor makes more sense. It's near the hospitals and not near any neighbors and it is on a road that can handle the traffic. Also, on Spackenkill Road there are several schools and there will be school buses and vehicles coming and going all hours of the day and if you start putting emergency vehicles in that mix, that could cause problems. The site also looks like there is a wetland there and a lot of hills there and I'm not sure there would be much land being utilized there anyway.

Supervisor Tancredi asked if he would be willing to put an easement on the property there where it was not being used to make it "Forever Green" there.

Jerry Watkins stated he didn't know why not. He also returned to the subject of the traffic impact at the facility and he said they would have the traffic study to back that up.

Councilman Eagleton also spoke on the traffic and the traffic study. He feels this would create more confusion and more unsafe conditions at the site. Regardless if it's slow traffic for the facility, it could be the "Straw that breaks the camel's back" situation.

Councilman Krakower: I've never seen any traffic engineer that was hired by a developer say that that was worth any traffic impact.

Jerry Watkins: We are open to any traffic engineer you would like us to use. But, one of the things we've done in the past is we've tracked our traffic at all our facilities of the same size and those traffic numbers come in lower than what the traffic engineers are coming up. They are going with the book. We are going with the actual data.

Councilman Krakower: Do you sell any of the projects you develop or do you build and own all of them?

Jerry Watkins: We are in partnership on this one with the management of Meredith Corporation. They are the first or second largest senior housing management firm in the country. We've owned and managed and Meredith does own some of the facilities that we've owned and developed, but we usually own it ourselves. This one, Wegman Companies and a principal of Meredith will be joint owners. This property was owned by IBM, sold it to Vassar College, and Vassar sold it to Faith Assembly.

Councilman Krakower: And Meredith is for profit?

Jerry Watkins: Yes.

Supervisor Tancredi: If you were to sell down the road, would you be willing to put an agreement together where the purchaser would also agree to either a pilot or to pay taxes on that site?

Jerry Watkins: That's up to the operation, then you would have to sell to a "For Profit" entity.

Supervisor Tancredi: What about a pilot?

Jerry Watkins: That would be open for discussion. I'm not the owner of the company, I can't make that commitment but, it sounds somewhat reasonable.

Councilwoman Shershin: On the site, there is a stone barn, probably left over from the Kenyon Farm. It might be Historic and we will be doing some research into it and I saw last week, it was slated for demolition. Would this be something you would consider working with us on?

Jerry Watkins: If it's under our control, we could certainly look at that. When this was in front of the Planning Board, we did go all the way through the office of Parks, Reservation and Historic Preservation process and we did end up with a no impact letter and that proposal did have the demolition of that structure. So, but, if there is an alternative available, I'm sure it is something we can consider.

Supervisor Tancredi: Is there anyone in the audience who, if they have any new issue that was not already presented, and would like to comment further on?

Victor Gennodi: Realizing that Boardman Road is a road connecting across and it is pretty much an access road being traveled quit a bit, I would strongly suggest that there be no entrance, no exit on to Spackenkill and everything is put onto Boardman.

Rob Rubin: How will the organization handle the receipt of the incoming of supplies, food, medical, etc. and disposal of medical waste?

Jerry Watkins: We have a ring road around the building and any supplies would be coming in at the back of the building. We have no medical waste. We only give our residents their prescriptions. We are licensed and the State does audit us on a yearly basis. We have nurses on staff that take care of these things and make sure they are properly handled.

Councilman Eagleton: Do you have deliveries of food and such?

Jerry Watkins: We have five to six deliveries a day delivering at the back of the building, which is where the dining room and kitchen are. The laundry and housekeeping is in-house.

The point of traffic on Spackenkill Road was the main point of discussion to follow in conjunction with the need for assisted living in this area. The subject of lighting at night and deliveries was also addressed by the public along with sewer provisions.

02:08-02 PRESENTATION

Update on O'Neill-Dutton
Waterfront Project

Lewis Kaufman, I am with the Owner of former Dutton Lumber Company site. I'm here tonight to present the project and some of the changes made in reaction to comments and responses we've gotten from the Town as well as the City. I included in your package, a brief history of the project and to highlight it, this is a Brownfield. It was the site of a pressure treating lumber plant which took arsenic, chromium and copper and fused it into lumber to make it water proof. The process of remediation for contamination was approved by DEC and we've already begun implementing it. The property is fully enclosed now by fencing and we have removed all chemicals that were laying in any pockets and we have removed all chemicals above ground and below ground storage tanks as well as any petroleum tanks and we've demolished four of the seven buildings and we are moving along at a fairly rapid pace since we started this past Fall to the satisfaction of the DEC who has inspected on a daily basis since we began the removals. I believe we are getting very good grades for our performance of removing these.

The project in depth is all laid out in the ATTACHMENTS PROVIDED.

Victor Cornelius, Regional Grant Writer and Development Consultant, spoke on the project and stated it passed the recreation requirements primarily. It has a multi-modem component. It's got existing recreational development with the Walk Across the Hudson. It provides a link to a variety of recreational resources planned for the area and the key advantage is that the property is currently owned by NY State. In another capacity a few years ago, I worked closely with Commissioner Bernadette Castro on re-establishing the State side portion of land and water conservation funds, which are monies derived by the Federal Government from off shore oil revenues. New York State has part of this cash. This cash is supposed to be applied to recreational facilities the State owns and so we are going to be pursuing this a bit further. The recreational access to the river is a good start and a plus. I'm here tonight, also, hopefully to encourage the Board to put forth a letter of support for our next application for the funding process with State Parks and with the LWRT process with the Department of State. This is just a letter from the Board saying that you are encouraging our application. We are working with the City as the applicant so, there will be no contractual or financial engagement whatsoever on the part of the Town.

Councilman Krakower felt this would be a big boost to the waterfront community. He just requested that they keep in constant contact with Neil Wilson and the Supervisor to make sure the Town is always in the loop in the development of this project.

ALSO ATTACHED TO FINAL BOOK COPY IS A COMMUNITY AND

ECONOMIC BENEFITS REPORT FOR YOUR REVIEW

Doreen Tignanelli asked Mr. Kaufman about putting the SCIS on line for people to review. Since it is a FOILable document, she sees no reason why it could not be put on the WEB. She questioned the Hudson River Estuary Program has something called Sustainable Shore Lines and it's for development along waterfronts and it takes into effect the climate changes and the flooding and there has been some changes made and I would like to see those changes looked into. Also, as far as the ownership of the park, the additional money that comes from the Town, GRANT Money, so basically, we are paying for this anyway as taxpayers, I wouldn't like to have to put out any additional money for ownership or maintenance.

Rob Rubin: I just have one question, I would like to know about the residents in the Town who have streams running through their property and they have been told that in no uncertain terms, even though it is causing erosion to their back yards, that they can't do anything to it that it's against the laws and they are not allowed to touch those, add more dirt or do anything to it. I would love to know what guidance you can give to these residents so they can protect the banks of these small streams running through their properties. (Answer was inaudible)

Victor Gennodi: I'm happy to see that the property is going to be cleaned up. I'm welcoming these people coming along to come along and do something with the waterfront in the Town and City of Poughkeepsie. It's been an eyesore for many years. I would love to see this go through and have this park along the river and have a marina on the waterfront.

The next presentation I feel should be the moving up of the "Invasive Annihilators" as it is getting late and I don't believe Mr. Wilson will mind waiting to last for his presentation.

02:08-04 PRESENTATION

Invasive Annihilators, Success will
Be measured by the number of apple
Trees cleared of invasive plants

We used to be the Invasive Annihilators when we came before the Board before and now we are continuing with the project as "The Biodiversifiers". My name is Eddie Merenda, and he introduced Shriman, and Mackenzie Diehl. On the flyer provided, there is a picture of the team

Shriman Balasubramanian gave a brief introduction of the previous presentation when they were the "Invasive Annihilators" and how they presented information about Peach Hill and it's invasive species that inhabited the area and it originally produced peaches, pears and apples until William Paladino bought it in 1967 and converted it to just apples. Just as Mr. Paladino considered selling this orchard, the Friends of Peach Hill was able to take it over and save the orchard from any developments. On the apple trees at the orchard after the Town bought it, we utilized tools donated by Adams to perform

cleaning up the invasive vines from the trees on over one acre plot of land. Two invasive insects we have studied is Emerald Ash Borer and Asian Long horned beetle. We won the Lexus Eco-Challenge Land/Water Section and we were awarded \$2,000 which will go toward completing our project at Peach Hill in clearing apple trees of invasive species which can cause harm to the environment, economy and/or human health. We clear away poison ivy, wild grape vines, Multi-flora Rose, and Japanese Honeysuckle vines, also. Mackenzie and Shriman continued by saying that they have invested in things with these tools which we bought all the necessary stuff to prune the apple trees and help them produce more apples and to grow better and look better.

ATTACHED IS A SET OF PICTURES DEPICTING THE
EVENTS AND SUCCESSES OF “THE BIODIVERSIFIERS” AT PEACH HILL

Supervisor Tancredi commended “THE BIODIVERSIFIERS” for their work they are doing there and, speaking for himself and the Board, stated how much they appreciated the work they are doing there.

02:08-03 PRESENTATION

Director Of Municipal Development
Wilson’s Report On Development
Activities/Recommended Code
Amendments

Neil Wilson, Development Director: Speaking with the Supervisor over the last couple of weeks, I thought it would be a good idea to summarize some of the things Planning and Zoning and Building staff are working on. A number of the items here I’ve provided you with a summary list (ATTACHED TO FINAL BOOK COPY). Items listed and explained are:

1. Consultant conflicts of interest.
2. Tent sales.
3. Roads and driveways.
4. Blight.
5. Enforcement.
6. Solar Collectors and wind turbine.
7. Fines for work performed without a permit.
8. Student housing.

Periodically over the course of the year I wish to appear before you and update you on the processes of these subjects.

BOARD APPRECIATED THE INPUT PROVIDED

COMMITTEE REPORTS
2012

Motion made to suspend the rules for public speaking on any subject: Supervisor Tancredi/S. Eagleton

CARRIED: 5-0

Doreen Tignanelli: # 7 , The fines for working increase, electrical, plumbing and alarm systems, is that the fine to the home owner or to the contractor?

Supervisor Tancredi: That, I believe, is up to the contractor doing the work and isn't licensed to do the work.

Councilman Cifone: The Plumbing Board fined over \$10,000 last year in Plumbing fines just for people doing work without a permit.

Doreen Tignanelli: Ok, when Neil said, about issuing an "Order to Remedy". For example, "Good Fellows" in Red Oaks Mill, the Pizza Place there, has a big sign that is lit up, rolling, flashing and I had contacted the Zoning Administrator about that and she said that she had issued them an "Order to Remedy" but, they had 60 days to comply before she could ticket them and that is basically 60 days that they can violate the law without any penalty. The other thing about the Consulting Conflict of Interest, it wasn't clear as to what was going to happen, since they were required to complete a form, indicating whether they performed any work. But, does that mean then that they won't be able to be a consultant or what.

Supervisor Tancredi: I think if there is a conflict with a particular project, they would be asked not to consult on that project. I think the issue may be and may have been in the past that consultants may have been conflicting and we didn't initially know it.

Doreen Tignanelli: Ok, so this would be for work going forward and not what was done in the past?

Supervisor Tancredi: I would say so, yes.

Doreen Tignanelli: One of the problems with the consultants again, I know that the Town is not looking to hire any new people, but, Neil mentioned the wet lands and traffic consultants, is that when you hire consultants and they don't work full time, and are not employees of the Town, their loyalties, I don't believe, they feel they have to look out for the best interest of the Town, because they may not want to be as tough as they should be because they work with these individuals on the outside and don't want to affect future business. I also would like to see that the Planning, Zoning Boards and all Board members would disclose any business relationships or any conflicts with the applicants that come before the Board. I would also like to thank you for opening it up for questions as people are giving their presentations because just makes for a better dialogue.

Victor Gennodie: Sometimes I get so angry I am without words about all the regulations that are put on all the residents of the Town of Poughkeepsie, that you can't do anything

without a permit. I just heard \$800 to put up a permit for a tent. Ok, so if a Fire Department or a Church wanted to put up a tent, they better start in December if they want it ready for July.

Supervisor Tancredi: But, what Neil said was, we want to relieve them of that burden. That's the point.

Victor Gennodie: Well, I realize that, but I think we need to streamline it then. Neil seems to be doing a good job, but at the same time, sometimes I'm offended by him. Because I feel that you are strangling and choking the residents with all this paper work. I've listened to other contractors in the field and you can't do anything. People are trying to pay the taxes and trying to make money. They have to work very hard to make that money and it is very difficult in a Town that is twisting you up and strangling you to make these ends meet. There is a lot of land out there that can be used for a lot of different purposes, but, you can't do that on that piece of property. Relax some of the regulations where a man can sell hot dogs on this corner of the property, roses over there, candy over there, whatever, so you can do several things on the same piece of property. Relieve the people of some of these burdens so they can make money to pay his taxes, etc.

Supervisor Tancredi: Vic, that's what we are trying to do, ease the regulations for some of those Not-for-Profit so they don't have that burden.

Councilman Eagleton: The other thing to keep in mind, but you have been here before complaining, about a business not too far from where you live, that ought to be regulated. So, there are reasons for some regulations. They do benefit you to some extent. There are reasons for the regulations.

Victor Gennodie: I understand that, but we need to pay attention.

Virginia Buechele: We are trying to preserve the character of our community and protect our property values, to me, that's what matters. Seems to me, during the Master Plan, they were supposed to review and pass a Sign Ordinance.

Supervisor Tancredi: There was talk of one years ago.

Virginia Buechele: Did we ever?

Supervisor Tancredi: No.

Virginia Buechele: What is the story of signs on rental housing? Have you seen it? Is it legal?

Councilman Cifone: I don't know, I contacted Zoning on it and I'm waiting for response back.

Rob Rubin: I just have a couple of questions. Are there any constraints on trash pick in residential neighborhoods? The time, the noise, etc.

Supervisor Tancredi: There is a Noise Ordinance in affect for that. Some neighbors had talked to me about pickup being done at 5 AM and wanted to know if there were any regulations on this in terms of hours of operation and noise.

Councilman Cifone: My pick up is at 6 AM. They have to start some time early to make the rounds and miss the school bus traffic, etc.

Councilman Eagleton: I've noticed some of the companies rotate where they start. One section of the neighborhood will get pick up at 5 AM, etc. A week at the same location, they may come by at 6 AM to ease the pain.

Rob Rubin also asked about the bids for the new Audio Visual equipment, "Has it been opened and reviewed and any decisions made on that?" (Yes)

Councilman Eagleton: I'm going to address that at the end with my Committee Report.

Motion made to resume the rules: Supervisor Tancredi/S. Eagleton

CARRIED: 5-0

COMMITTEE REPORTS

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|---------------------------|--|
| 1. FINANCE | Councilman Krakower: NOT PRESENT |
| 2. FIRE ADVISORY | Councilman Conte: NOT PRESENT |
| 3. GOVERNMENT OPERATIONS | Councilwoman Shershin: NO REPORT |
| 4. LAND USE & PLANNING | Councilman Krakower: NO REPORT |
| 5. PERSONNEL | Councilman Cifone: NO REPORT |
| 6. RECREATION | Councilman Baisley: NOT PRESENT |
| 7. SENIOR CITIZENS | Councilman Baisley : NOT PRESENT |
| 8. TECHNOLOGY & EQUIPMENT | Councilman Eagleton: We've gotten two bids on the Audio & Visual System and we've opened them. We've got a series of questions that we are posing to the vendors so they understand what they are bidding on and we didn't forget the old issue of helping the hearing and impaired and that's part of |

the response and we are making sure that's what we want from both vendors and we will make our decision after.

Councilman Eagleton: NO REPORT

9. INFRASTRUCTURE

Motion made to adjourn the Board Meeting: Supervisor Tancredi/S. Eagleton

CARRIED: 5-0

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby adjourn to Executive Session to consider the following matters, to wit:

1. Confidential communication between attorney and his client/Town Board based on attorney/client privileges.
2. Matters leading to the appointment, employment, dismissal or removal of a corporation.

BE IT FURTHER RESOLVED, there will be no action appropriating money.

SO MOVED: Supervisor Tancredi/M. Cifone

TOWN BOARD ADJOURNED AT 9:11 PM

TOWN BOARD WENT INTO EXECUTIVE SESSION AT 9:12 PM

TOWN BOARD BACK FROM EXECUTIVE SESSION AT 9:25

NO ACTION WAS TAKEN

Motion made to Close the Meeting: Supervisor Tancredi/M. Cifone

CARRIED: 5-0

MEETING CLOSED AT 9:26 PM

SJM:lkm