

**MINUTES OF THE TOWN BOARD MEETING HELD ON
AUGUST 22, 2012 AT 7:00 PM AT TOWN HALL,
ONE OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

PRESENT: Supervisor Tancredi
Councilman Baisley
Councilman Eagleton
Councilman Conte
Councilman Cifone
Councilwoman Shershin
Town Attorney Nelson
Town Clerk Miller

ABSENT: Councilman Krakower

- **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 Public Hearing #1: Supervisor Tancredi/J. Conte

CARRIED: 6-0

NO SPEAKERS CAME FORWARD

Motion made to close the Public Hearing: Supervisor Tancredi/J. Conte

CARRIED: 6-0

08:22-01 PUBLIC HEARING

Amend Chapter 210, Entitled "Zoning", Specifically Article V, Section 210-22, Entitled "Arlington Town Center (ATC) District"

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 22nd day of August, 2012 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend

Chapter 210, entitled “Zoning”, specifically Article V, Section 210-22, “Arlington Town Center (ATC) District”, and

BE IT FURTHER ENACTED, that the amendments are attached hereto and incorporated herein and the Town Board does hereby waive a verbatim reading of said amendments and does direct that said amendments be spread across the record as if they, in fact, had been read verbatim; and

BE IT FURTHER ENACTED, that the Town Board has previously declared its intent to act as Lead Agency under the New York State Environmental Quality Review Act and does declare said action to be an Unlisted Action; and

BE IT FURTHER ENACTED, that the Town Board has reviewed the Short Form Environmental Assessment Form (EAF) prepared by the Director of Municipal Development and hereby determines that: 1) the adoption of the herein zoning amendment would not have a significant adverse effect on the environment and; 2) a draft environmental impact statement will not be required for the reasons set forth in Part II of the EAF and; 3) a Negative Declaration is hereby issued; and

BE IT FURTHER ENACTED, that a written recommendation dated August 3, 2012 was received from the Dutchess County Department of Planning and Economic Development stating that the proposed amendment was a matter of local concern; and

BE IT FURTHER ENACTED, that a written recommendation dated July 24, 2012 was received from the Town of Poughkeepsie Planning Board in which said Board recommended adoption of the herein amendments; and

BE IT FURTHER ENACTED, that the Town Clerk notified the Clerks of the surrounding municipalities of the public hearing pursuant to GML 239-nn; and

BE IT FURTHER ENACTED, that said local law shall take effect immediately upon filing with the Secretary of State.

SO MOVED: J. Baisley, S. Eagleton

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 6-0

AMENDMENTS ATTACHED TO FINAL BOOK COPY

Town Clerk Miller: I did hereby file the affidavit of posting on August 3, 2012 and published in the Poughkeepsie Journal on August 6, 2012.

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

CARRIED: 6-0

Rob Rubin: (Thanked the Board for sending out the amended agenda this week – he also requested to have those specifics like the tax cert cases available to the public because as a trustee of the school district, he finds them very useful) He had a question on Special Consent Item #1. In the past we've had issues regarding vendors and food at the Red Oaks Mill area and I would like to just make sure that, especially the neighbors across the street, could significant efforts be made to speak with those folks in that immediate area at least and see their thoughts as to how something like that might impact them.

Supervisor Tancredi: Yes, they came to the Committee of the Whole Meeting last week. Basically, what they want to do is put a pavilion up in front of the snack bar.

Rob Rubin: Oh, so it's an enclosed area. There will be no cooking or refrigeration? (No)

Doreen Tignanelli: Could you explain the differences are in how the Tax Certs are handled? I see this one (Item #7) that says "Review of tax assessments", and yet #8 says "Review of tax assessments/Small Claims". Is there a difference in the way they are handled?

Town Attorney Nelson: Not unlike regular court proceedings. Residential properties can be handled in a small claims type of system and so the items in #7 are ones that are commercial property and the ones in #8 would be residential property which is handled in a much simpler way.

Doreen Tignanelli: The fact that it says "Small Claims", is there a limit for residential?

Town Attorney Nelson: I can't tell you for certain, but, I believe the only restriction is they have to be residential. (Inaudible)

Bill Armstrong: I see two block parties on here. I don't know if this is a normal thing that goes on every year, people requesting to have block parties and close the streets off. What kind of restrictions, if any, do these groups have when they have these block parties? What are the requirements they have to meet?

Supervisor Tancredi: The noise ordinance is still in affect, starting at 10 PM. We usually waive the open container law in case they have alcoholic beverages. The police typically provide or the Highway Department, some type of barrier to put down and remove. They also have to fill out a form and notify the Town Clerk.

Town Clerk Miller: The road will be blocked off at the party. Each house on that blocked off area has to be notified either by letter or flyer, personally, if the road is going to be blocked off at a certain period so people are well aware of that. Also, they have to notify the Fire Companies and Captain Steenberg from Arlington Fire Department, is working with the other two administrative people in New Hamburg and Fairview Fire Departments. They are going to work together by getting up a letter that the person that has the block party has to have that letter signed in their fire area so that the Fire Companies are well aware of the block party there and that they are able to get through in

an emergency. We had a situation where there was a block party and there were three different things set up on the road and someone from the Arlington Fire Company was trying to go through that road and saw that the fire plug was covered and not able have access to and so the three fire companies are getting together and working on that to get the letter out and that will be out shortly. Everybody has to be notified and if anyone objects, then they may not be able to have the party and the street blocked off.

Bill Armstrong: My main concern is evidently our Police, fire and whomever else, are putting equipment at these parties.

Supervisor Tancredi: Well, the police are not putting any equipment at these parties.

Bill Armstrong: Well, the Fire Department is. The truck is being put there and being run. We are trying to conserve wherever we can conserve and I'm wondering how many times does this happen that these trucks and ambulances are being put at these parties.

Councilman Baisley: Well, we usually only get a block party a couple of times a year and that's about it.

Supervisor Tancredi: But, to be clear, fire apparatus at a block party is not authorized by this Board.

Town Clerk Miller: For the block party on September 2nd, I have a letter here addressed to someone having the block party and it says, "This e-mail is to advise you that after a meeting held last night, the Board of Fire Commissioners approved your request for a fire truck to be at a block party on September 2nd, contingent upon being manned with volunteers, no paid help. We are currently working on getting a volunteer crew together." So, they will provide something, if they can, but this is a very rare thing to ask, maybe only once or twice a year. So, if they can do it by having volunteers, they will.

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

CARRIED: 6-0

08:22-02 AUTHORIZE

Our Lady Of Lourdes High School Annual 5K
Run On September 23, 2012 With Kids Run
Beginning At 9:30 AM & 5K Run At 10:00 AM

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Our Lady of Lourdes High School to hold its Annual 5K Run on Sunday, September 23, 2012 on Boardman Road and Zach's Way; and

BE IT FURTHER RESOLVED, that a Certificate of Liability Insurance naming the Town of Poughkeepsie as an additional insured has been filed with the Town Clerk of the Town of Poughkeepsie.

SO MOVED: S. EAGLETON/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 6-0

08:22-03 PUBLIC DISPLAY
OF FIREWORKS

At Marist College, 3399 North Road, On
Saturday, September 8, 2012 Between 6:00
PM To 9:30 PM For Event Of Marist
Football Postgame Fireworks

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Marist College to include a postgame firework display to be held on Saturday, September 8, 2012; and

WHEREAS, the applicant has notified the Fairview Fire Department; and

WHEREAS, a Certificate of Liability Insurance has been filed with the Town Clerk naming the Town of Poughkeepsie as an additional insured; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application as submitted for a fireworks display to be held on Saturday, September 8, 2012, on or after 9:00 PM on Marist College property, 3399 North Road, Poughkeepsie, NY.

SO MOVED: J. Conte/S. Eagleton.

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 6-0

08:22-04 APPROVE

Block Party On Cathy Road On September 2,
2012 From 12:00 PM to 8:00 PM

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Dana Adolfsson to hold a block party on Cathy Road between St. Joseph's Terrace and Sharon Drive, on September 2, 2012, from 12:00 PM to 8:00 PM, and does hereby authorize the Town of Poughkeepsie Police Department

Traffic Division to close said street, but allowing access for emergency vehicles, from 12:00 PM to 8:00 PM; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the "Open Container Law" in the event alcoholic beverages are to be served.

SO MOVED: M. Cifone/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 6-0

08:22-05 APPROVE

Block Party On Alfred Drive On September 8, 2012 From 12:00 PM To 10:00 PM with Rain Date On September 9, 2012

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Scott McMahon to hold a block party on Alfred Drive between Pleasant Lane and Kinry Road, on September 8, 2012, with a rain date of September 9, 2012 from 12:00 PM to 12:00 AM, and does hereby authorize the Town of Poughkeepsie Police Department Traffic Division to close said street, but allowing access for emergency vehicles, from 12:00 PM to 12:00 AM; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the "Open Container Law" in the event alcoholic beverages are to be served.

SO MOVED: A. Shershin/S. Eagleton

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 6-0

08:22-06 NOTICE OF CLAIM

The Following Notice Of Claim Has Been Referred By The Town Clerk To The Legal Department:

A. Merz, Frederick E.

REFERRED TO LEGAL DEPARTMENT

08:22-07 TAX CERTIORARI
PROCEEDINGS

Notice Of Petitions For Review Of Tax
Assessments

ATTACHED TO FINAL BOOK COPY

08:22-08 TAX CERTIORARI

Notice Of Petitions For Review Of Tax
Assessments – Small Claims

ATTACHED TO FINAL BOOK COPY

08:22-09 AUTHORIZE

Special Consent Items SC 1, SC 2, and
SC 3

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby grant Special Consent to the following items; to wit:

SC 1. Authorize

Cal Ripken Baseball League to Construct a
Pavilion at Red Oaks Mill Park

SC 2. Authorize

2012 Arlington Street Fair

SC 3. Authorize

Extension of Traffic Agreement with Dutchess
Community College

AND BE IT FURTHER RESOLVED, that upon the objection of any member of the Town Board, an item may be removed from the list and voted on separately.

SO MOVED: Supervisor Tancredi/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Councilwoman
Shershin and Supervisor Tancredi

Nays: None

CARRIED: 6-0

08:22-SC 1 AUTHORIZE

Town's Cal Ripken Baseball League
To Construct A Pavilion At The Red Oaks
Mill Park

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Town's Cal Ripken Baseball League to construct a pavilion for the Town at the Red Oaks Mill Park, which authorization is subject to the issuance of a no-fee Building Permit, approval of the plans and specifications by the Town Engineer, inspections and the issuance of a Certificate of Occupancy by the Town of Poughkeepsie

Building Department, and the receipt of proof of insurance, releases and such other documents as are required by the Attorney for the Town; and

BE IT FURTHER RESOLVED, that said construction of this pavilion is a Type II Action requiring no SEQR review.

J. Baisley/S. Eagleton

Councilwoman Shershin: I think this is a really good idea. It will really add to the park, but the proposed structure is truly large. When I was talking to Tom Meyering, he said it was going to be large enough to put 20 picnic tables underneath it, so is Planning and the Fire Department also going to weigh in on the design and the size of this pavilion? My concern is to have access to emergency vehicles and delivery vehicles around the side of it to go back to where the concession stand is.

Supervisor Tancredi: Typically when any permits are applied for, each department has to sign off and I'm sure those departments will be having their changes to weigh in.

Councilman Baisley: We discussed it with them in the Recreation Committee and we talked to them about the size, also. They may have to reduce it a bit on the sides because there is just enough room to squeeze a truck through. So, we did ask them to look that part over.

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 6-0

08:22-SC 2 AUTHORIZE

Town Board Authorizes The 2012 Annual Arlington Street Fair On Saturday, September 22, 2012; and Approval Of The Closing Of A Portion Of Raymond Avenue From 7:00 AM To 9:00 PM

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie authorizes the Annual Arlington Street Fair on Saturday, September 22, 2012; and

WHEREAS, the presence of informational displays, food vendors, handicraft artisans and non-profit organizations is a vital part of a successful Street Fair; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does not include the vendors of food and merchandise participating in the Arlington Street Fair as peddlers and hawkers, and these vendors are thereby exempt from the provisions of Chapter 151 of the Town Code: and

BE IT FURTHER RESOLVED, that this exemption shall apply only to the Street Fair celebration on September 22, 2012; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the closing of Raymond Avenue between Haight Avenue (East Bound Arterial Highway) and Collegeview Avenue from 7:00 AM to 9:00 PM for the Arlington Street Fair on Saturday, September 22, 2012.

SO MOVED: S. Eagleton/J. Conte

Councilman Cifone: Do you know if they are going to have any rides for the kids.

Councilwoman Shershin: I have a meeting with them tomorrow, but from what I've heard, I don't believe there is anything about rides for kids.

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 6-0

08:22-SC 3 AUTHORIZE

The Extension Of The Current Traffic Control Agreement With Dutchess Community College

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby extend the current traffic control agreement with Dutchess Community College for the period August 27, 2012 through May 10, 2013 as outlined in the August 20, 2012 memorandum from Police Chief Mauro and Dutchess Community College's letter of August 9, 2012, copies of which are attached.

SO MOVED: J. Conte/S. Eagleton

Supervisor Tancredi: Just for informational purposes, the College does reimburse the Town for the expense of those patrols.

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 6-0

Motion made to suspend the rules for public speaking: Supervisor Tancredi/A. Shershin

CARRIED: 6-0

Doreen Tignanelli: I'm glad to hear that Dutchess Community College is reimbursing the Town for the traffic control, because I would like to bring something to everyone's

attention about Vassar College and Arlington Fire District. I know you are going through the budget now and you are trying to do all you can to bring the budget down so taxpayers in the Town don't have as much of a burden and can afford to live in their homes, etc. At the Arlington Fire District Commissioners Meeting on Monday night, there was a discussion and approval of a Leadership Training Class at Vassar College and what it is for resident advisors and the Fire Department will go there and they will teach them things like how to use fire extinguishers and cooking safety, good stuff, I'm not against. I'm not against the class at all. What I'm against is, when they brought this up last year, this is all done on OVERTIME, and so off duty firemen get hired back on overtime. It's a full day event and so last year when the commissioners approved it, they said "Well, it would be nice if Vassar shared the cost". The Chief said "Well, he would ask Captain Steenberg, or whoever, and I have asked about it a number of times and no money from Vassar. This year, same thing again! All day class and so it's nine hours, six fire fighters on overtime at time and a half. So, I figure it will cost us, as taxpayers, between four and five thousand dollars for overtime for the day. Arlington Fire District has almost two million dollars budgeted for overtime each year and these are the types of reasons why. Now, why would Vassar College bother to pay for it? If they asked last year and they didn't give them any money and this year Arlington is willing to go again at taxpayer expense, why should Vassar pay? The thing that really gets me is that Katherine Hill, the President of Vassar College had this report of gifts and she was "DELIGHTED", her words to report, "That Vassar received a record shattering total of 69 million 873 thousand, 694 dollars in new gifts and pledges." That's almost 70 million dollars and yet, as tax payers, we are picking up the cost for overtime for a one day training class at Vassar College. Taxpayers are walking away from their homes because they can't afford it, yet again, this! It's a joke! It was noted at one time that "Just remember, they are paying for overtime for their staff, the same as we are." I don't think they are paying their people what we are paying the Arlington Firefighters. One other question I have, what about the new audio, are we making progress?

Supervisor Tancredi: They are working on it, that's what the little crate is under you, so they have been in here drilling and doing whatever they are doing.

Bill Armstrong: Just a little comment on what Doreen was talking about. I am amazed at the difference between different committees. You people answer the questions, you let the people talk. There is no buzzer going off after 3 minutes is up. You record, you have people sign. The Fire Department, none of that happens, and the other thing that is upsetting is, they spend this kind of money and they are not really worried about it because they have a budget over 50 million dollars that no one can vote on. They set the budget up and here it is and we better spend it all so next year we can still get the same amount if not more. It's got to STOP! A couple a meetings ago, there seems to be an awful lot of people requesting variances to build pools or decks and it amazes me why were distances put in that you had to be from property lines and on the average of 15 to 20 ft and they are letting people put them at 5 ft and 6 ft beyond the property line. Is the fact that the people next to them don't care or don't complain?

Supervisor Tancredi: I think the Zoning Board makes decisions on a case by case basis. I think if residents come in, it generally weighs heavy on their decision making, but I don't know exactly how they decide when they deliberate, but they are an independent Board and that's really their call.

Bill Armstrong: It just boggles my mind that it is set at a certain distance for reasons and they just say "Ok, go ahead."

Councilman Cifone: They do site visits before they make decisions and so if there is anything of concern, they won't vote on it.

Bill Armstrong: The other subject I would like to run by real quick is the new Library they are talking about. I was throwing a few figures around in my head, I think they requested 6.5 million that they would have to borrow. They are paying \$50,000 a year, I believe, on Haight Avenue for the library they are using. For \$50,000 for 20 years is a million dollars in rent. It 6 million that this thing is going to cost, and it will probably go to 70 or 75, at 6 million, we could pay \$50,000 rent on Haight Avenue for 120 years, plus if that didn't go in, maybe it could be sold to someone and put it back on the tax rolls. The number of buildings being pulled off the tax rolls any more, we're going to be in the same shape as Hyde Park and Fairview pretty soon. I'm not against libraries, I understand that they are needed, but, everyone wants it in their back yard so they don't have to drive very far to get to it.

Rob Rubin: In regard to the Arlington Fire District, I've FOILED some information from them and gotten it back, so if the people of the Arlington Fire District may be interested to know, that Arlington participates, as all fire districts, in various types of mutual aid with other districts, on the whole, Arlington has provided more assistance to other districts than they receive back, so it's really not a wash. Considering the fact that we pay a lot of money in our taxes, it appears to me that we really subsidize the districts that are paying less than us in their own taxes, because when they need a fire truck that maybe has a ladder that goes up 6 or 7 stories, who do they call? The larger districts, US. I don't know if the Arlington District has any say about it or if it's State law, but just so you know. We are sending out more aid than we are getting back in the Arlington Fire District. Also, as a member of the Historic Preservation Commission, I went yesterday, with others, to Vassar College to explore the possibility of video recording of Town residents so that people can find out what's happening in the Town's now days and record what Supervisors have to say, residents, etc. Vassar seems to be much on court with this.

Town Clerk Miller: On #1 on the Public Hearing, the Arlington Town Center, it was published in the Poughkeepsie Journal on August 6 and posted on August 3rd, 2012. On #2 and #5 on the Block Party on Alfred Drive, they have down 12 PM to 12 AM, I called and talked to the people having the party and said there was a 10 PM Noise Ordinance and so they said they would be quite after that and would probably go into private homes and so wouldn't abuse the Noise Ordinance. The most important thing is that Bob Freeman, head of the Committee of Open Government of NYS strongly recommends that

the public not give their address when they speak for their own safety sake. You can give your name if you wish, but he doesn't even recommend giving your name, particularly because you are on TV. I suggest you give your name, if you wish, but you don't have to if you don't wish. You would just go down as resident.

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:

Litigation: Case known as Hicks Vs. Town of Poughkeepsie

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

SO MOVED: J. Baisley/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Councilwoman Shershin and Supervisor Tancredi

Nays: None

CARRIED: 6-0

TOWN BOARD MEETING ADJOURNED AT 7:37 PM

TOWN BOARD ENTERED EXECUTIVE SESSION AT 7:39 PM

TOWN BOARD RETURNED FROM EXECUTIVE SESSION AT 7:44 PM

NO ACTION WAS TAKEN

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

CARRIED: 6-0

TOWN BOARD MEETING CLOSED AT 7:45 PM

SJM:lkM