

**MINUTES OF SPECIAL TOWN BOARD MEETING AND  
COMMITTEE OF THE WHOLE MEETING HELD ON  
NOVEMBER 14, 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  
Councilman Krakower  
Councilwoman Shershin  
Town Attorney Nelson  
Town Clerk Miller**

- **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/S. Eagleton

CARRIED: 7-0

Rob Rubin: I would first like to compliment two of you gentleman. First of all, Councilman Eagleton did an excellent job representing the Town at the Memorial Services over the Veterans Day weekend. I was very impressed and very grateful. Thank you. I would also like to compliment Supervisor Tancredi when he did an excellent job during that interview and when that comes up, and I am looking forward to it. Everyone should take a look at it. I thought it was very, very good. I have just a couple of questions in regard to the Town Budget. There are a couple of items I noticed on there, as taxpayer, not only in the Town of Poughkeepsie, but in the Arlington Fire District, Library District and Wappingers School District. My concern is that once again in the budget, we have \$30,000 allocated to fire services, which I believe are in the New Hamburg Fire District and as a taxpayer in Arlington, am concerned that those dollars go there and wonder why year after year why we selectively seem to subsidize the New Hamburg Fire District and not any of the other fire districts.

Councilman Baisley: Are you talking about the ambulance district? (Yes) The ambulance district is a special tax district and the residents of New Hamburg get that taxed separately as a line item on their taxes and that's not out of your tax money at all. It's a special district for the people in New Hamburg and that just covers the ambulance bill.

Rob Rubin: Ok. I have a similar question for the library, the subsidizing of \$30,000 for the library. I understand that the library takes and uses those funds judiciously, however, I'm a taxpayer for the library district and I pay taxes to the library separately. If they are using this for after school homework assignments for children, I think that was one of the things mentioned last year, I can tell you, as a trustee for Wappingers School District, we have the ability to help children as well there, so, I just question as to that allotment. The other question I had is, does this budget contain the same number of full time employees as last year or will there be any reduction in that?

Supervisor Tancredi: It doesn't contain the same number of full-time employees.

Rob Rubin: Any idea where the reductions might be.

Supervisor Tancredi: Yes, there were three vacant positions in the Police Department that have been eliminated, one vacant position in the Highway Department that was eliminated. A part-time employee in the Planning Department that's been eliminated and a retiree in the Recreation Department that won't be replaced on a full time basis.

Jason Guy: The PD President for the Town of Poughkeepsie Police Department. I have a question regarding the three positions that were eliminated from the Budget. It is my understanding that you were not looking to reduce the staffing levels of the Police Department any further than they were already reduced with the original three reductions and now all of a sudden we are going to reduce it three more. Just yesterday an officer was injured in a head on collision and about an hour ago, an officer was released from the hospital from another injury and so we are going to be down two more police officers and I want to know how you are going to justify eliminating three more positions.

Supervisor Tancredi: It hasn't been without lengthy discussion with the Chief of Police and we actually got a letter from the Chief and we received it yesterday or the day before and he has given us complete assurance that the Department will run with 81 officers. He doesn't feel that it will impact the Department at all and I think that the bottom line is, the Department is 56% of our Budget with retirement and we can nickel and dime Town Hall, and we have, we have one Zoning Administrator, and we've got two Planners and we've pretty much cut everything we have and unfortunately with time like this and homes being foreclosed upon, we continue with vacant properties and the maintenance of these homes and it's just the "Sign of Times" and obviously cutting any positions is not our first choice, but it just gets to a point where I personally don't think the residents have any more to give in terms of

cash and they are just tapped out, and with these vacant positions, one nice thing is, we've got a great staff of police officers and we don't lose any police officers and if and when the time comes that the economy improves and we see a need, we can certainly restore the positions, but in concurrence with the Police Chief and the confidence we have in him, the Department can run with a staff of 81. The decision made to eliminate doesn't come easy, I just want you to know that. I value the Department's work in the Town, but, in times like this, tough decisions need to be made.

Jason Guy: Those vacant houses, we have to respond to those houses when people are breaking in. We have a teen age student in Dutchess College getting beaten in the middle of the campus and it takes 10 minutes to respond because our closest officer is down in New Hamburg, that's a problem.

Supervisor Tancredi: No one was closer than New Hamburg? I find that shocking, but-

Jason Guy: I stand by that we will be putting the residents and officers at risk if we eliminate these three positions.

Doreen Tignanelli: I believe it was Highway Administration that actually requested 10 or 12 thousand dollars less than what is in the Budget. That just seemed a little different to me that someone requested less.

Councilman Krakower: The Supervisor met with each Department Head and there are times when those numbers get corrected and they might not have been correct on the front end. The other thing was about Highway. Did they take into account the fact that there were maybe salt supplies left from last year and so was that budgeted less this year because that was left over?

Councilman Tancredi: We have full salt shed at this point and so we are hoping we don't have to purchase this year.

Councilman Krakower: We've been cutting budget numbers tight and last year we were lucky with the light winter and the thing is, at some point that catches up with us. The numbers we have in there were comfortable, but there is not any cushion in there.

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

CARRIED: 7-0

AMENDMENT  
RESOLUTION 11:14-1 OF 2012

WHEREAS, the Town Board of the Town of Poughkeepsie adopted its Preliminary Budget for the year 2013 on October 24, 2012; and

WHEREAS, Legal Notice of a November 7, 2012 Public Hearing on the Preliminary Budget was posted on October 25, 2012 and published in the Poughkeepsie Journal on October 27, 2012; and

WHEREAS, because of inclement weather the Town Board Meeting and Public Hearing scheduled for November 7, 2012 were adjourned by the Town Supervisor to November 14, 2012, notice of which adjournment was posted and given to the media on November 7, 2012, and a news brief was run in the Poughkeepsie Journal on November 8, 2012, and

WHEREAS, the public hearing was held on November 14, 2012 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby ratify the Town Supervisor's adjournment of the Public Hearing on the Preliminary Budget from the November 7, 2012 to November 14, 2012; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby close the public hearing on the Preliminary Budget, amends the Preliminary Budget as follows: See Exhibit A attached hereto

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and adopts the Preliminary Budget as amended as the Town of Poughkeepsie Budget for the year 2013.

SO MOVED: J. Baisley/S. Krakower

Councilwoman Shershin: What is the final increase?

Town Comptroller Wojtowicz: The final increase is the Preliminary Budget came in 1.60203 increases over the 2012 adopted budget. The Finance Committee chipped about \$56,000 off of the tax levy and so the new increase over 2012 is 1.364%.

Councilman Krakower: In order to stay within the 2% Cap, it could have gone up 1.3 million and we went up \$181,000 in total which, in all my years on the Board, I believe we've done a good job year in and year out working on the budget. This year has been significantly different in that the Supervisor and Comptroller did a very, very good job putting together the Budget. Working with the Department heads and working with the Board along the way, the first time in the process was kind of mutual moving through and so the process was a lot smoother. Todd and Jim, I give

you a lot of credit. You got a Budget together and it was not really the easiest of times. It's not easy what we do. The cuts are not made because we want to make them, this is a very tight budget. None of the Department heads came in and said, "Here, take what you want, take my people, take my money," they all came in and defended their positions and tried to work with us to figure the best way to keep the tax payers able to afford to pay these bills in our Town. The Chief did a great job. He didn't say, "Yes, take my people," he has been willing to work with us, however, along the way in a difficult situation and I hope the men and woman of the Police Department understand that these are tough times for our community. These are not cuts that we necessarily want to make, but these are cuts that when you have houses vacant all over Town because people are having a hard time paying their bills you have to try to make ways available to make ends meet and be reasonable in what we are doing and it is a tight budget and I've gone through this for 12 years now and we've squeezed this budget. I think the budget is the best we can do and I think overall it was a good job.

Councilman Conte: The Town of Poughkeepsie should be proud of all of these employees we have working for us because I really feel that everyone cares about trying to control this budget and make it work. I'm thankful for the employees and the Department Heads for making the sacrifices.

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi  
Nays: None

CARRIED: 7-0

Motion made to suspend the rules for public speaking on Public Hearing #2:  
Supervisor Tancredi/S. Eagleton

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 7-0

EXHIBIT A ATTACHED TO FINAL BOOK COPY

11:14-02 PUBLIC HEARING

Amend Town Code, Chapter 195,  
Entitled "Vehicle And Traffic",  
Specifically Section 195-4, Schedule  
XII, Entitled "Crosswalks"

AMENDMENT  
RESOLUTION 11:14-2 of 2012

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 14<sup>th</sup> day of November, 2012 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town Code, Chapter 195 entitled “Vehicles and Traffic”, specifically Section 195-47. Schedule XII, entitled “Crosswalks”, which amendment is as follows:

ADD: Section 195-47. Schedule XII

<b>Name of Street</b>	<b>Location</b>
Inwood Avenue	At North Side of Fulton Street
Waldorf Place	At North Side of Fulton Street
Fulton Street	At East Side of Woodlawn Avenue
Spring Street	At West Side of Woodlawn Avenue

BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does determine that this action is a Type II Action requiring no environmental review; and

BE IT FURTHER ENACTED, that the Legal Notice of Public Hearing was posted on October 25, 2012 and published in the Poughkeepsie Journal on October 27, 2012; and

BE IT FURTHER ENACTED, because of inclement weather the Town Board Meeting and Public Hearing scheduled for November 7, 2012 were adjourned by the Town Supervisor to November 14, 2012, notice of which adjournment was posted and given to the media on November 7, 2012, and a news brief was run in the Poughkeepsie Journal on November 8, 2012, and

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

SO MOVED: S. Eagleton/J. Conte

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

Nays: None

CARRIED: 7-0

Motion made to suspend the rules for public speaking on agenda items:

Doreen Tignanelli: Would you just briefly explain what Item 15 is?

Supervisor Tancredi: That is a moratorium we are going to put in place and the resolution calls for a period of 8 months on solar panels and or wind turbines. We've had a number of residents who want to put these in their front yards and it has caused a lot of concern from the other residents and we want to take a time out and review the issue and investigate it some.

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

CARRIED: 7-0

11:14-03 AUTHORIZE  
SUPERVISOR  
TO SIGN

Street Lighting Authority Order For  
Installation Of A Street Light On Ledge  
Way

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a Central Hudson Gas & Electric Corporation Street Lighting Authority Order for the installation of a street light on Ledge Way at Pole No. 73893.

SO MOVED: J. Conte/M. Cifone

Councilwoman Shershin: What is the reason for putting up the street light and is this included in the ones we pay for?

Supervisor Tancredi: Yes, it is included in the ones we pay for. This is a cul-de-sac and a couple of the residents have contacted my office because they feel it is a dark area and so we are proceeding with having a light put up. There is a pole already there.

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi  
Nays: None

CARRIED: 7-0

11:14-04 RESCIND/  
APPOINTMENT

Rescind Resolution 10:24-SC 3  
Of 2012 & Does Appoint Leo J.  
Stanszak To The Permanent Part  
Time Position Of Court Attendant

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby rescind **RESOLUTION 10:24-SC 3 Of 2012** and does hereby appoint Leo J.

Stanszak to the permanent part time position of Court Attendant, not to exceed 20 hours per week, at the salary of \$18.13 per hour, effective October 29, 2012.

SO MOVED: M. Cifone/J. Baisley

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

Nays: None

CARRIED: 7-0

11:14-05 RESCIND/  
APPOINTMENT

Rescind Resolution 10:24-SC 4  
Of 2012 & Does Appoint Alan  
Roberts To The Permanent Part  
Time Position Of Court Attendant

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby rescind **RESOLUTION 10:24-SC 4 OF 2012** and does hereby appoint Alan Roberts to the permanent part time position of Court Attendant, not to exceed 20 hours per week, at the salary of \$16.98 per hour, effective October 29, 2012.

SO MOVED: S. Krakower/M. Cifone

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

Nays: None

CARRIED: 7-0

11:14-06 APPOINTMENT

Authorize Appointment Of Anthony  
Antenucci To The Temporary Part  
Time Position Of Court Attendant

#### RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie accepted the resignation of Anthony Antenucci, Court Attendant for the Town of Poughkeepsie Justice Court, on September 12, 2012; and

WHEREAS, the Town Justice Court needs coverage from time to time for scheduled vacations and other reasons; now therefore,

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the appointment of Anthony Antenucci to the temporary part time position of Court Attendant at the salary of \$15.00 per hour, with no benefits, effective immediately.

SO MOVED: A. Shershin/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi  
Nays: None

CARRIED: 7-0

11:14-07 NOTIFICATION

Renewal Of Liquor License For The  
Arlington Getty Mart, Inc. Located  
At 813 Main Street

NOTED BY TOWN BOARD

11:14-08 NOTIFICATION

Public Hearing In Town Of  
Newburgh At 7:00 PM On November 13,  
2012 On Regulation of Adult-Oriented  
Businesses

NOTED BY TOWN BOARD

11:14-09 BID AWARD

Cottage Street Pump Station Grinder

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the bid for the "COTTAGE STREET PUMP STATION GRINDER" to the lowest responsible bidder complying with the terms of the bid documents, Franklin Miller, Inc., at the bid price of \$29,875.00, pursuant to the recommendation of the Town Engineer; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute a contract agreement with Franklin Miller, Inc.

SO MOVED: Supervisor Tancredi/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi  
Nays: None

CARRIED: 7-0

11:14-10 SET DATE FOR  
PUBLIC HEARING

Unsafe Building Located On 2302 New  
Hackensack Road

RESOLUTION

WHEREAS, the Building Department of the Town of Poughkeepsie has made a report to the Town Board of the Town of Poughkeepsie regarding 2302 New Hackensack Road, Town of Poughkeepsie, County of Dutchess, State of New York, Tax Grid No. 6260-01-278898 (“the Premises”), the last owners of record being James Ogden, 2302 New Hackensack Road, Poughkeepsie, NY and Jeb Ogden, c/o Jamie Carey, 1435 Route 44, Pleasant Valley, NY 12569, that the building on the premises (“the Building”) is dangerous and unsafe to the general public, open at the doorways and windows, accessible to minors, vagrants, trespassers and crime suspects, and that it presents a fire hazard; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive a verbatim reading of attached Findings and does hereby adopt said Findings and directs that they be spread across the record as if they, in fact, had been read verbatim; and:

BE IT FURTHER RESOLVED, that a Public Hearing on the Order and Notice, including the recovery, levy and collection of Town expenses as an ad valorem levy will be held before the Town Board on December 5, 2012 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, New York.

SO MOVED: J. Baisley/S. Eagleton

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

Nays: None

CARRIED: 7-0

#### FINDINGS ATTACHED TO FINAL BOOK COPY

11:14-11 AUTHORIZE  
SUPERVISOR  
TO SIGN

Change Order #3 For Project Known  
As Hudson River Psychiatric Center  
Water District Improvements

#### RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie authorized Change Order No. 2 by Resolution 7:25 – 9 of 2012, for the project known as Hudson River Psychiatric Center Water District Improvements, wherein the contract amount was decreased by \$27,398.00; and

WHEREAS, additional contract work in the amount of \$7,520.00 is required for a waterline cutoff, as described in the attached estimate of Thomas Gleason Incorporated, which work has been approved by New York State and must be done promptly due to the blacktop plants closing for the year; now therefore,

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor or his designee to execute Change Order No. 3 for the project known as Hudson River Psychiatric Center Water District Improvements, whereby the current contract amount of \$906,416.07 will be increased to \$913,936.07, and

BE IT FURTHER RESOLVED, that this work, which is minor facility maintenance, is a Type II Action requiring no SEQR review.

SO MOVED: S. Eagleton/J. Conte

Councilman Baisley: When was the \$27,000 taken out, earlier in the year? (Yes)

Councilman Eagleton: What's the definition of minor? That's almost a million dollars.

Town Attorney Nelson: The project originally was SEQRA and the SEQRA relates only to the fact of doing the \$7,000 cut off on that one particular line, which I think, they were not aware was there, I'm not sure.

Councilman Krakower: All of these charges get charged out to the District once it gets created?

Town Attorney Nelson: Well, these charges will, but the charges that relate specifically to the water service to the State buildings on the property there, is being picked up by the State.

Councilman Krakower: If the Districts don't get created, the Town is left paying the bill?

Town Attorney Nelson: It was my understanding that the District has been created.

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

Nays: None

CARRIED: 7-0

11:14-12 ACCEPT/ADOPT

Delinquent Water & Sewer Rents,  
Assessments & Charges Due To  
Various Districts In Town

#### RESOLUTION

WHEREAS, it appears that certain water and sewer rents, assessments and charges due to the various districts in the Town of Poughkeepsie from properties within said districts have not been paid for more than sixty (60) days and are liens against the said properties, now therefore

BE IT RESOLVED, that such list of delinquent water and sewer rents and charges be accepted, approved and adopted by the Town Board of the Town of Poughkeepsie, subject to approval by Geoffrey Patterson, Receiver of Taxes, and that a copy thereof, duly certified by the Town Clerk, be presented to the County Legislature, by the Town Clerk, and that the amounts stated as being in default be levied against the properties liable therefore.

WATER	\$219,653.46
SEWER	\$156,543.15
OTHER	\$ <u>16,747.44</u>
TOTAL	\$392,944.44

SO MOVED: J. Conte/S. Eagleton

Councilman Baisley: Do they cross reference these to like the Tax Certs and all that to make sure we are not reimbursing some of the money that actually goes to some of the businesses?

Supervisor Tancredi: We're not reimbursing anybody, we are adding it to their taxes, because they are delinquent.

Councilman Baisley: But they are not paying them. We are getting a tax cert for something, it's not one of those companies we get money out of them, we're giving them a reimbursement on a tax cert.

Supervisor Tancredi: I don't know, As far as I know, we've asked Kathy Tabor questions like that in the past and I don't think the Tax Certs have any thing to do with water and sewer.

Councilman Krakower: But, when the Development project comes through, every Department has to sign off before their final site plan approval and it can't be that hard to do something before paying out a refund on a tax cert to make sure—

Supervisor Tancredi: I think these are homeowners, but we can make sure. I'll make sure.

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

Nays: None

CARRIED: 7-0

11:14-13 ACCEPT

Recreation Department Retirement  
Of Karen Curtis On December 31,  
2012

RESOLUTION

BE IT RESOLVED, that the Town Board of Town of Poughkeepsie does hereby accept, with regret, the retirement of Karen Curtis effective the close of business on December 31, 2012.

SO MOVED: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 7-0

11:14-14 AUTHORIZE

New Liquor License Waiver Of 30  
Day Review Period For Banta Nine  
Mall, LLC D/B/A Buffalo Wild  
Wings Located At 1794 South Road

AMENDMENT

RESOLUTION 11:14-14 OF 2012

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Glen F. Kubista & Associates, on behalf of Banta Nine Mall, LLC (Buffalo Wild Wings), 1794 South Road, Poughkeepsie, NY, for a waiver of the 30 day review period for a liquor license application; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the thirty (30) day review period and does ratify the Town Supervisor's November 13, 2012 letter of waiver and consent, pursuant to the attached request.

SO MOVED: S. Krakower/J. Baisley

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

Nays: None

CARRIED: 7-0

11:14-15 SET DATE FOR  
PUBLIC HEARING

"Energy Facilities & Systems  
Moratorium"

RESOLUTION 11:14-15 OF 2012

Town of Poughkeepsie Town Board

Energy Facilities and Systems Moratorium

WHEREAS, the Town Board has received a communication from the Director of Municipal Development recommending consideration of the adoption of a disposition of legislation entitled “Energy Facilities and Systems Moratorium” which will enact a temporary moratorium on any installation of wind power or solar power facilities; and

WHEREAS, a copy of the proposed disposition or legislation is attached hereto and made part of this resolution and a verbatim reading of said amendment is hereby waived and the Town Clerk is directed to spread the proposed amendment across the record as if it had been read verbatim; and

WHEREAS, the action to adopt the disposition of legislation is a Type II Action under the New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617.5(30), (“SEQRA”), and requires no environmental review; and

WHEREAS, adoption of the disposition of legislation requires a public hearing.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby sets a public hearing on the proposed amendment for December 5, 2012 at 7:00 PM, or as soon thereafter as the matter may come to be heard, in the Town Hall, One Overocker Road, Poughkeepsie, New York; and
2. The Town Board refers this matter to the Dutchess County Department of Planning and Economic Development for a recommendation pursuant to GML 239-m; and
3. The Town Board directs the Town Clerk to notify the Town Clerks of each of the surrounding municipalities of the public hearing pursuant to GML 239-nnn; and
4. That said local law, if adopted, shall take effect immediately upon filing with the Secretary of State.

SO MOVED: A. Shershin/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi  
Nays: None

CARRIED: 7-0

DISPOSITION OF LEGISLATION ATTACHED TO FINAL BOOK COPY

11:14-16 SET DATE FOR  
PUBLIC HEARING

Waterfront Housing Overlay District  
Amendments To Chapter 210-21A

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie, pursuant to public hearing held on the 3<sup>rd</sup> day of October, 2012 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, to consider a recommendation to amend Chapter 210 of the Town Code, entitled “Zoning”, specifically the addition of Section 210-21A, “Waterfront Housing Overlay District (WHOD)”, and does hereby close that public hearing, take no action on said amendments; and

WHEREAS, the Town Board has received a new communication from the Director of Municipal Development recommending the amendment of Chapter 210 of the Zoning Law in regard to the addition of Section 210-21A, Waterfront Housing Overlay District; and

WHEREAS, the proposed 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

WHEREAS, the action to amend the Zoning Law is an Unlisted Action under the New York State Environmental Quality Review Act; and

WHEREAS, the addition of Chapter 210-21A requires a public hearing.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby sets a public hearing on the proposed amendments to Chapter 210 for December 19, 2012, at 7:00 PM, or as soon thereafter as the matter may come to be heard, in the Town Hall, One Overocker Road, Poughkeepsie, New York; and
2. The Town Board hereby states that because only the Town Board can consider and adopt changes to the Town Code, that it is the only involved agency, and the Board hereby declares that it is the Lead Agency for purposes of coordinating the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law; and
3. The Town Board refers this matter to the Dutchess County Department of Planning and Economic Development for a recommendation pursuant to GML 239-m; and
4. The Town Board refers this matter to the Planning Board for an advisory report pursuant to Town Code Sections 210-154; and
5. The Town Board directs the Town Clerk to notify the Town Clerks of each of the surrounding municipalities of the public hearing pursuant to GMNL 239-nn; and

6. That said local law, if adopted, shall take effect immediately upon filing with the Secretary of State.

SO MOVED: Supervisor Tancredi/J. Conte

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

CARRIED: 6-1

AMENDMENTS ATTACHED TO FINAL BOOK COPY

11:14-17 SET DATE FOR  
PUBLIC HEARING

Unsafe Building Located At 34-36  
Taft Avenue

RESOLUTION

WHEREAS, the Building Department of the Town of Poughkeepsie has made a report to the Town Board of the Town of Poughkeepsie regarding 34-36 Taft Avenue, Town of Poughkeepsie, County of Dutchess, State of New York, Tax Grid No. 6161-08-954895 (“the Premises”), the last owners of record being Chris Plath and Lori Cappelletti, 34-36 Taft Avenue, Poughkeepsie, NY, that the building on the premises (“the Building”) is dangerous and unsafe to the general public, open at the doorways and windows, accessible to minors, vagrants, trespassers and crime suspects, and that it presents a fire hazard; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive a verbatim reading of attached Findings and does hereby adopt said Findings and directs that they be spread across the record as if they, in fact, had been read verbatim; and:

BE IT FURTHER RESOLVED, that a Public Hearing on the Order and Notice, including the recovery, levy and collection of Town expenses as an ad valorem levy will be held before the Town Board on December 5, 2012 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY.

SO MOVED: J. Baisley/S. Eagleton.

Wayne Cichon, Building Inspector: The letter came back unopened. The Post Office considers it vacant.

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi  
Nays: None

CARRIED: 7- 0

FINDINGS ATTACHED TO FINAL BOOK COPY

11:14-18 AUTHORIZE  
SETTLEMENT

Tax Certiorari Proceedings Instituted  
By M & D Of Dutchess, LLC

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the settlement of the tax review proceedings instituted by M & D of Dutchess, LLC, for the tax assessment roll of 2008, as shown on the attached Consent Order and Judgment; and

BE IT FURTHER RESOLVED, that Kyle W. Barnett, Esq., Van DeWater & Van DeWater, LLP and Kathleen D. Taber, Town Assessor are authorized to sign such papers as are necessary to effectuate the settlement.

SO MOVED: S. Eagleton/J. Conte

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

CARRIED: 6-1

CONSENT ORDER AND JUDGMENT ATTACHED TO FINAL BOOK COPY

COMMITTEE OF THE WHOLE MEETING

11:14-COW 1 DISCUSSION

Emeritus At Poughkeepsie Site Plan  
(Wegman's)

Neil Wilson, Town Municipal Development Director: This involves the Wegman's Project on the Corner of Boardman and Spackenkill Road and what I had discussed with the gentleman was I thought it would be a good idea to come to this Board and speak about the open space preservation plan. We are not going to get into the details of the Site Plan, I believe you've seen the plan, but, the Planning Board has taken action on SEQRA. We are looking at calendaring Public Hearings on the Zoning Map as well as the Zoning Text Amendment. There is still a special Use Permit that we need to be issued by the Zoning Board of Appeals and Site Plan Approval from the Planning Board, but the key to the process going forward is before this Board and that is both the map amendment as well as the text amendment. But, getting back to the discussion tonight and speaking with John Andrews, I thought it would be a good idea to bring before you their plan for identifying the preserved open area and to also discuss with you the potential for future expansion. There was discussion of that at the Planning Board and so with that I will turn it over to John Andrews.

John Andrews: I am a principal with Rohde, Soyka & Andrews here in Poughkeepsie. I represent the Wegman Companies and am here on behalf of the project. With me is Mr. Gerry Watkins who is with Wegman and what we would like to do is, as Neil said, bring you up to date real quickly, if I may. What I have placed here, just to refresh your memory, this is Spackenkill Road & Boardman Road. We are proposing a 96 unit, assisted living facility. 66 of the units would be assisted living, 30 would be memory care. What you have in front of you is the proposal which has kind of evolved in front of the Planning Board. You will note, there is no access to Spackenkill Road. We have one entry at Boardman Road, one additional that the Planning Board requested and we are still working out the details is an emergency access and so we will access across from one of our neighboring properties and have an access and two ways in. The site is looped. There is a historic barn back here in the corner. The request that has been made in the process is that we preserve that barn. We agreed and that's one of the items we want to talk to you about today, but other than that, this is the proposal that has been in front of the Planning Board. We obviously have to buff it and there are a few more items that have to be dealt with, but during the course of discussions, there have been a couple requests and some commitments made by the project sponsor and one of the things that the Board was interested in, not only this Town Board, but also the Planning Board is, we have a very small development on a very large piece of property. It's over 23 acres and you can see our proposal is relatively centrally located. The key question came up, "What are you going to do with the rest of it?" The question raised by the Town Supervisor was, "Would you be willing to put it in a conservation easement and preserve it as open space once your project is developed?" My client took that back and seriously considered it and their answer is an affirmative 'yes' they would be willing to do that". So what we've done is kind of put together a plan which we believe would apply to the terminology of open space in your Town Code and kind of shows what we would proposed to put in a conservation easement. The development is located here centrally (referring to a project map). It shows you the limits of grade, etc. It encompasses the "Barn" and what we've done; we've kind of drawn a line around the outside and what we propose is that all this exterior area (here) would be preserved as open space. Included in that, is another offering. We were asked to consider a pedestrian easement. We have a pedestrian easement all along both road frontages. There is a long term plan on behalf of the Town to link properties along Boardman Road with a sidewalk. So, that would be in this open space, but, what you have in front of you is basically our idea of what we consider open space. What grew out of this, we are well below what the new zoning line would be in terms of our development. We have less units, less disturbance and what this actually shows you is approximately 30% disturbance and we are proposing to commit about 70% open space. We are in the processes of finalizing things with the Planning and Zoning Boards and so those things may shift a little bit, but not substantially. My client, in looking at this and realistically being business men, looking down the road and if they hit a home run with this, logically speaking, they would like to expand and so the question was raised, "What would you do? Here you've made this proposal, we are going to rezone it and you are going to give us a substantial amount of open space, what would happen if you came back in the future to expand?" So, my clients stepped back and they took a realistic look at this. What you have in front of you is what they would forecast, all things being perfect, what they might consider for an expansion. It would

add an additional 14 beds, the total number of beds then going up to 96. It would add four parking spaces and what this map does, you see the small expansion, is basically take a mirror image of this little pod, which is the memory care facility and move it over to the opposite side so you would have two identical wings. It would require that we push the road out, and a few other things, but, the interesting thing was once we did this and overlaid it with our open space plan, we wouldn't be affecting the open space, you would still have the open space configuration.

Councilman Krakower: What would be on that open space?

John Andrews: We've been asked by the Planning Board and we have developed drafts that we would be willing to submit. There would be actual filed covenants and restrictions which would prevent the further development of that Open Space. There would actually be three documents that had been asked for. One is an Open Space Covenant and restriction, on which we agree. We had a draft and we discussed some of the fine points of the draft with your Municipal Development Director and he things we are on the right page. Next would be to submit it to you folks for your review and make sure it is consistent. The other document is to guarantee preservation of the Barn. We have a document that would put forth our guarantees with the Barn, borrowing natural disasters or fire, or whatever, we would restore and preserve that as long as it was a financially viable thing. The last thing is, we are asking for a ReZoning. We are a for Profit, and what happens if, in the future we sell to a Not for Profit? The question was asked, "Would you be willing to entertain a Stand By Pilot that if you sold it to a Not for Profit the taxes would continue. Again, my client went back and made a business decision that they would hang on to these long term, but they are willing to enter into that agreement. So, in addition to this Open Space Plan, which we would like your approval on, the concept of the expansion and those three documents we believe we've addressed the subtenant concerns that came out of the Planning process, your initial review and that's where we stand today.

Councilman Eagleton: The question that always comes up and never really gets answered is the impact on traffic. There has been a lot of concern expressed by our residents in that Ward about the traffic light on Boardman Road and Spackenkill Road. Now, you've got the High School, which is a little further down the road and there will be a Library coming there soon. I'm not sure what impact this will have, but all the stuff together, seems to be pointed toward a bit of a mess at that particular intersection.

John Andrews: We prepared, at the request of the Planning Board and submitted a Traffic Impact Analysis and it was reviewed by your Planning Board's consultants and they agreed with the outcome.

Councilman Krakower: No significant impact, right? Pardon me, I'm just making a stab.

John Andrews: There is no significant impact, but remember we are talking to senior assisted living facility here so that what you would be basically talking about is staff traffic and visitors. I think that with all the homes, actually two residents retain cars, so,

for the most part, there really is no traffic and the other interesting thing is that we don't occur at the same peaks.

Councilman Krakower: What level of living is it?

Jerry Watkins: Its Assisted Living and Dementia. The Dementia Section has a nurse on staff during the day hours.

Councilman Krakower: There is a decent amount of traffic from the going to and from doctor and hospital care.

Jerry Watkins: We've done traffic studies. We have three shifts of employees. The first shift starts at 7 AM, which is before the AM peak. The second shift is at 3 PM and the third shift is at 11 PM. We generally have on the first shift 17 to 20 employees. The second shift is under 15 and the third shift is about 5 or 6.

Councilman Eagleton: Does the traffic study take into account that traffic light there?

John Andrews: It does, yes. Our traffic study reveals that there are probably improvements that DOT needs to make to that traffic light. Those improvements need to be improved whether this projects goes or not and so I know they've been made aware of it, but whether DOT does anything—

Councilman Cifone: Does the traffic study indicate that improvements need to be made to that traffic light?

John Andrews: That study is in the hands of the Planning Board and they took that into account when they wrote their Negative Declaration. Yes, it does say it needs timing modifications.

Councilman Krakower: Coming up the hill there toward the light, there are some visibility issues also, correct?

Supervisor Tancredi: You don't see the light, but there is a flashing light half way up the hill on the right. Years ago I asked DOT to cut away the side of that hill slightly so you can see the light and they didn't even bother to tell me they were going study it.

Councilman Krakower: Is there a better location for that traffic light? My concern would be, if you have an emergency vehicle coming out of there and a school bus coming up the road, if it is in the winter and the roads are wet, there could be issues there. There are concerns about the type of use you put in a residential area.

John Andrews: We have shared the analysis with the DOT. We submitted the documentation to DOT. The traffic associated with our project doesn't change the parameters or make it worse and our Traffic Engineer shared everything with the DOT and what happens, we can certainly go back and talk to the Planning Board.

Neil Wilson: The problem with the light isn't a substantial change like the entire lighting, etc. It is a timing problem. The traffic report is indicating that their traffic has no impact on the light or the operation of the light, but the light itself .

Supervisor Tancredi: The problem is one that has existed for a number of years and has nothing to do with the project itself.

Councilman Eagleton: We've contacted DOT in the past about the light and they refused to do anything about it. The timing is screwed up and the State doesn't have to do any analysis, they have to go out and change the setting of the light.

Neil Wilson: Right, it's a signal timing problem.

John Andrews: We will certainly have our Traffic Engineer follow up on it and see what the problem really is and give the DOT what they need.

Councilman Conte: Under the Assisted Living, is there reason to have open areas where they can get outside and get fresh air or exercise? Do you have an exercise room?

Jerry Watkins: Through the Planning Board, we've put some paths and gazebo there. These people are mostly in their 80's and they don't go out only when the families come and then they do a bit.

John Andrews: That is one of the issues that the Planning Board asked us to take a second look at. So, what we will probably do, is make one more modification to kind of give them—and keep it kind of in front of the building around the parking area because they mostly like to stay around that area. So, we will probably give them a bigger sidewalk path, but, not substantial, we don't want them wandering out too far into the open space.

Councilman Conte asked about the use of the Barn for recreational or community room.

John Andrews: Actually, we are going to use it for our maintenance shed for lawn equipment and other things. Ok, so if everything is acceptable, we get the legal documents to Mr. Wilson and then you can start sending them through staff and buffing them to your changes and just to keep you apprised, we are going to seek to move this ahead and also get back to the Zoning Board and we would like to try to wrap up with the Planning Board in January.

Councilman Krakower: What variances do you need for this project?

John Andrews: We don't need any variances. Under the terms of your Code we need a Special Use Permit, which is granted by the Zoning Board. We need Site Plan from the Planning Board and Special Use Permit from your Zoning Board.

Supervisor Tancredi: Ok, what we need for the Committee of the Whole. I don't have anything for the Committee Reports, does anyone have anything to report?

Councilman Baisley: We are just finishing up our Do Diligent on the Senior Center and within the next couple of weeks we should have a report on that.

Motion made to suspend the rules for public comments: Supervisor Tancredi/J. Conte

CARRIED: 7-0

Doreen Tignanelli: I have some comments about the Meredith Site Plan. I'm glad Councilman Eagleton brought up traffic because, right now, that's an empty field and so for them to say they are not adding anything to the traffic problem is a little disingenuous because they will have staff and visitors.

Councilman Baisley: Doreen, Supervisor Tancredi, Councilwoman Shershin and I visited the one in Albany, there was very limited traffic coming in there.

Doreen Tignanelli: My mother is in a nursing home and I visit her several times a week for six and a half years and I see comings and goings. The people there don't drive, but they do have visitors and staff and to say you have 96 units and yet you are not adding to the traffic problem? That's just untrue.

Councilman Krakower: Pretty much every time I've been to Wingate of Dutchess, their parking lot is always full and the only spots are a couple of visitor's spots every now and then. So, nobody drives, so their lots are full of cars.

Councilman Eagleton: I don't think there has ever been an analysis before, that says there is a problem.

Supervisor Tancredi: I don't think there is any doubt that this is going to add additional traffic to those roads. My view is, compared to what could be built, this is a no brainer. 70% open space—

Doreen Tignanelli: Well, yes, I do want to see what is in writing there, but the point is, it is going to be adding to the traffic. Maybe not as bad as could be, but the resolution of the traffic light, DOT is not going to want to do anything to help us. The Planning Board is not going to take care of it either. I just see this getting passed and nothing being done about that light. There is a library going there and that will be more traffic. Lourdes has their sport's field and so it's accumulative.

Councilman Eagleton: I'm not sure what the nature of the report was, but, for instance, if that report was done by a licensed Engineer and it was stamped and given to the State, then the State has an Engineer that takes the documents and it is stamped that there is a problem with your light and there is an accident there, now the State is liable for not

dealing with the problem of their light and so it's a little different now than us just complaining about the light. There is now a scientific analysis of that problem.

Doreen Tignanelli: No one has been able to help us with this light before. I don't think these problems will ever be resolved because there is never ever any "Traffic Impacts" when the subject is brought up. Also, the rezoning, if they had requested the rezoning to residential and it is their provision that if something should happen that this falls through will there be some document that says it will go back to Institutional Zone, the way it was before?

Supervisor Tancredi: Yes, it will be put back to Institutional Zone.

Jim Barretta: As Supervisor Tancredi mentioned, comparing this project to other projects that could go there, this is maybe a less impact. That's possibly true, but it's still a net add to what is going on there. I was here at the Planning Board Meeting the night this applicant was here and we face the traffic there every day, it is more and more difficult to get out of our street all the time. It is dangerous because the site distances are short. In terms of the traffic light, the last change made to that traffic light was made by the DOT and it came through the Town at the request of the Principal at Lourdes High School and it made it better for the High School, but much worse and more dangerous for us. In fact, everyone that comes to my house who is unfamiliar with that road, I warn them, if they leave on the upper end, if they see that the light is red, it is still green on the other side and people fly up over that hill. The DOT made that change and several of us in the neighborhood appealed to them and Todd, you got involved with Assemblyman Miller and they would not change it back. So, what they do here, I don't know, but the last change I saw didn't make it better for the residents. I would like to ask the Board, once you see the documentation, please seriously consider the documentation and look at it like you were making the single decision for this project vs. looking at like, well it's going to go back to the Planning Board and the Planning Board will do something with this. The reason I say this is because I've watched several projects and I'm watching this one now and it ping pongs back and forth between the Boards and when I was here at the Planning Board and we voiced some concerns, some of the response was, "Well, this has to go to the Town Board before anything more can happen with it," and I've been here at these meetings and I've heard Board members say "Well, it needs to go for a full review of the Planning Board" and so these things go on and on. I'm just asking that you at this yourselves and don't just count on the Planning Board because it goes back and forth and everyone thinks someone else is looking at it and they are not. I would also like to say that Mr. Andrews said that the introduction of the expansion was a "tempest in a teapot". That terminology is used to bring something down to a microscopic size to make everyone feel that someone is getting excited about nothing. Well, I'm sorry, this project was brought before the Board and one of the reasons why it looked so good to the Board is because it is somewhat compositing left open space and we were here the night of the Planning Board and this thing about the expansion gets dropped. As a resident, if you want to follow the process, you need to be at all these meetings. If we voice concerns, then it's called a "tempest in a teapot". I find that very insulting. The reason last time for concern at the Planning Board Meeting seems to have increased. Tonight we heard about

70%. We don't know if it's 70, 65 or what. I guess you'll find out when the document is done. The other thing, at the Planning Board, the open space had not been defined, so no one knew where it was. It seems to have more definition tonight. The expansion plans, we did see the small expansion plan, but I don't know if that's the limit. If this project gets built and it gets filled up, I fully expect that they could look for more expansions, unless there is some iron clad paper showing you can't go beyond these limits. (He continued with speaking about the traffic concerns.) Just please make sure we are getting the whole scope of things.

Un-named speaker spoke about the surrounding habitat issue regarding this project.

Supervisor Tancredi spoke and said that there is surrounding habitat but the fact that at least the 70% of undisturbed open spaced land.

Motion made to resume the rules: Supervisor Tancredi/Councilwoman Shershin

CARRIED: 7-0

#### 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.

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

SO MOVED: J. Baisley/S. Eagleton

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin and Supervisor Tancredi  
Nays: None

CARRIED: 7-0

TOWN BOARD MEETING ADJOURNED AT 8:24 PM  
TOWN BOARD WENT INTO EXECUTIVE SESSION AT 8:25 PM  
TOWN BOARD RETURNED TO TOWN BOARD MEETING AT 8:43 PM

NO ACTION WAS TAKEN

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

CARRIED: 7-0

SJM:lkm

MEETING CLOSED AT 8:44 PM