

**MINUTES OF A REGULAR TOWN BOARD MEETING HELD  
ON DECEMBER 5, 2012 AT 7:00 PM AT TOWN HALL,  
ONE OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

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

**ABSENT:** 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 Public Hearing # 1: Supervisor Tancredi/S. Eagleton

**CARRIED: 6-0**

Wayne Cichon, Deputy Building Inspector: We have a lot of activity at this place with the Police Department being involved. It's wide open. It's been salvaged and scraped out right to the bare walls as you can see in the picture. What we are looking for is to be able to secure the building at ground floor entry points which will help negate what they've had to deal with and with the Police Department showing up.

Joe Armstrong: I think I brought the question up once before. When we come to these unsafe buildings and the cutting of the grass and all that. Does anyone check to see who owns these buildings or if the banks hold the mortgages or whatever and why they are not being forced to secure and we have to pay with the taxpayer's money to go out and secure these buildings. Someone owns them. Why are we paying?

Supervisor Tancredi: It's simply that we can't find the owners. If it were that simple, we could find the owners and force them to do it, but typically they have abandoned these properties. We send certified mail and do everything we can to locate the owner and we just can't.

Councilman Krakower: We know who the owner of record is and sometimes there is a bank involved, but the owner of record has just walked away from it or decided not to put anything in to it. The banks, in a lot of these cases, haven't done anything to protect their investment now and I think "it's the sign of the times". There are so many of these properties all over the area and country that the banks are not putting money into keeping them up and so we have to. It's not because we want to and to maintain properties, but, it gets to a point that it is such a mess and eyesore and hazard.

Joe Armstrong: There is no law that can force these banks to take care of them? They've got more money than I have.

Councilman Eagleton: In some case some banks own up to their responsibility and maintain the property and in some cases they don't. When the property is sold ----

Joe Armstrong: But, in the meantime, our money is out there doing nothing.

Supervisor Tancredi: But, it's our responsibility to make sure residents are protected and neighborhoods are maintained. If vagrants get into these buildings, often times they start fires or destroy the structures. It certainly is not our first choice to take care of the situation.

Joe Armstrong: I understand, I just don't see why the banks can't be made to do something about it.

Councilman Krakower: When these go on the tax bill as a lean and the bank eventually sells the property, does that tax bill have to be paid?

Town Attorney Nelson: Yes. Wayne has a fellow do a quick title check so the banks actually receive notice of the fact that their mortgage interest is about to be impaired. The tax lean will not be wiped out. When and if the house was sold, we would get paid back.

Wayne Cichon: Some times we are able to make contact with the bank and they have a service available to them where they can come out and deal with these and none of those cases I bring before you, if we've gotten that kind of response, we utilize that response. Obviously if we can get someone to come on out and secure this, that's one less step we have to do, but in the event of a place like this where there is debris dumped there by unknowns, it makes it a fire hazard for the responders to come there and we have to take some kind of action.

Councilman Krakower: Do we now have a master list of these between Zoning and Building that we know what properties were watched and what properties are no longer a problem?

Wayne Cichon: We have a list that we have begun to pool those resources.

Supervisor Tancredi: We do have a list now and the list I saw has 77 homes now on it.

Wayne Cichon: There is actually more than that because some haven't gotten on the list yet.

Councilman Krakower: Can we circulate that through the Department Heads?

Wayne Cichon: It's actually there now, and as we go through and list those that are known to the Building and Zoning Departments, we update that list and it is available to you through the Town's electronic digital system.

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

CARRIED: 6-0

12:05-01 PUBLIC HEARING

Unsafe Building Located at  
34-36 Taft Avenue

### RESOLUTION

WHEREAS, by Resolution 11:14-17 of 2012 adopted on November 14, 2012, the Town Board of the Town of Poughkeepsie has determined that the building ("Building") located at 34-36 Taft Avenue, Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6161-08-954895 (the "Premises"), owned by Chris Plath and Lori Cappelletti is dangerous and unsafe to the general public; and

WHEREAS, pursuant to said Order, a Notice of a Public Hearing has been served and posted, which Order included a direction that the required work begin immediately and must be commenced not later than thirty (30) days from service of the Notice and be completed no later than sixty (60) days after service of the Notice, and gave further notice that on failure to timely comply, the Town Board is authorized to secure or demolish and remove the Building and assess the expense thereof against the Premises as a special ad valorem levy under Town Law Article 15 and to institute a proceeding to collect the expenses of such work, and

WHEREAS, that the Legal Notice of Public Hearing was posted on November 15, 2012 and published in the Poughkeepsie Journal on November 17, 2012; and

WHEREAS, said Public Hearing has been held this day, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie authorizes and directs the Building Department to secure the Building by Town employees or contractors in the event that the same is not timely commenced by the Owner or if it is not timely completed by the Owner as directed in the Order, and to thereafter assess against the Premises and levy and collect the expenses of same as

provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

SO MOVED: J. Baisley/S. Eagleton

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

Nays: None

CARRIED: 6-0

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

CARRIED: 6-0

Wayne Cichon, Deputy Building Inspector: This is just another one of the instances where, unfortunately, the owner has past away and we have notified the State. The notified the son, there is no bank affiliated with this property. It is one of those that has been latterly trashed on the inside. Copper has been stolen and ripped right out of the walls. It's become a public nuisance to the Police Department who has had to respond to them before. We are just looking now to board the electric points and secure them.

Motion made to close the public hearing: Supervisor Tancredi/M. Cifone

CARRIED: 6-0

12:05-02 PUBLIC HEARING

Unsafe Building Located On 2302  
New Hackensack Road

#### RESOLUTION

WHEREAS, by Resolution 11:14-10 of 2012 adopted on November 14, 2012, the Town Board of the Town of Poughkeepsie has determined that the building ("Building") located at 2302 New Hackensack Road, Poughkeepsie, County of Dutchess State of New York, bearing Grid No. 6260-01-278898 (the "Premises"), owned by James Ogden, 2302 New Hackensack Road, Poughkeepsie, New York and Jeb Ogden, c/o Jamie Carey, 1435 Route 44, Pleasant Valley, NY 12569 is dangerous and unsafe to the general public; and

WHEREAS, pursuant to said Order, a Notice of a Public Hearing has been served and posted, which Order included a direction that the required work begin immediately and must be commenced not later than thirty (30) days from service of the Notice and be completed no later than sixty (60) days after service of the Notice, and gave further notice that on failure to timely comply, the Town Board is authorized to secure or demolish and remove the Building and assess the expense thereof against the Premises as a special ad valorem levy under Town Law Article 15 and to institute a proceeding to collect the expenses of such work, and

WHEREAS, that the Legal Notice of Public Hearing was posted on November 15, 2012 and published in the Poughkeepsie Journal on November 17, 2012; and

WHEREAS, said Public Hearing has been held this day, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie authorizes and directs the Building Department to secure the building by Town employees or contractors in the event that the same is not timely commenced by the Owner or if it is not timely completed by the Owner as directed in the Order, and to hereafter assess against the Premises and levy and collect the expenses of same as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

SO MOVED: S. Eagleton/M. Cifone

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

Nays: None

CARRIED: 6-0

Motion made to suspend the rules for public speaking on Public Hearing #3: Supervisor Tancredi/M. Cifone

CARRIED: 6-0

Curtis Vinson: I would like to take some time to read some text. (Attached to final book copy) If this variance does pass, I don't know that this Board can answer this tonight, but I would like that you please consider it. If you are successful in enacting real effective legislation that prevents the majority of the Zoning Board from just ignoring it and passing any variance that comes in front of them in regard to solar rays, what does it mean to the variance they just passed. Is it grandfathered and left to stand as it is?

Councilman Cifone: I don't think we can enforce it ex-post back.

Supervisor Tancredi: I think it depends on where it is in the process. If he's gotten his Building Permit, his Certificate of Completion and I'm not quite sure, but I know the homeowner is working towards that and tonight I don't know exactly where he stands. If he hasn't gotten those things, then he will be caught in the moratorium if it hasn't past.

Councilman Krakower: If this moratorium is passed tonight, it becomes effective upon filing with the Secretary of States Office, which is when we mail it out or when they receive it and file it? (Received)

Supervisor Tancredi: Can we fax it to them, does it have to be mailed?

Town Attorney Nelson: I don't know if it can be faxed. It certainly could be FEDERAL EXPRESSED. I also don't know whether it could be e-mailed or not or electronic transmission.

Councilman Eagleton: Does the moratorium apply to instruction as well?

Supervisor Tancredi: I think if you wanted to instruct something, if we put in the moratorium, a home owner would do that at their own risk. Because if you want to construct something and have it almost ready and the moratorium changes, whether we decide when we look at this that we don't want them in the front yard, for example, then they do it anyway, they would do it at their own risk. Most of the moratoriums are put in place to put a halt on this process while the Town can look at regulations and laws. I know other communities, like Rhinebeck and other communities have put things in place to help control and guide this type of installation and so that's what we would be looking at.

Curtis Vinson: So, the bottom line is, the residents of Earlwood Drive are facing the prospect of a 400 sq. foot reflective billboard in the front yard?

Supervisor Tancredi: Potentially, yes.

Curtis Vinson: Incredible!

Pat Gleason: I saw the moratorium in the paper today. I don't blame the last guy from not wanting to have poles in the front yard of his neighbor, it is kind of ugly. I agree with him 100%, but, my understanding of the moratorium is it's for everything that is in that regard, but what about the people who want to put it on the roof top this year? They put out millions of dollars of grants that you can apply for, but when the money runs out at the end of the year, you're done, you can't get it. My concern is, what if there is someone who wishes ---

Councilman Krakower: We can grant relief from the moratorium on a case by case basis, correct?

Town Attorney Nelson: That's what I'm looking at now.

Supervisor Tancredi: Hopefully, at least in the resolution, we have, it's for eight months. If we could get something in place in three months, we could certainly end the moratorium then.

Councilman Krakower: We can grant release from the moratorium on a case by case basis. So, if someone comes in and has a project that makes sense, I believe it would come before the Town Board in that instance.

Pat Gleason stated that if we don't use the grant in place, it could go to another Town and they may cut it off for our Town.

Doreen Tignanelli: I would like to say that I am in support of the moratorium. As much as I am concerned about energy consumption, I think there are places for it and you have to be respectful of your neighbors. A solar panel on the roof, especially the newer ones that can be flatter, they are much less obtrusive and they don't impact the neighborhood character. When people do install these, aside from the visual impacts, I'm concerned about trees being cut down, and there are a lot of things that have to be taken into consideration.

Jeff Irish: I'm a professional engineer in New York State. I also designed the solar system that is on the roof of this building. My company installed it. I can see from the monitor in the lobby that it's been working fine for the last five years and one month. My company also did the system on Mr. Gleason's house. The Company is Hudson Valley Clean Energy and Hudson Solar. I've been doing this for about ten years. I would like to speak from that vantage point and I also would like to speak on the point that I am on the Rhinebeck Zoning Board of Appeals, which I've been on for six years, which encompasses the time from when solar was just starting out and the new Zoning law was enacted and specifically addressed it and maybe I can provide some advice from that direction, too. First of all, I agree very much with Mr. Gleason's point that while in the purpose section of your law, you state that the issue is with ground mounted solar rays and roof generating systems. In a suburban area like the Town of Poughkeepsie, probably 95% of the solar systems going forward will be roof mounted systems and if you don't like dogs or cats, you can just make a moratorium against them –

Supervisor Tancredi: You're right, but the Town has the ability and authority that if someone brings a plan before us that is a roof mounted system we can let them put it in regardless of the moratorium.

Jeff Irish: Yes, I saw that in the proposed legislation and the appeal process. I think that's a good attempt, but I think it will be ineffective in the market place, it won't work, and the reason is that the cycle to sell, design, request fund approval and get a system installed, takes about eight months. NYCERTA, with their funding, which is generous, but declining steadily as the industry grows, puts a time limit on the amount of time between the approval of their funding and when all the equipment must be delivered to the site and that's 120 days. You go over that, they can cancel the funding. As a business owner serving probably 50 to 60 towns and jurisdictions in the Hudson Valley and Capitol District, I can tell you the effect of what the moratorium will do is it will stop solar activity in the Town. No installer in their right mind would go through the time, expense, structural engineering, the NYCERTA approval paperwork, utility approval application process, if they knew a moratorium is in affect, even if there is an appeal process, because you just don't know how the appeal process is going to go. There is a tremendous amount of engineering, design and paper work involved in getting these systems documented and approved and takes months. No one is going to spend that amount of time and money if they think there is a moratorium even with an appeal process. So, I think it is a noble attempt, but I don't think it would be affective. In Rhinebeck we did pass a law as we saw a need to control how these systems are installed.

They can be installed to look well or they can be done poorly. So, we passed a law without instituting a moratorium. The Zoning law can state that the roof mounted systems must be mounted flat on the roof if it's a pitched roof. In Rhinebeck we have it saying that a roof mounted system must not be permitted to extend above any roof line. So, things like that make sense, but I don't think you need a moratorium in order to change the Zoning Law. The Governor, in January, 2012 announced the New York Sun initiative which dramatically increased the amount of money that NYCERTA is going to fund for solar installations over the next two to three years. Most of that money is coming at the expense of Up State Wind, which they thought was saturated and they wanted to get more solar particularly in the Down-State area that could help serve New York City and the Hudson Valley. By putting a moratorium in place it would actually be saying, "The Town of Poughkeepsie doesn't want to play in that game." You would be taking yourselves out of one of the few high growth areas of the construction of industry for a period of about a year and a half, which I think would be a great mistake. I encourage you to change your Zoning Law, write some solar specifics for terms and conditions regarding the systems. I think that would be a good idea.

Councilman Krakower: Does the Ordinance in Rhinebeck allow for ground mounted systems? (Yes, there is probably about 20) Hopefully, if the Town Board does chose to put this in place, we will get to work right away on this and come up with an Ordinance, take a look at what you have in Rhinebeck, but come up with an Ordinance as quickly as possible and get something on the books so that we wouldn't be stringing out the process for a year and a half.

Jeff Irish: I think that would be a great idea.

Eric Histenod: I would not want any of my neighbors to have a front ground mounted system on their front lawn. It would destroy the neighborhood. It is appalling to me that the Zoning Board would have allowed such a thing, but, I have signed an agreement and put a down payment on a roof mounted system on my house. Construction is supposed to start in March, I would like to ask you to exempt roof mounted systems with the limitations the previous gentleman just had so I can go ahead with my project. I have a deposit in place, I've signed agreements and signed my contract and for you to put on a moratorium will hamper my ability to do this. My particular system will not be visible from the street, just visible by my immediate next door neighbor who would see a roof, like any other roof.

Supervisor Tancredi: If this moratorium goes through, how would this be applied for Mr. Histonod?

Town Attorney Nelson: We have applications for variances, which would then come before the Town Board.

Richard Cantor, Attorney: I would like to speak in support of a moratorium. You do need a moratorium; it's a device for maintaining status quo. When a problem has been identified and when you need some time to consider legislation to address the problem.

Those panels that have been described on Earlwood are each 10' high, on the front lawn of a corner property that is highly visible. In addition to the language in your draft that allows for individual applications to be considered to be exempted from the moratorium, if upon reflection you find that the language of the moratorium is broader than you think is necessary, there is nothing to prevent you at the next meeting to amend the moratorium legislation to exclude from its scope certain categories that you don't find to raise these kinds of questions that Earlwood Drive does. But, you need to keep the status quo given the pending application; you do need, in my opinion, to adopt this moratorium. It's a very simple matter. If, upon reflection, you think the scope should be narrowed to amend the legislation without allowing this troubling application to work its way through the system.

Keith Christensen: I've been in renewable energy for the last ten years now. Originally, when I got in, most of my customers were going for renewable energy, mostly for environmental reasons. For the last several years, that has changed dramatically. Now, most people who are buying solar are doing it for financial reasons. It is a sound financial investment and sound financial return that comes from that investment. I am opposing the moratorium across the board as you are suggesting. The people who have the ability to put it on their roof and make that financial investment, as Mr. Irish pointed out potentially would be losing out. Those who have already put applications in, yes, it looks like you are putting something into affect that allows them to come and meet in front of you and try to get something through despite the moratorium. As Mr. Irish pointed out, because of the cycle, they may lose their source of funding. Over the last several years, NYCERTA has reduced their funding level five times. When I started in the industry, \$4.50 a lot was what people were getting to put solar on their homes. Today, it's a \$1.50 a lot. Sometimes the State gives us warning, "We are going to reduce the incentive". Sometimes they don't. By imposing a moratorium and/or requiring your constituents to come in before you, they may lose their ability to get that funding. But, now you have constituents who otherwise had been able to gain financially, will be unable to do that in the Town of Poughkeepsie. As more and more people are looking to put in solar in all different areas of the State, the Town of Poughkeepsie, in that case, would not be able to benefit from the funding that would otherwise come into your Town.

Councilman Krakower: There are benefits out there, but the idea that we should disregard the impact to our residents because if we don't act quickly we're not going to get the deal or funding, we have to balance the issues here and so my honest opinion is that I think there will be incentives eight months from now. I'm sure it's not about to dry up. I do think it's very important that when people invest a lot of money in their homes, that's their little piece of the world and American Dream, we figure out the best way to protect them in their investments. We don't say we intend to shut it down completely, the ability for an allowance or waiver will allow us to address these concerns as they come through. My suggestion would be, and eight months I believe is plenty of time, I think three or four months would be appropriate, so we shorten that window. Stop everything in the process right now, take a good look at it to make sure we protect the residents of our Town, and get it done. For what ever reason we are not able, we could

always extend it. We want to have a shorter lease on this. We do want everyone to be efficient and doing business, but in the appropriate manner.

Lee Pagones: I never thought a reasonable person would allow a front lawn mounted solar panels in the Town of Poughkeepsie. If a guy is an electrician and has a truck, he can't park in his own driveway at night. We all allow things in neighborhoods for reasons. I think the Zoning Board of Appeals has gone way out past the point of being reasonable. I think you should get it out front and get it decided as soon as possible. If it had been decided before, we wouldn't have to worry about it now.

Paul Miller: One year ago we had solar panels put on the roof and I am very happy with the installation of the solar panels. We have created more than 100% of the power we need and we are creating so much power that we decided to buy an electric car, we installed central air conditioning and I think anything that prohibits the growth of solar, I understand that on the front lawn, I don't think that's appropriate, but roof mounted, I think it is important if we consider that vs. deterrence of it. I just ask the Board to take it into consideration. Solar not only helps the environment, but it also helps business people and employees in the area.

Zea Okai: I'm the one who is taking the brunt of all this. From a community perspective, I feel we really need to be encouraging alternative energy projects, not putting up bearers. We should have specific guidelines to follow when evaluating projects as a logical and reasonable approach and that makes sense. A complete halt to all new projects I don't think makes sense. I concur with a number of people have said relative to the benefit of some guidelines. To stop them after approval has been granted, does not seem appropriate. I agree also that we should get some models from other Towns and eight months seems a long period of time, when there are good models in existence already. I also, in general, question the need for a moratorium while these alternatives are being considered. To the best of my knowledge, I'm not aware of all plumbing work in the Town of Poughkeepsie coming to a halt for eight months when coming to a decision on changes to the Plumbing Code are being made. Projects still go on and then new Codes are implemented. So, overall, from a community perspective, I think guidelines make a lot of sense. But, bring all projects to an abrupt halt, I don't think does. I think my project is the one that has brought this whole topic to a head and I guess, from my perspective, I applied for a Building Permit to put in solar panels, it was routinely denied, saying that structures in the front yard need a variance and so from there, I paid my \$225.00 to the Town Zoning Department. Came to the ZBA Meeting on the Fifteenth and presented my case, matter continued at the next meeting because the full Board was not present. I, at that point, spent countless hours building a life size model, creating photo markups of what it would look like all addressing issues that were brought up at the ZBA Meeting and brought all that to the meeting on the 19<sup>th</sup>. No one in any point in time through this whole process made any reference to an impending moratorium. So, made my presentation, watched the ZBA Meeting on TV and heard members at that point making reference to an impending moratorium. I still didn't know what they were talking about, having not heard about it. I realize you are now saying you have an appeal process where this Board would be able to provide relief from the Moratorium, but that is what the Zoning Board has already done. They are the body that is the power to provide

relief from and variance from the Zoning Laws that exist. They have already done that. Now, part of the requirement that the ZBA put forward, my specific circumstances rather than the general nature of moratorium, they specifically required a screening plan to be provided and the screening plan is being provided that would shield from view these panels planned to be installed in the front yard. One could also imagine that we had a 10' hedge around our entire perimeter of our yard already in which no one would see it. So, there are ways to address the concern about the visual impact and you know, we live there, too. We want it to be aesthetically pleasing as well.

Supervisor Tancredi: Are the size of your panels necessary in order to generate the necessary amount of electricity you need in your home or is it so you can sell back a % into the system?

Zea Okai: This system is sized to produce about 80% of the electricity that we use currently, so it doesn't even cover 100%.

Stesha Spector: I want to commend the Board for tackling this issue and for trying to come up with a uniform standard. I think everyone has supported that idea. I do find it a bit of a sad irony though that on the very week that nations around the world are meeting to talk about addressing climate change and tomorrow the Governor will be announcing and addressing the climate change as one of his top legislative priorities for the year, we are talking about shutting down renewable energy in the Town for the foreseeable future. This ordinance is stopping an entire industry on the back of one conflicting project. If it were in reverse, it would be a case for spot zoning. If we were changing the Zoning of a particular property to address concerns about a project on that property, instead we are doing reverse spot Zoning in taking the concerns of a single property. I was prepared to sign a contract and put my down payment down and the installer told me that he would be happy to continue working with me but it probably didn't make sense given the context of this moratorium. So, it's potentially going to put my project off for eight months to a year until there is clarity in the situation. I will probably be losing the opportunity to do something positive for the environment. I also just wanted to suggest to the Board that there are model ordinances, not just Rhinebeck. The Pace Land Use Law Center has an entire section of their website containing model ordinances for renewable energy. The Columbia Law School Central for Climate Change has an entire website for model ordinances for renewable energy and so the models are there and it would make more sense to debate the model ordinance tonight rather than a moratorium.

Margarie Groton: I read about this moratorium recently and having listened to the speakers this evening it is clear that this is targeting one specific project. It really shuts down private enterprises for solar development in the Town for eight months. I do understand you have an appeal process built into the moratorium but having worked on a solar project myself, I want to remind the Board of what Mr. Irish said. The upfront work to get the design prepared and submitted to NYCERTA and the investment takes months and solar development will essentially stop in the Town during this moratorium. I also know that the project I worked on, I made applications to NYCERTA we were warned

that we had to do it within a certain time by our consultant because the likelihood they were going to run out in that round.

Councilman Eagleton: What was that certain time, if you don't mind telling us?

Margarie Groton: It was last Spring. It sounds to me that the people who support this ordinance don't oppose the solar or wind development, but a specific project. So, I recommend that you give alternative ways to deal with this moratorium and do it tonight.

Motion made to close the public hearing: Supervisor Tancredi/M. Cifone

CARRIED: 6-0

12:05-03 PUBLIC HEARING

“Energy Facilities & Systems  
Moratorium” Local Law

### RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 5<sup>th</sup> day of December, 2012 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby adopt the “Energy Facilities and Systems Moratorium” Local Law, which Local Law imposes a temporary moratorium on the installation of wind power and solar power facilities; and

BE IT FURTHER ENACTED, that the Local Law is attached hereto and incorporated herein and the Town Board does hereby waive a verbatim reading of said Local Law and does direct that said Local Law 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 this Local Law a Type II Action under New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617.5(30), (“SEQRA”), and requires no environmental review; and

BE IT FURTHER ENACTED, that a written recommendation dated November 29, 2012 was received from the Dutchess County Department of Planning and Economic Development stating that the proposed Local Law was a matter of local concern; 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 the Legal Notice of Public Hearing was posted on November 15, 2012 and published in the Poughkeepsie Journal on November 17, 2012; and

BE IT FURTHER ENACTED, that said Local Law shall take effect immediately upon filing with the secretary of State.

SO MOVED: M. Cifone/S. Krakower

AMDENDMENT #1: Motion made BY Councilman Krakower to Amend the Moratorium period from eight months down to three months and AMENDMENT #2: to also amend the review period for waiver from 45 days to 30 days. That would give us three weeks in order for the Town Board to refer it to the Planning Board and that would cover at least two or three meetings. Seconded by Councilman Cifone

Neil Wilson, Development Director recommended a minimum of four months as he didn't want to revisit it.

Councilman Krakower stated he would rather it three months and they could always extend it if needed. He wanted to keep a short leash and get it done.

ROLL CALL ON AMENDMENT #1: Ayes: Councilmen Baisley, Eagleton, Cifone, Krakower, Councilwoman Shershin, and Supervisor Tancredi  
Nays: None

CARRIED: 6-0

ROLL CALL ON AMENDMENT #2: Ayes: Councilmen Baisley, Eagleton, Cifone, Krakower, Councilwoman Shershin, and Supervisor Tancredi  
Nays: None

CARRIED: 6-0

Councilman Cifone: I know the Zoning Board took a hit on this. I think our Zoning Board members do a very good job as well as our Planning Board members and it is very difficult to sit on a podium and make recommendations with the laws that are in place and make unpopular choices. They are really good, they are detailed and I think they made a very good decision based on what was available to them. I commend them for that. It is not always easy to sit up there.

Councilman Krakower: If the ZBA was trying to race to get ahead of the Town Board on this, I don't really think that's a really good example of working together. I think the Zoning Board, Planning Board and Town Board are supposed to be working together on these things, not trying to beat the other to the finish. That is the concern I have with what went on.

Supervisor Tancredi: On that topic, I know some times the Zoning Board has to deal with Law and make a decision based on whether they have to approve it or have a valid reason not to, but I always go back to the fact, we are all here for one purpose, whether, Town Board, Zoning Board, or Planning Board and that is to serve the residents of the Town of Poughkeepsie and often times, we have decisions where there are people on both sides and I think the best way to make those decisions, unless detriment to any individual, or harm in some way, majority should rule. When you have a majority of residents standing on one position, I think that's where we need to be.

Motion made to suspend the rules for public speaking on Agenda: Supervisor Tancredi/  
M. Cifone  
CARRIED: 6-0

NO SPEAKERS CAME FORWARD

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

CARRIED: 6-0

12:05:04 ADOPT

Town of Poughkeepsie Handbook Policy  
Dealing With Leave of Absence Without  
Pay

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby amend the Town of Poughkeepsie Employee Handbook as follows:

1. Section 608, "Leave of Absence Without Pay", as set forth in Attachment A hereto, is added to the Employee Handbook, effective upon adoption of December 5, 2012 as to all Town employees who are not in the PBA Bargaining Unit, and
2. The adoption of this policy is a Type II Action requiring no SEQRA review.

SO MOVED: A. Shershin/M. Cifone

Supervisor Tancredi: This has come up because we have had on a couple of occasions where people have taken time off without pay and it has become a bit of an issue and we need something on the books and in writing.

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

Nays: None

CARRIED: 6-0

AMENDMENT ATTACHED TO FINAL BOOK COPY

12:05-05 AUTHORIZE  
SUPERVISOR  
TO SIGN

Maintenance Agreement With Comnetix,  
Inc.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute an agreement with Comnetix, Inc., a copy of

which is attached along with Chief Thomas Mauro's memorandum requesting same, for the continued maintenance of the Police Department's "Live-Scan" System, which computer based equipment documents arrests, photographs and fingerprints electronically; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie finds that the solicitation of alternative proposals for these services would not be in the best interest of the Town; and

BE IT FURTHER RESOLVED, that Town Board finds that this is a Type II Action requiring no environmental review.

SO MOVED: Supervisor Tancredi/M. Cifone

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

Nays: None

CARRIED: 6-0

#### AGREEMENT ATTACHED TO FINAL BOOK COPY

12:05-06 SET DATE FOR  
PUBLIC HEARING

The Wegman Companies, Inc. For  
Zoning Map Amendment – Parcel  
No. 6260-03-049464

#### RESOLUTION

Zoning Map Amendment – Parcel No. 6260-03-049464

WHEREAS, the Town Board has received an application from the Wegman Companies, Inc. (hereinafter "Wegman") to change the zoning designation of tax parcel number 6260-03-049464 located at the intersection of Spackenkill Road and Boardman Road from Institutional (IN) District to Residence, Single-Family 20,000 Square Foot (R-20,000) District as part of a proposal to develop said parcel for use as a senior assisted living center; and

WHEREAS, on September 19, 2012 the Planning Board, as the designated lead agency, issued a Negative Declaration pursuant to Article 8 of the Environmental Conservation Law for the proposed zone change and associated zoning text change and development plan; and

WHEREAS, on September 19, 2012 the Planning Board also issued an advisory report recommending approval of the proposed zoning map amendment; and

WHEREAS, amendment of the Zoning Map requires a public hearing.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby sets a public hearing on the proposed amendment for January 16, 2013, 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 refers this matter to the Town Planning Board for an advisory report.
4. The Town Board directs the Town Clerk to notify the surrounding towns of the public hearing pursuant to GML 239-nn.

SO MOVED: J. Baisley/S. Eagleton

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

CARRIED: 5-1

12:05-07 SET DATE FOR  
PUBLIC HEARING

The Wegman Companies, Inc. For  
Zoning Law Amendment – Nursing  
Home & Alternate Care Housing

#### RESOLUTION

##### Zoning Law Amendment – Nursing Home and Alternate Care Housing

WHEREAS, the Town Board has received a communication from the Director of Municipal Development recommending amendment of Article VIII, Section 210-91, “Nursing Homes and alternate care housing” as part of the Board’s consideration of an application from the Wegman Companies, Inc. to change the zoning designation of parcel number 6260-03-049464 from Institutional (IN) District to Residence, Single-Family 20,000 Square Foot (R-20,000) District; and

WHEREAS, a copy of the proposed amendments to Section 210-91 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, on September 19, 2012 the Planning Board, as the designated lead agency, issued a Negative Declaration pursuant to Article 8 of the Environmental Conservation Law for the proposed zone text change and associated zoning map amendment and development plan; and

WHEREAS, on September 19, 2012 the Planning Board also issued an advisory report recommending approval of the proposed zoning text amendment; and

WHEREAS, THE PROPOSED AMENDMENTS TO Section 210-91 would establish more stringent site development standards for nursing homes and alternate care facilities; and

WHEREAS, the Town Board has determined that the proposed zoning text amendment must be referred to the Dutchess County Department of Planning and Economic Development; and

WHEREAS, amendment of the zoning law requires a public hearing.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby sets a public hearing on the proposed amendment to Article VIII, Section 210-91 for January 16, 2013, 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 surrounding towns of the public hearing pursuant to GML 239-nn.

SO MOVED: S. Eagleton/J. Baisley

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

CARRIED: 6-0

PUBLIC HEARING WILL BE HELD AT JANUARY 16, 2013  
TOWN BOARD MEETING

AMENDMENTS ATTACHED TO FINAL BOOK COPY

12:05-08 RESIGNATION

Police Department Of School Crossing  
Guard With Town of Poughkeepsie Traffic  
Division

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the resignation of Sammy Lyles, School Crossing Guard with the Town of Poughkeepsie Police Department Traffic Division, effective December 31, 2012.

SO MOVED: M. Cifone/S. Krakower

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

Nays: None

CARRIED: 6-0

12:05-09 AUTHORIZE

SC 1, SC 2, SC 3, SC 4, and SC 5

#### 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. Accept                       | Resignation of Anne N. Conroy-Planning Board |
| SC 2. Accept                       | Grant from Community Foundations for an AED  |
| SC 3. Authorize Supervisor to Sign | Country Club Easement                        |
| SC 4. Notification                 | Town of Wappinger-Public Hearing             |
| SC 5. Notification                 | Julie's Café-Liquor License                  |

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: S. Krakower/M. Cifone

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

Nays: None

CARRIED: 6-0

12:05-SC 1 RESIGNATION

From Town of Poughkeepsie Planning Board of Anne N. Conroy

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the resignation of Anne N. Conroy from the Town of Poughkeepsie Planning Board, effective December 14, 2012.

SO MOVED: A. Shershin/S. Krakower

Councilman Krakower: I would just like to say that Anne was a tremendous asset to the Town as a member of the Planning Board. She brought a very strong background to the process and we are lucky to have people like Anne that volunteer for these positions and take a lot of time out of their day to do this. She will be definitely missed. She is moving out of the State.

Supervisor Tancredi: I agree.

Councilwoman Shershin: She was a Sixth Ward representative?

Supervisor Tancredi: So, all Wards are still covered, however.

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

Nays: None

CARRIED: 6-0

12:05-SC 2 ACCEPT

Grant From Community Foundations  
Of The Hudson Valley For The  
Purchase Of An AED (Defibrillator)  
For Greenvale Park

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign all papers necessary and proper to accept a grant from the Community Foundations of the Hudson Valley, in the amount of \$2,500.00, for the purchase of an AED (defibrillator) for Greenvale Park.

SO MOVED: Supervisor Tancredi/M. Cifone

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

Nays: None

CARRIED: 6-0

12:05-SC 3 AUTHORIZE  
SUPERVISOR  
TO SIGN

Grant Of Permanent & Unspecified  
Easement For Installation Of Sub-  
Surface Stormwater Drainage Facilities

#### RESOLUTION

WHEREAS, Anthony Drive and Antoinette Drive accumulate storm drainage which travels from those town roads onto the Country Club Apartments property and into the detention basin at the Country Club Apartments; and

WHEREAS, the Town is in receipt of a Grant of Permanent and Unspecified Easement for Installation of Subsurface Stormwater Drainage Facilities over the Country Club Apartments property; and

WHEREAS, the intention of the Town to control the flow of its drainage from Anthony Drive and Antoinette Drive, which will also alleviate the burden on the Country Club drainage basin, now, therefore

BE IT RESOLVED, that the Town Board of The Town of Poughkeepsie does hereby authorize and direct the Supervisor to sign said Grant of Permanent and Unspecified Easement for Installation of Subsurface Stormwater Drainage Facilities.

SO MOVED: J. Baisley/S. Eagleton

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

CARRIED: 6-0

#### DRAINAGE GRANT ATTACHED TO FINAL BOOK COPY

12:05-SC 4 NOTIFICATION

Town of Wappinger Will Hold A Public Hearing By The Town Board On Monday, January 14, 2013 At 7:30 PM Regarding "Local Law Amending The Town's Zoning Map In Connection With The Hilltop Village At Wappinger Project, For The Purpose Of Rezoning Property To The RMF-3 Multifamily Residence District

NOTED BY TOWN BOARD

12:05-SC 5 NOTIFICATION

Liquor License Renewal For Julie's Restaurant & Catering, Inc. Located At 49 Raymond Avenue (Expiration Date 12/31/2014)

NOTED BY TOWN BOARD

Motion made to suspend the rules for public speaking: Supervisor Tancredi/M. Cifone

CARRIED: 6-0

Joe Armstrong stated that the Arlington Fire Department is meeting on December 11<sup>th</sup> to vote on an open position in the Arlington Fire Department Board of Commissioners to be held at two Fire Stations, one at Barnett Blvd. and the other at Vassar Road, Red Oaks Mill Fire Department between 6 and 9 PM. Urged people to get out and vote.

First Ward Councilman Jay Baisley read a letter from Mr. Merz, a Wappinger Resident, praising Keith Ballard and his crew and expressing appreciation for the Water Department for the quick, efficient repair of a burst water main feeding the fire hydrant on Kimberly Court. Mr. Merz stated that “Mr. Ballard and team of men are to be commended for their high degree of professionalism, teamwork and positive attitude.”

LETTER ATTACHED TO FINAL BOOK COPY

EXECUTIVE SESSION

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

CARRIED: 6-0

TOWN BOARD MEETING ADJOURNED AT 8:30 PM

TOWN BOARD RETURNED TO TOWN BOARD MEETING AT 9:48 PM

NO ACTION WAS TAKEN AT EXECUTIVE SESSION

TOWN BOARD MEETING CLOSED AT 9:49 PM

SJM:lkM