

**MINUTES OF TOWN OF POUGHKEEPSIE BOARD MEETING HELD
ON DECEMBER 19, 2012 AT 7:00 PM AT TOWN HALL,
ONE OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

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

ABSENT: Councilman Eagleton
Councilman Krakower
(Flu)

- **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 have a moment of silence for the devastating murders of the children and adults at their school and the mother of the perpetrator in the State of Connecticut.

12:19-ES 1 ADJOURN TO
EXECUTIVE SESSION

To Enter Executive Session To
Consider Following Matters:
A. Litigation
B. Confidential Communication
Between Attorney and His Client,
The Town Board, Based On
Attorney Client Privilege

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. Litigation
2. Confidential communication between Attorney and his client,
The Town Board, based on Attorney/Client Privilege

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

SO MOVED: Supervisor Tancredi/J. Baisley

CARRIED: 5-0

TOWN BOARD MEETING ADJOURNED AT 7:04 PM

TOWN BOARD WENT INTO EXECUTIVE SESSION AT 7:05 PM

TOWN BOARD RETURNED FROM EXECUTIVE SESSION AT 7:14 PM

NO ACTION WAS TAKEN

TOWN BOARD MEETING RESUMED AT 7:15 PM

Motion made to suspend the rules for Public Hearing #1: Supervisor Tancredi/J. Conte

CARRIED: 5-0

Doreen Tignanelli: I am against the rezoning for a number of reasons that have been discussed before. While this overlay applies to other properties, it's really being tailored specifically to meet the needs of the Dutton/O'Neil Group. At the September 12, 2012 Town Board Meeting, the Public Hearing was Tabled until October 3rd because the project sponsor had an issue with the height regulation. He felt that 40 feet was too low for the way he was designing the units and now I see that the height is 40 with another 15 feet allowed if there is parking within the ground floor or sub-floor. So, again, that is being tailored specifically at the request of the project sponsor. Also, at the October 3rd Meeting, Councilman Krakower brought up the issue of high density and at that time it was 28 units per acre and it is still 28 units per acre and so nothing has changed and also at that point it had not come before the Land Use Committee and it was determined that 28 units had been granted only at the applicants request. Also, there are some other issues like, the amount of impervious surface allowed is 80% and that raises concerns to me about water front flooding, especially since there is going to be filling in of the flood plain. So, 80% I think is too high. Also, we keep hearing about the economic feasibility of developing this site because it is a Brown Field, and again, to bring the point forward, the applicant will receive tax credits of 18% for the Brown Field cleanup and that is \$18 million dollars on a \$100 million project. So, I don't believe that all of the issues were addressed from previous meetings.

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

CARRIED: 5-0

12:19-01 PUBLIC HEARING

Waterfront Housing Overlay District
(WHOD) In Chapter 210, Entitled
"Zoning", Specifically Section 210-A

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 19th day of December, 2012 at 7:00 PM, or as soon thereafter as the matter may come to be heard, at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend Chapter 210, entitled “Zoning”, specifically the addition of Section 210-21A, “Waterfront Housing Overlay District (WHOD)”, and

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

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

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

BE IT FURTHER ENACTED, that the Legal Notice of Public Hearing was posted on November 27, 2012 and published in the Poughkeepsie Journal on November 30, 2012; and

BE IT FURTHER ENACTED, that a written recommendation dated December 13, 2012 was received from the Dutchess County Department of Planning and Development stating that the proposed amendment was a matter of local concern.

BE IT FURTHER ENACTED, that a written recommendation dated December 14, 2012 was received from the Town of Poughkeepsie Planning Board in which said Board recommended adoption of the herein amendments; and

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

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

SO MOVED: J. Baisley/J. Conte

Councilwoman Shershin: The Land Use Committee did just recently meet on this and the new map is looking much, much better and also, even though the overlay is going to be

placed on it, it still has to go before the Planning Board and before the Town Board again before the final approval is made on this project.

Councilman Baisley: Were you all happy when you came out and feel that this is suitable now? (Yes)

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

Nays: None

CARRIED: 5-0

AMENDMENTS ATTACHED TO FINAL BOOK COPY

Supervisor Tancredi: I should have mentioned before we began, Councilman Krakower is absent tonight because his family has been hit with the flue and so he won't be making it.

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

Marcy Schwartz: I am one of the named plaintiffs in the defense lawsuit against Vassar College. I am also a resident of the Town of Poughkeepsie and my home is about 1800 feet from Vassar Farm. I am familiar with the small deer family that comes through our yard regularly. I've watched a new born fawn grow up this year and am obviously against the mass shooting that would be in the Town if it were up to Vassar College. I want to address a few facts about Vassar's proposed actions before we get down to the Ordinance that could prevent this from happening in the Town. First of all, there is no deer over population. I looked at every published document by Vassar College. I've spoken to the College President. This is starting in the year 2009 with the first kill. The numbers speak for themselves. In 2004, this is according to Vassar College's own numbers, there were over 200 deer living in the area. Now, remember, the deer do not live on Vassar Farms, they go throughout our whole area. In 2009, before the kill, there were about 100 deer. Today, there are about 40. So, why does Vassar College even want to go through with this? Their stated goal is, and they have a paper on the Website stating this, they have deemed that no more than 10 deer may live. Why is that? This is the reason. Vassar Farm managers like to think of themselves as the equivalent of wild forest managers like those of Mohonk Preserve, which is the largest private preserve and like Cary Institute which, like Mohonk, is thousands and thousands of acres of wild forest. They do have deer management plans and they do not have mass shootings. They would never allow it. They are so large they can allow limited hunting, but what Vassar is trying to do is to say, "The amount of saplings that exist in the forest, they should exist over here in Vassar Farm. Now, you ask yourself if that makes sense." Vassar Farm is not a forest. I'm sure many of you have been there. It is a bunch of fields and soccer field, woods, a few clumps here and there, it isn't a forest. Personally, have concluded, after studying this, they do not have a good reason for killing these deer. We, in the Town of Poughkeepsie, however, are stuck. When I joined this lawsuit, this slaughter, literally, they gather food and leave it for the deer and they trust people and then they

mass shoot the deer and mow them down. There were comments in a local restaurant as to how easy they were to kill. In 2009 there was a City Attorney who was new and he heard the term "Vassar Farm" and he actually thought there was a 500 acre farm over there and so he gave the College a special waiver that exists under State Agricultural Law. It was a legal error, and we said we know we have to enforce our ordinance and you can't carry out mass shootings near people's homes in the City. It's dumped on the Town. Now, the situation that we are facing in the Town is not only an invalid action that Vassar College wants to take, what they want to do is have sharp shooters out there with repeated shot rifles to kill about 40 deer. I don't know about you, but there are developments on Boardman Road, Cedar Avenue, Spackenkill Road, I was shocked to find out that the bullets can travel 2.5 miles and I looked at a map and did the radius and (she showed on a map) the neighborhoods, all of Twin Hills, Hagan Farms, part of Crown Heights, Kingwood Park, Coachlight Estates and three schools and churches are all within 2.5 miles. It is a huge, scary radius. I don't think that the Town should be subject to, God Forbid, something to happen and have bullets go through homes, schools, and churches in the area. There are pets out at night as well. Also damage to the properties. I just think it would be too high a price for the Town to pay to take on potential liability issues, etc. when we could stop it. Fortunately, the Town of Poughkeepsie can prevent this with our excellent noise ordinance here for the benefit of the residents and if you go to Section 39-4, Unlawful Noises. Second Page M, specifically includes fire arms and use of firing of explosives, etc. The only thing allowed in terms of guns is lawful use of firearms for hunting at a firing range or gun club is legal. Sharp shooting and mass shooting is not hunting and does not fall in this category. So, I highly recommend, as a lawyer and as a Town resident that you tell them to go somewhere else.

Joe Armstrong: Two quick questions. It says about the Police Department, purchase of two vehicles. Are they ones that were already purchased or not in allowance and they are looking for extra money to allow them to buy these?

Supervisor Tancredi: It is money that the Chief has in his 2012 Budget that he has available and not used for other purposes and so is going to purchase two police cruisers. We've had some others purchased as the cars last maybe two years and we try to turn them over and the new cars are more economical and efficient.

Neil Armstrong: Also, the Jack's Auto body modification, is that something you can explain now?

Supervisor Tancredi: We have a resolution on that where basically there was a misunderstanding on the contract on both parties so we have to revise that tonight.

Glen Morris: I live on Colburn Drive, opposite the new sub-station and I'm in support of the cull of the deer. I've sat there and watch them die by the dozens crossing Spackenkill Road and I've seen the people suffering with the cars and vehicles through time, every year, years on end. I listened on the nights they had the shootings two years ago and it appeared to me, as a hunter myself and knowing rifles, that the rifles are somewhere in the 6 millimeter range or the milder 30 caliber up into the larger big game hunting. I

thought that the use of rifles is a necessity. It is not hunting. I would rather have the pros doing it than opening it up to the public as Vassar is suggesting. At least the pros are insured and I have respected Vassar for doing this. I think they are doing the best they can. I enjoy the fact that instead of the deer being wasted they are used to feed the poor.

Doreen Tignanelli: I have lived on Colburn Drive for 30 years and I haven't see dozens and dozens of deer but I did see not too long ago, a dead deer on Colburn Drive with an arrow in the back of that deer. So, that's basically what I've seen of dead deer in the area. The only point I want to bring out is I don't think this is a Town issue either. The issue is Environmental Conservation and the Environmental Conservation Law says that you can not hunt with rifles in Dutchess County and Mr. Morris can say it's not hunting, but you can't say it's hunting in one instance and not in another. So, bottom line, I think they should have to follow the law which says you can't hunt with rifles in Dutchess County and that law should be followed. I don't think the Town should have to make that decision, I think DEC and Vassar College should follow the law. The DEC about a year ago, they were making what they call a wild life management area off of Baxter Town Road in Fishkill and this is on the DEC Website and it says, "Since the use of rifles is prohibited in Dutchess County, the use of rifles is prohibited at the proposed Baxter Town Wild Life Management Area." So, the DEC on their own website in two places said, "You can't hunt with rifles". Yet the DEC appears to be allowing Vassar College to do that. So, again, they should be following the law. Jeff Kosmocker, a PR person from Vassar said, "We want to follow the law." If you want to follow the law, then follow it!

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

CARRIED: 5-0

12:19-02 RETIREMENT

Barry Treuhaft – Police Department

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the retirement of Barry Treuhaft from the Town of Poughkeepsie Police Department, effective January 5, 2013.

SO MOVED: J. Conte, M. Cifone

Supervisor Tancredi thanked Mr. Treuhaft for his good service to the Town of many years.

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

Nays: None

CARRIED: 5-0

12:19-03 APPOINTMENT

Barry Treuhaft –School Crossing Guard

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Barry Treuhaft to the position of School Crossing Guard at the established rate of \$10.72 per hour, effective January 7, 2013.

SO MOVED: M. Cifone/J. Conte

Councilman Conte: We would like to welcome him back, too.

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

Nays: None

CARRIED: 5-0

12:19-04 APPOINTMENT

Jay Rowe- Part Time Police
Assistant

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Jay Rowe to the position of part-time Police Assistant, at the Grade 6 Step 1 salary of \$19.45 per hour, effective January 14, 2013, which appointment is subject to a probationary period of not less than 8 nor more than 26 weeks per Civil Service Law; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute and file all documentation required by the Dutchess County Department of Human Resources in connection with this appointment.

SO MOVED: A. Shershin/M. Cifone

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

Nays: None

CARRIED: 5-0

12:19-05 APPOINTMENT

Debora L. Byram – Per Diem (Fill
In) Crossing Guard

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Debora L. Byram to the position of Per Diem (Fill In) School Crossing Guard at the established rate of \$10.72 per hour, effective January 7, 2013.

SO MOVED: Supervisor Tancredi/M. Cifone

Councilman Conte: Police Chief, you, I assume, give them training on the jobs, right?

Police Chief Mauro: Yes.

Councilman Conte: Ok, I just wanted to have that pointed out, out loud.

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

Nays: None

CARRIED: 5-0

12:19-06 APPOINTMENT

Supervisor Todd Tancredi To The
City/Town Joint Water Board

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Todd Tancredi to the City/Town Joint Water Board for a term effective January 1, 2013, through December 31, 2015.

SO MOVED: J. Baisley/J. Conte

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

Nays: None

Abstain: Supervisor Tancredi

CARRIED: 4-0-1

12:19-07 REAPPOINTMENT

Marcy Marlow To The Zoning
Board Of Appeals

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reappoint Marcy Marlow to the Town of Poughkeepsie Zoning Board of Appeals for a seven (7) year term ending December 31, 2016.

SO MOVED: J. Conte/J. Baisley

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

Nays: None

CARRIED: 5-0

12:19-08 APPOINTMENT

Franco Zani To Permanent Senior
Sewage Treatment Plant Operator

RESOLUTION

WHEREAS, Franco Zani, by Resolution 3:2-#8 of 2011, was granted a provisional appointment to the position of Senior Sewage Treatment Plant Operator, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Franco Zani as permanent Senior Sewage Treatment Plant Operator, pursuant to the notice from the Dutchess County Department of Personnel, a copy of which is attached hereto, subject to a probationary period of not less than 8 nor more than 26 weeks per Civil Service Law, commencing with the date of the adoption of this resolution.

SO MOVED: M. Cifone/J. Conte

Councilman Cifone: I would just like to tell the public that Mr. Zani took a test and he ranked #1 on the list and he has been doing a great job for us.

Councilman Conte: I also want to say that the times we've met with him during Budget times and meeting him out in the streets, the guy has always been such a professional and I think this would be a good move for us.

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

Nays: None

CARRIED: 5-0

12:19-09 AUTHORIZE

Friendly Honda – Stormwater Agreement, Easements

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Drainage Easement and Stormwater Management Facility Inspection and Maintenance Easement, and Declaration of Cross Easements in regard to the project known as Dutchess Facilities Management, LLC a/k/a Friendly Honda; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign the Stormwater Management Facility Inspection and Maintenance Agreement and any supporting recording documents in regard to the Dutchess Facilities Management, LLC a/k/a Friendly Honda project; and

BE IT FURTHER RESOLVED, that such acceptance and authorization by the Town Board of the Town of Poughkeepsie is subject to the approval of all final documents by the Town Attorney, Planning Board Attorney, Town Engineer and the Director of Municipal Development for the Town of Poughkeepsie.

SO MOVED: A. Shershin/J. Conte

Councilman Conte: Neil, is this something we talked about, about 3 months ago?

Neil Wilson: You probably received a notice of the Public Hearing on the original application and you may recall that the Board earlier this year had amended the Zoning to legalize the long time motor vehicle sales premises. This is sort of the very back end of the approval process. They don't require, because the site is basically entirely developed and the changes that they are making under the approved site plan are really minor. They didn't trip our normal requirements for a full blown Stormwater Pollution Prevention Plan Agreement, but there are a series of pipe and open section of stream that sort of cuts through the property that is really important for the Town as well as residents in that area. So, we asked for and they granted us an easement to be able to get in there and retain that. Then the other part is the erosion control part of it.

ROLL CALL: Ayes: Councilmen Baisley, Conte, Cifone, Councilwoman Shershin, and Supervisor Tancredi
Nays: None CARRIED: 5-0

12:19-10 ACCEPT Temporary Drainage
Construction
Easement From Peter And
Shelley Gum At 22 Miron Drive

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Temporary Drainage Construction Easement from Peter H. and Shelley E. Gum at 22 Miron Drive, Poughkeepsie, NY to the Town of Poughkeepsie, copies of which are attached; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to record the Easements in the Dutchess County Clerk's Office.

SO MOVED: Supervisor Tancredi/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Conte, Cifone, Councilwoman Shershin, and Supervisor Tancredi
Nays: None CARRIED: 5-0

12:19-11 SET DATE FOR Amend Town Code Chapter 210-90 Of
Zoning Law For Regulations For Motor
Vehicle Service Facilities

RESOLUTION

Amendment to Chapter 210-90, "Motor Vehicle Service Facilities"

WHEREAS, the Town Board is considering an amendment to Chapter 210-90 of the Zoning Law in regard to the regulations for Motor Vehicle Service Facilities; and

WHEREAS, the proposed amendment is attached hereto and incorporated herein and the Town Board does hereby waive a verbatim reading of said amendment and does direct that said amendment be spread across the record as if it, in fact, had been read verbatim; and

WHEREAS, the amendment would amend the standards for development of any Motor Vehicle Service Facility to require a minimum separation distance of 500 feet from any property developed for residential use which is located in a residential district including additional standards for screening of such facilities; 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 Town Board has determined that the proposed amendment must be referred to the Dutchess County Department of Planning and Economic Development and to the Town Planning Board for review and recommendation; and

WHEREAS, the amendment of Chapter 210-90 requires a public hearing.

NOW, THEREFORE BE IT RESOLVED THAT:

1. 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
2. The Town Board hereby sets a public hearing on the proposed amendments to Chapter 210-90 of the Town Code 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
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.
5. The Town Board directs the Town Clerk to notify the Clerks of the surrounding municipalities of the public hearing pursuant to GML 239-nn.

SO MOVED: M. Cifone/J. Conte

Supervisor Tancredi: #6 says “Fence or wall adequate for year-round screening shall be installed along any residential property line as approved by the Planning Board.” To me that flies in the face of our prohibition to be within 500 feet. You can’t tell me service stations aren’t typically required to put up some type of screening between our residential units. In my view, if it’s going to be a 500 foot prohibition, then it ought to be. I don’t like the idea that the station owner can petition the Planning Board with “Appropriate screening” and be allowed.

Neil Wilson, Town Development Director: This is not letting him do this, this is about the suspenders. In addition to the 500 separation, requiring addition screening for light as well as noise.

Supervisor Tancredi: Ok, good. In other words, if someone is within the 500 foot buffer, they couldn’t petition the Planning Board with the appropriate screening to be permitted?

Neil Wilson: No.

Supervisor Tancredi: Ok, Good. I wanted to be sure of that, thank you.

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

Nays: None

CARRIED: 5-0

AMENDMENTS ATTACHED TO FINAL BOOK COPY

PUBLIC HEARING TO BE HELD JANUARY 16, 2013

12:19-12 SET DATE FOR
PUBLIC HEARING

Amend Town Cope Chapter 210,
Entitled “Zoning”, Specifically New
Section 210-21 Entitled “Planned
Residential Overlay District”

RESOLUTION

Amendment to Chapter 210, “Planned Residential Overlay District”

WHEREAS, the Town Board is considering an amendment to Chapter 210 to add a new section 210-21 entitled “Planned Residential Overlay District”; and

WHEREAS, the proposed amendment is attached hereto and incorporated herein and the Town Board does hereby waive a verbatim reading of said amendment and does direct that said amendment be spread across the record as if it, in fact, had been read verbatim; and

WHEREAS, the amendment would, at the sole discretion of the Town Board, allow the development of multi-family residential developments with limited non-residential space upon the terms and conditions set forth in said amendment; and

WHEREAS, the action to amend the zoning law is a Type I Action under the New York State Environmental Quality Review Act (“SEQRA”); and

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

WHEREAS, the amendment of Chapter 210-90 requires a public hearing.

NOW, THEREFORE BE IT RESOLVED THAT:

1. 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
2. The Town Board hereby sets a public hearing on the proposed amendment of the Town Code 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
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.
5. The Town Board directs the Town Clerk to notify the Clerks of the surrounding municipalities of the public hearing pursuant to GML 239-nn.

SO MOVED: J. Baisley/J. Conte

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

Nays: None

CARRIED: 5-0

AMENDMENTS ATTACHED TO FINAL BOOK COPY

PUBLIC HEARING WILL BE HELD JANUARY 16, 2013

12:19-13 ACCEPT

Courses Certificates For Joseph
Lepore From NY Planning
Federation Fall Training

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Certificate of Training for Joseph Lepore from the New York Planning Federation Fall Training, for the courses entitled “Changes to the EAF Forms, Case Law Update, Site Plan Review and Approval & Special Use Permits, and Area Variances, Use Variances, Interpretations”, a copy of which is attached.

SO MOVED: J. Conte/M. Cifone

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

Nays: None

CARRIED: 5-0

CERTIFICATE ATTACHED TO FINAL BOOK COPY

12:19-14 AUTHORIZE
SUPERVISOR TO
SIGN

Declaration Of Deed Restrictions
On Tucker Drive

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a Declaration of Deed Restrictions, along with any supporting recording documents, in substantially the form presented; and

BE IT FURTHER RESOLVED, that the Town Board determines that the execution of this document involves the ongoing administration of Town functions, and that no SEQR review is required because it is a Type II action.

SO MOVED: M. Cifone/J. Conte

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

Nays: None

CARRIED: 5-0

DECLARATION OF DEED RESTRICTION ATTACHED TO FINAL BOOK COPY

12:19-15 ACCEPT

2012 MINUTES

September 12, 2012 Special Meeting

September 19, 2012 Committee of

The Whole Meeting

October 3, 2012 Regular Meeting

October 17, 2012 Committee of the

Whole Meeting

October 24, 2012 Regular Meeting

November 14, 2012 Special Town

Board Meeting and Committee

Of the Whole Meeting

November 28, 2012 Regular Meeting

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the minutes for the following 2012 Town Board Meetings, to wit:

September 12 – Special Town Board Meeting

September 19 – Committee of the Whole Meeting

October 3 – Regular Town Board Meeting

October 17 – Committee of the Whole Meeting

October 24 – Regular Town Board Meeting

November 14 – Special Town Board Meeting and

Committee of the Whole Meeting

November 28 – Regular Town Board Meeting

SO MOVED: A. Shershin/J. Conte

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

Nays: None

CARRIED: 5-0

12:19-16 NOTIFICATION

Public Hearing By Newburgh Town Board

NOTED BY TOWN BOARD

12:19-17 NOTIFICATION

The Following Notice Of Claim/Article 78 Proceeding/Summons And Complaint Has Been Referred By Town Clerk To Legal Department

A. Ennis, Mary Elizabeth

- B. Curtis L. Vinson, Carla M. Vinson Et Al; And
- C. In Defense Of Animals, Marcy Schwartz And Doreen Tignanelli

REFERRED TO LEGAL DEPARTMENT

12:19-18 AUTHORIZE

SC 1, SC 2, SC 3, SC 4, SC 5, SC 6,
SC 7, SC 8, SC 9A, B, C, D, E,
SC 10, SC 11, & SC 12

RESOLUTION

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

- | | |
|------------------------------------|---|
| SC 1. Authorize Supervisor to Sign | Agreement with Spackenkill Union Free School District – School Resource Officer |
| SC 2. Reappoint | Arthur Grace-Zoning Board of Appeals |
| SC 3 Authorize | Tax Certiorari Settlement in the Matter of Great Eastern Litho & Fldg. Box Corp. |
| SC 4. Accept | Course Certificate – Patrick E. Rose |
| SC 5. Budget Modification | Police Department |
| SC 6. Appoint | Peter Fanelli-Planning Board |
| SC 7. Authorize Supervisor to Sign | The Bancorp Bank documents and Flexible Benefits Plan Administrative Services Agreement |
| SC 8. Authorize | Corrective Action Plan |
| SC 9. Notification | Public Hearings- Town of Wappinger (5) |

EXECUTIVE SESSION

- | | |
|---------------|---|
| SC 10. Retain | Van DeWater & Van DeWater-Vinson, et al. |
| SC 11. Retain | Van DeWater & Van DeWater-In Defense Of Animals, et al. |

SC 12. Authorize Supervisor to Sign

Jack's Auto body of Dutchess, Inc. –
Modification to Contract

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

SO MOVED: Supervisor Tancredi/J. Conte

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

Nays: None

CARRIED: 5-0

12:19-SC 1 AUTHORIZE
SUPERVISOR
TO SIGN

Agreement With Spackenkill Union Free
School District Concerning School
Resource Officer

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a one year SRO Agreement with the Spackenkill Union Free School District for 2013, with an increase in the reimbursement to the Town of Poughkeepsie of 2%, to provide to the school district a School Resource Officer who shall be a police officer of the Town of Poughkeepsie assigned to the Spackenkill School District, pursuant to the terms and conditions set forth in said agreement, a copy of which is attached hereto.

SO MOVED: J. Baisley/J. Conte

Supervisor Tancredi: This is a continuation of the same contract we had in the past, but with a 2% increase.

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

Nays: None

CARRIED: 5-0

AGREEMENT ATTACHED TO FINAL BOOK COPY

12:19-SC 2 REAPPOINT

Arthur Grace To The Zoning Board of
Appeals

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby re-appoint Arthur Grace to the Zoning Board of Appeals for a 7 year term commencing on January 1, 2013 with a termination date of December 31, 2019.

SO MOVED: J. Conte/Supervisor Tancredi

Councilman Cifone: I would just like to thank Art for the work he has done for the Fourth Ward and the time he's been there. He has really come in and made that Ward better.

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

Nays: None

CARRIED: 5-0

12:19-SC 3 AUTHORIZE

Tax Certiorari Proceedings Involving
Great Eastern Litho & Fldg.. Box

Corp.

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 Great Eastern Litho & Fldg. Box Corp. for the tax assessment roll of 2009 through 2012, as shown on the attached Stipulation of Settlement; 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: M. Cifone/J. Conte

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

Nays: None

CARRIED: 5-0

STIPULATION OF SETTLEMENT ATTACHED TO FINAL BOOK COPY

12:19-SC 4 ACCEPT

Courses Certification For Patrick E. Rose
From The New York Planning Federation
Fall Training

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Certificate of Training for Patrick E. Rose from the New York Planning Federation Fall Training, for the courses entitled "Changes to the EAF Forms Case Law Update, Site Plan Review and Approval & Special Use Permits, and Area Variances, Use Variances, Interpretations", a copy of which is attached.

SO MOVED: A. Shershin/J. Conte

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

Nays: None

CARRIED: 5-0

CERTIFICATE ATTACHED TO FINAL BOOK COPY

12:19-SC 5 BUDGET
MODIFICATION

To Allow The Police Department to
Purchase Two Vehicles

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the 2012 Budget, pursuant to the attached Budgetary Transfer Request Form submitted by the Comptroller, to allow the Police Department to purchase two vehicles, as follows:

FROM:

B 3120-0103	Police – Overtime	\$48,312.00
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TO:

B 3120-0203	Police- Motor Vehicles	\$48,312.00
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SO MOVED: Supervisor Tancredi/M. Cifone

Councilman Baisley and Supervisor Tancredi praised the Chief on his outstanding job of managing his budget and it's great to work along with him.

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

Nays: None

CARRIED: 5-0

12:19-SC 6 APPOINT

Peter Fanelli To Town Planning Board To
Fill Unexpired Term of Anne Conroy

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Peter Fanelli to the Town of Poughkeepsie Planning Board to fill the unexpired term of Anne Conroy, which term expires on December 31, 2016.

SO MOVED: J. Baisley/J. Conte

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

Supervisor Tancredi
Nays: None

CARRIED: 5-0

12:19-SC 7 AUTHORIZE
SUPERVISOR TO
SIGN

Benny Card Banking Authorizations With
The Bancorp Bank & A Flexible Benefits
Plan Administrative Services Agreement
With Rose & Kiernan

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor or his designee to sign Benny Card Banking Authorizations with The Bancorp Bank and A Flexible Benefits Plan Administrative Services Agreement with Rose & Kiernan in form acceptable to the Attorney to the Town.

SO MOVED: J. Conte/M. Cifone

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

Nays: None

CARRIED: 5-0

12:19-SC 8 AUTHORIZE

James Wojtowicz, Comptroller To Submit
The Corrective Action Plan In Response To
The New York State Comptroller's Report
Of Examination Received September 5,
2012

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize Jim Wojtowicz, Comptroller, to submit the attached Corrective Action Plan in response to the Office of the New York State Comptroller's Report of Examination received September 5, 2012.

SO MOVED: M. Cifone/J. Conte

Supervisor Tancredi and Councilman Conte thanked the Comptroller for all his work on this as well as the Town Attorney

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

Nays: None

CARRIED: 5-0

CORRECTIVE ACTION PLAN ATTACHED TO FINAL BOOK COPY

12:19-SC 9 NOTIFICATION

- A. Public Hearing Will Be Held By Wappinger Town Board January 28, 2013 Regarding Local Law #__ Of 2013 For The Purpose Of Amending Chapter 122, “Fees & Fines” And Chapter 240, “Zoning”
- B. Public Hearing Will Be Held By Wappinger Town Board January 28, 2013 Regarding Local Law #__ of 2013 For The Purpose Of Amending Chapter 214 “Streets & Sidewalks”
- C. Public Hearing Will Be Held By Wappinger Town Board January 28, 2013 Regarding Local Law #__ of 2013 For The Purpose Of Amending Chapter 122, “Fees & Fines” & Chapter 137, “Freshwater Wetland, Waterbody & Watercourse Protection”
- D. Public Hearing Will be Held By Wappinger Town Board January 28, 2013 Regarding Local Law #__ Of 2013 For The Purpose Of Amending Chapter 213, “Stormwater Management”
- E. Wappinger Town Board January 28, 2013 Regarding Local Law #__ Of 2013 For The Purpose Of Amending Chapter 206, “Soil Erosion & Sediment Control”

12:19-SC 10 RETAIN

To Enter Executive Session To Consider Following Matters:
Van DeWater & Van Dewater-Vinson, Et. Al.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby retain Van DeWater & Van DeWater, LLP, attorneys to the Town, at the rate of \$165.00 per hour for partners, \$155.00 per hour for associates and \$80.00 per hour for paralegals, to represent the interest of the Town of Poughkeepsie Zoning Board of Appeals in an Article 78 proceeding instituted by Curtis L. Vinson, Carla M. Vinson, Lee A. Pagones, Judith A. Pagones and Joyce A. Betros.

SO MOVED: Supervisor Tancredi/J. Conte

ROLL CALL: Ayes: None

Nays: Councilmen Baisley, Conte, Cifone, Councilwoman Shershin, and Supervisor Tancredi

FAILED: 0-5

12:19-SC 11 RETAIN

Van DeWater & Van DeWater In
Defense Of Animals, Et al.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby retain Van DeWater & Van DeWater, LLP, attorneys to the Town, at the rate of \$165.00 per hour for partners, \$155.00 per hour for associates and \$80.00 per hour for paralegals, to represent the Town's interest in a proceeding instituted by In Defense of Animals, et. al.

SO MOVED: J. Baisley/J. Conte

Supervisor Tancredi: As I said, we are hoping and assuming, it is the understanding that we will be dismissed from this lawsuit, but if something goes wrong and we are not, we want to get this employee so that if needed, it's there.

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

Nays: None

CARRIED: 5-0

12:19-SC 12 AUTHORIZE
SUPERVISOR
TO SIGN

Jack's Auto Body Of Dutchess,
Inc. __ Modification To Contract

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie by RESOLUTION 6:27-#1 of 2012 authorized the purchase by the Town of 2.02 acres of land, with buildings, located at 14 Abe's Way from Jack's Auto Body of Dutchess, Inc. for use as a Senior Citizen Center, subject to a five (5) year Leaseback to Jack's Auto Body of Dutchess, Inc. of a portion of the parcel, and

WHEREAS, the Contract between the Town and Jack's Auto Body of Dutchess, Inc. provided for the adjustment of taxes through closing, and the payment of the tenant's portion of the taxes after the closing, and

WHEREAS, Mr. Ferraro of Jack's Auto Body of Dutchess, Inc. has advised that it was his understanding that his portion of the taxes would be based on the value of that part of the leasehold which was being sublet, and

WHEREAS, based on the \$40,000 per year rent to the Town, if the Contract is amended to provide that Jack's Auto Body of Dutchess, Inc. share of the post closing taxes will be based on the value of the leasehold which is subleased, such modification will reflect Mr. Ferraro's stated understanding of the transaction, and the Town will receive full and fair value on the lease to Jack's Auto Body of Dutchess, Inc., now therefore

BE IT RESOLVED, that the Supervisor is authorized to execute a clarification and modification of the Contract between the Town and Jack's Auto Body of Dutchess, Inc. to provide that the tenant's payment of taxes post closing will be based on the value of the leasehold which is subleased.

SO MOVED: J. Conte/J. Baisley

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

Nays: None

CARRIED: 5-0

Motion made to suspend the rules for public speaking: Supervisor Tancredi/J. Baisley

CARRIED: 5-0

Bob Casement: What is the progress on the Senior Center, I haven't heard anything lately.

Councilman Cifone: We just got ready to close, we went through all the Do-Diligence, we've checked the ground water and area around it to make sure everything was in line, we had it surveyed and all and the closing is just about ready to move forward.

(Inaudible) – Beekman Street - I was just informed three weeks ago that the people that purchased the house across the street from me, is planning to put all college kids in there and I am here tonight to find out if there is something on that street that we can do about this? I've lived there for 18 years and I've done a lot of renovations on my home and up around the corner from my house on Popular and Adams on the corner, there is another house there that the gentleman lives in Greenwich, Connecticut and never there. He gave me his phone number for if there is a problem. Cars are always parked on the side of the road and the other night my wife was coming home from Central Hudson and she had to

swing wide there around the cars and almost had a head on collision there. I call the police once in a while, but I don't like to bother those people. They are all over the road and it's all "NO PARKING". We had a meeting at the Arlington Fire House about 15 years ago because the hospital was parking there and throwing garbage. There is all "NO PARKING" on both sides of the road there. The road is so narrow that if you had to get an ambulance or fire truck down that road there will be a problem there.

Supervisor Tancredi: If the road is posted "NO PARKING" that's what the Police are for and they should be notified. Those people are ticketed and there is a Snow Ordinance in effect there which is enforced and it can be enforced in terms of college students there. At this point, the homeowner can house up to 5 students in the home.

Speaker: It's a shame, it's such a beautiful old Italian community there and the kids living up the street there, I don't blame the kids as much as the people who are renting there to them. We all went to college and that's what you do, you have your girl friends over and drink beer, but, in that community where we all live, the older people, I don't think that's the place for those kids there. I think we are making problems instead of stopping problems. It's a very small area there and the houses are small and if you have three or four kids. I've taken pictures from last month with the same 15 cars there. I think the kids should be made to house closer to the college and not in the community all over.

Supervisor Tancredi: Well, all I can tell you is we have laws for that. We have ordinance laws, parking laws, garbage laws and they are all enforced by the Police Department, but you have to notify them.

Councilman Conte: You do have to get in touch with the Police on this. I saw the Chief in the back there taking notes on what you were saying and so he is now aware of it and he may have it checked out for you.

Joe Armstrong: The last time I talked to the Board about the property controls, derelict properties and the involvement with it, and I asked if I could get some numbers as to what the Town has, at least this year, spent to have these houses boarded up, lawns mowed and the "Whole 9 yards" and if there is any records of what money we've gotten back from the banks if any of these places have been disposed of or if they have been. Have you been able to do this yet?

Supervisor Tancredi: We've been working on what we've spent on boarding up homes, etc. In terms of recouping our money, we usually made holds from the County on the properties and then when the houses were sold we got the withholdings.

Joe Armstrong: Just from what I've seen around Town here, in the last four years, of course, it has gotten worse and what I can see, we could make a little bit of money here in the Town for the neglect of these properties. The taxpayers have enough here in the County. I would like to see if it could be resolved.

Doreen Tignanelli: Along those lines, has any progress been made on the issue of having Building Inspectors help the Zoning Inspector?

Supervisor Tancredi: Yes, I was talking to Neil Wilson about that just last week and we have been moving in that direction.

Doreen Tignanelli: Ok, two things, one on the corner of (Inaudible) Drive and Spackenkill Road, there is a house that's been for sale for about two years now and the fence is falling down and really in disrepair and it's probably unsafe. Also, the Town Board enacted the electronic messaging display ordinance six months ago, and so now that has gone into affect, people had six months before that went into compliance and so I'm sure Sarah will be having more enforcement work to do. I think she really could use additional help. Also, Agenda Item # 11 about the Motor Vehicle Services Facilities, is there anything in there about noise? Like from service stations in residential areas. Any more, when you go to a gas station and they have music blaring out of the pump area. That I'm sure is for young people, who already have music blaring out of their cars. So, I feel sorry for these houses real close to there and these people are forced to listen to that all hours of the day and early evening. So, I was just wondering if that included anything about noise and if not, could it be added?

Supervisor Tancredi: It's a prohibition on gas stations being built within 500 feet of residents and I think noise is part of that. Outside of our Noise Ordinance, I don't think there is anything specific, is there Jim (Speaking to Town Attorney Nelson)? (No). But, we certainly can look at it, and I do agree, maybe there is something we can do.

Councilman Conte: Some of these gas stations have TV's out. I don't know if you've seen them? And we're there 30 seconds!

Doreen Tignanelli: Ok, one last question, Councilwoman Shershin, when I had brought up the Waterfront Overlay District comments, is it still 28, (Yes) the height has now been increased, impervious surface has remained the same, did I hear you say "It's better?"

Councilwoman Shershin: No, they have changed the plan, because before they had just these massive block monstrosity buildings and they are breaking them up now and going to have more parking, which doesn't help the ----

Doreen Tignanelli: Oh, but you are talking about the Dutton specifically, your not talking about any change in the Overlay?

Councilwoman Shershin: No nothing changed in the Overlay, just the Dutton site.

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

CARRIED: 5-0

RESOLUTION

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

1. Matters leading to the Appointment, Employment, Dismissal or Removal of a Corporation

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

SO MOVED: J. Baisley/M. Cifone

CARRIED: 5-0

TOWN BOARD MEETING ADJOURNED AT 8:15 PM

TOWN BOARD ENTERED EXECUTIVE SESSION AT 8:16 PM

TOWN BOARD RETURNED TO TOWN MEETING AT 8:27 PM

NO ACTION WAS TAKEN

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

CARRIED: 5-0

TOWN BOARD MEETING CLOSED AT 8:28 PM

SJM:lkM