

**MINUTES OF REGULAR TOWN BOARD MEETING HELD ON
FEBRUARY 6, 2013 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
(Out ill)

- **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: Supervisor Tancredi/A. Shershin

CARRIED: 6-0

(TABLE MIC APPARENTLY NOT WORKING)

Rich: (Completely inaudible)

Doreen Tignanelli: (Completely inaudible)

Third Speaker: (Completely inaudible)

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

CARRIED: 6-0

02:06-01 PUBLIC HEARING

**Amend Town Code Chapter 210,
Entitled "Zoning" Specifically Section
210-90, entitled "Motor Vehicle Service
Facilities"**

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to public hearings held on the 16th day of January, 2013 and the 6th day of February, 2013 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend Chapter 210, entitled “Zoning”, specifically Section 210-90, entitled “Motor Vehicle Service Facilities, 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 the attached Determination of No Significance and; 3) a Negative Declaration is hereby issued; and

BE IT FURTHER ENACTED, that a written recommendation dated January 3, 2013 was received from the Dutchess County Department of Planning and Economic Development stating that the proposed amendment was a matter of local concern; and

BE IT FURTHER ENACTED, that a written recommendation dated January 22, 2013 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 the Legal Notice of Public Hearing was posted on December 27, 2012 and published in the Poughkeepsie Journal on December 29, 2012; and

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

SO MOVED: J. Baisley/S. Eagleton

Councilman Eagleton: Did you ever talk to the local Fire Departments about whether 500 feet is adequate? Because I was concerned that it was too small.

(Person from audience inaudible) (Neil Wilson tapped it and it now works)

Neil Wilson, Development Director: The gas stations are periodically inspected for fire safety anyway, but the way that the amendment is coming to you is about concern for light and noise that is generated by people coming and going from the facilities, particularly during the summer months when you have kids with the windows down and music blaring and a lot of these tend to be 24 hour operations. So, the 500 foot is really about the separation from the residences as opposed to fire safety. So, I have not gone to the Fire Departments and asked if there is some particular concern that imposes a separation between gas stations.

Councilman Eagleton: My concern is when they are filling, I know the storage facilities are below ground, but when the tankers come in and fill those below tanks are above ground and if there is a fire, usually I believe they evacuate a ¼ mile radius, so I would think you would want to start with more than 500 feet because that is not a quarter of a mile.

Neil Wilson: Well again, I was not focused on the fire safety issue; it is about the operational issues we see all the time with these types of facilities.

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Cifone, Krakower, And
Councilwoman Shershin and Supervisor Tancredi
Nays: None **CARRIED: 6-0**

AMENDMENTS ATTACHED TO FINAL BOOK COPY

Motion made to suspend the rules for public speaking on agenda items: Supervisor
Tancredi/J. Baisley **CARRIED: 6-0**

Bob Casement: I would just like an explanation of SC 3.

Tom Meyering, Recreation Director: Actually it's a good thing. It allows us to move forward without dealing with higher authorities for environmental impact.

Joe Armstrong: I would like to make a comment on Number 11 to waive the annual Public Assembly license fee for the Croft Corners Fire Company. Now, I understand it's a small amount of money that they pay for that license. My concern is, does this again let the fire company and its affiliates, or whatever you want to call them, are able to be out of the limelight as to what they are doing. I would think the fees for these licenses are to put in some control on what they are doing when people are using their facilities. If you take the license fee away, you don't have to give a license, who knows what they are

doing, who controls anything or keeps an eye on it? The other thing that upsets me about it is for the \$100 that they have to pay, the taxpayers of this district last year paid \$62,533.00 for that Croft Corners Fire House. The Fire District paid it to the Croft Corners Fire Company as rentals to use the Volunteer Fire Company Building for their equipment to operate out of it. They also paid \$1,798.00 for the electric bill, \$983.00 for gas heat for the building and I believe over \$12,000 for toilet supplies, yet they never paid rent to the fire district when they use that building that we pay the rent for when they had their own parties that they charge money for through the years, and worry about \$100. I guess I want to know, do they still have to get the license to use this place or have people use the place? (Yes) and they are just asking to use the place and get permission?

Councilman Baisley: Every public assembly building every year, including this building, has to be inspected by the Building Inspector and they are waiving the fees for all the Fire Departments. They have to inspect churches, etc.

Joe Armstrong: No, this is a request to not pay for the license to have people come in and use.

Councilman Baisley: Yes, this is the license every year where the Town has to go and inspect that Building and it tells how many people that building holds and that gives them a number and gives the number of how many people this building holds. We've basically waive them for all the fire companies over the years because they use it for community service and we use them for some of our meetings, etc.

Joe Armstrong: Well, I still wonder if we lose the ability of control as to how they use that building and what they do with it.

Supervisor Tancredi: No, I don't think we do, because this is just an annual fee to have public assembly in that building.

Supervisor Tancredi: They request every year to not pay the fee.

Joe Armstrong: Is this a yearly license or every time they use the building?

Motion made to move Items Number 2 and 6 because the Engineers are here to present an item to us. Supervisor Tancredi/S. Eagleton

CARRIED: 6-0

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

CARRIED: 6-0

**SUPERVISOR
TO SIGN**

**Supplemental Agreement With Hudson
Valley Engineering Associates, P.C. For
Spring Road – Road Improvements**

Don Beer, Town Engineer: We are here to discuss a revision to the Architectural Engineering Consultant Agreement for Spring Road. Just as a point of reference and then I'll turn it over to (inaudible) from Hudson Valley Engineering Associates. We've had a contract with them for quite some time. They've been working on the design and they were in a while ago to discuss the project with you and the layout of the project. As the project has moved along, there has been some revisions. This is a Federal Aid agreement that you are paid for 95% between the Federal Aid and New York State, and the Town pays for about 5% of that.

Jessica, Hudson Valley Engineering: When the project was in the building stage, it was estimated that takings will be required from three parcels. That number was assumed before the Highway Boundary was determined and without vertical and horizontal alignment data in place. As the project has been progressing and survey and design engineering evolved, it was determined that takings would be required from seven properties, which is nine parcels. Additionally, the scope of work has changed from assisting a municipality in acquisitions to completing all work including real estate closing and conveyance of title to Town. Due to these changes the quote for the current scope received from our right-of-way sub consultant for all right-of-way tasks is \$39,751.30. The incidental faces are at \$25,726.00 which is \$17,326.00 over our original estimate of \$8,400.00 which was for three parcels for incidentals. This is following the New York State DOT guidelines.

Councilman Krakower: Why does the Engineering firm handle the real estate closings or the transfer of the right of way?

Jessica: Instead of having the Municipality do the closings, our sub-consultant will do the closings, they will do everything from incidental to acquisitions.

Councilman Krakower: Why don't we handle that in-house? The other thing is why do we spend money and then come back and ask to get paid for it after the fact? Why wouldn't we see that this is going to go over, and come back to the Town and say "We are going to overshoot the runway on this?"

Don Beer: That's where we are.

Councilman Krakower: So, it hasn't been done yet? Oh, ok, I thought it was already done. (No)

Don Beer: We could have had the Town Attorney work on these right-of-way closings, but in order to do that, we would have had to go out to bid, just like if we had the Town Engineer work on that, unless the Town Attorney were to do it as part of his regular

services. We would then not be reimbursed the 95%, so you would be using up money at 100% Town dollars and being reimbursed nothing.

Councilman Krakower: To be reimbursed, we would have to go out to bid.

Don Beer: To be reimbursed, you would have to go out to someone who is authorized to do it.

Supervisor Tancredi: But, my concern is, and the reason I asked Don to have the Engineers come in, I wanted to make sure Sean and Jay knew there were additional property that was being taken. I think a lot of it may be just easement, but I wanted to make sure that the two Councilmen knew that the road goes through their Wards, so they know what is going on if their constituents asked about any change in the impact to the residents.

Councilman Krakower: Do we have values set as to the resident's agreement or has that been started yet?

Jessica: No, we can't do any of those phases until we reach a certain point.

Councilman Krakower: So, we don't know if any residents are going to have issues or not? (No)

Councilman Baisley: Are they major changes or small changes?

Jessica: They are mostly small, there are three small strips, just separating, basically. There are a couple of proposed permanent easements for drainage and future access and the original three that we had around the curve that we anticipated. Nothing that is substantial or over 10% that we would have to change our determination.

Supervisor Tancredi: When you say strip, are you talking about a piece of land that is 3 feet wide?

Jessica: Just a parallel line from the existing right-of-way, 5 ft, probably.

Supervisor Tancredi: And is that actual land that is going to be paved over now and it wasn't before?

Jessica: Just a small portion where we extend the shoulder, but mostly just for grading. We can't do any grading that's outside the regular boundary under the lease.

Supervisor Tancredi: So, you re-grade it and re-seed it? (Yes)

Councilman Baisley: Don, do you have a list of all that? (Yes)

Councilman Eagleton: So you went from three to nine, based on elevation, is that what I heard?

Jessica: Mostly based on vertical elevation. I can leave the plans for you.

Councilman Eagleton: Were the elevations higher than cost or lower than cost?

Don Beer: Well, you have to understand the process that the State uses. The process the State uses is basically just draw a line on and say “We think this is about where the road is going to go.” There really aren’t elevations, you have to plan, when you get into preliminary design, you start to look at that a little closer and then when you get to detail design you look even closer, but, if you are looking for an exact, up or down---

Councilman Eagleton: Well, when you get a chance to look, I would like to know if it was higher and how much higher than previously thought.

Councilman Krakower: Could we have an electronic map of the road and the way it is going to be after it’s done? (Yes) Could we get that up on the web-site so the residents that want to see it, can see the impact of it? (Yes) I think when we have these road projects, I think it would be good to do that.

Councilman Eagleton: What do we do about stone walls? There are a few properties that have stone walls.

Jessica: In that area, we don’t have any impacts.

Don Beer: If it is similar to what we did on Fulton Street, if the stone walls are in the right of way, if the people will permit us, sign off on it, we can take that stone wall and put it on their property. If they don’t sign off of it, then it has to be taken down.

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign the Architectural/Engineering Consultant Supplemental Agreement no. 1 with Hudson Valley Engineering Associates, P.C. for the right-of-way incidental funding for \$17,326.00 for the Spring Road – Road Improvements Project, which amount is over the original allocation of \$31,200; and

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

SO MOVED: S. Eagleton/ J. Baisley

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

Nays: None

CARRIED: 6-0

02:06-02 CONSENT

Town Planning Board Acting As Lead Agency For Project Known As Ambassador Town Square, 2611-2629 South Road

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby consent to the Town of Poughkeepsie Planning Board acting as Lead Agency for the project known as Ambassador Town Square, 2611-2629 South Road.

SO MOVED: M. Cifone/A. Shershin

Councilman Krakower: If we are not an involved agency at this point, do we even need to vote on this?

Neil Wilson: No, you do not. We routinely set these up. There are any number of projects that come before the Planning Board that we want to make this Board aware of and that is why we started this a few years ago. It's really more an advisory. Certainly we would let you know if there is a permit or something like an overlay or something like that. If it does, then we would come back to you.

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

Nays: Councilman Krakower

CARRIED: 5-1

02:06-03 ACCEPT

Police Department Resignation Of Jay Rowe, Police Assistant

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the resignation of Jay Rowe, Police Assistant with the Town of Poughkeepsie Police Department, effective January 22, 2013.

SO MOVED: S. Krakower/J. Baisley

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

Nays: None

CARRIED: 6-0

02:06-04 APPOINT

Police Department Appointment Of Paul Speziale To Position Of Cleaner

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Paul Speziale to the position of Cleaner with the Town of Poughkeepsie Police Department at the Grade 2, Step 1 Salary of \$14.19 per hour, effective February 11, 2013, which appointment is subject to a probationary period of not less than 8 nor more than 26 weeks per Civil Service Law.

SO MOVED: A. Shershin/M. Cifone

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

Nays: None

CARRIED: 6-0

**02:06-05 SET DATE FOR
PUBLIC HEARING**

**Amend Town Code, Chapter 210 &
177 For Zoning Law &
Subdivision Law
Dealing with "Flag Lots"**

RESOLUTION

Town of Poughkeepsie Town Board

Amendment to Chapter 210 and to Chapter 177, "Flag Lots"

WHEREAS, the Town Board has received a communication from the Town Planning Board recommending amendment of Article III, Section 210-13 of Chapter 210 of the Zoning Law and amendment of Article III of Chapter 177 of the Subdivision Law in regard to the prohibition on the creation of flag lots; and

WHEREAS, a copy of the 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 modify the existing language prohibiting flag lots to clarify that the prohibition concerns residential lots only; 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 for review and recommendation; and

WHEREAS, the amendment of Article III, Section 210-13 of Chapter 210 of the Zoning Law and amendment of Article III of Chapter 177 of the Subdivision Law 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 for March 6, 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. Because this matter was referred to the Town Board directly from the Planning Board, a referral back to the Planning Board for an advisory report pursuant to Town Code Sections 210-154 is not required; and**
- 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: Supervisor Tancredi/S. Eagleton

Motion made to Table until first Meeting in March. March 6, 2013: S. Krakower/S. Eagleton

CARRIED: 6-0

Councilman Krakower: This was discussed in a Land Use Committee Meeting and it appears that this only impacts one lot in the Town of Poughkeepsie right now and we've never had use for a flag lot before because it is an open development area and Oakwood Commons (in audible)

Supervisor Tancredi: There is a number of flag lots on there now.

Councilman Krakower: I don't think so. Those have been dealt with, I believe, as open development areas or as office parks.

Neil Wilson: I have a dozen inventories, they may be commercial flag lots. They were probably created some time ago. The old Code never had a prohibition language. An application would come into the Planning Board, it would be processed, sent to the Zoning Board for a Variance, if needed, and so I am sure there are other flag lots, I just don't know what they are.

Councilman Krakower: It could be done as an open development area without having it as a Flag Lot. This is a project in my Ward. I haven't heard anything from the developer or anybody the Town has. My thing is though, I would like to have the opportunity to speak to the project developer on this and there is a recourse that the Town Board currently has to allow an open development area which would be affectively the same thing.

Supervisor Tancredi: When could we get it back on the agenda?

Councilman Krakower: I would say, rather than putting it out for advertising or whatever, and spend money— I would say, Table it until the First Meeting in March. If we didn't change anything, those projects would still go forward. The project would have to come before the Town Board.

Supervisor Tancredi: That's fine with me, I disagree with the Planning Board for residential units. I don't like Flag Lots for residents, I've made that clear, but in this case, and I think when we put that Flag Lot prohibition in place, we never intended it to be for commercial development, we intended it for residential.

Councilman Krakower: One place that uses a Flag Lot is the Lexington Club.

Motion made to Table this item to March 6, 2013 Meeting: S. Krakower/S. Eagleton

CARRIED: 6-0

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

Nays: None

CARRIED: 6-0

TABLED TO MARCH 6, 2013 TOWN BOARD MEETING

**02:06-07 AUTHORIZE
SUPERVISOR
TO SIGN**

**2013 STOP-DWI Program Amendment
& Extension Agreement & 2013 STOP-
DWI Drug Recognition Expert
Amendment & Extension Agreement
With Dutchess County**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign the 2013 STOP-DWI Program Amendment and Extension Agreement and the 2013 STOP-DWI Drug Recognition Expert Amendment and Extension Agreement with the County of Dutchess, copies of which are attached.

SO MOVED: J. Baisley/S. Eagleton

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

Nays: None

CARRIED: 6-0

AGREEMENT ATTACHED TO FINAL BOOK COPY

02:06-08 APPOINT

**To Board Of Assessment Review
Appoint David Hagstrom**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint David Hagstrom as a member of the Town of Poughkeepsie Board of Assessment Review for a term commencing immediately and terminating on September 30, 2017.

SO MOVED: S. Eagleton/J. Baisley

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

Nays: None

CARRIED: 6-0

**02:06-09 AUTHORIZE
SUPERVISOR
TO SIGN**

**Stormwater Management Facility
Inspection & Maintenance Easement
Agreement, In Regard To The Project
Known as Poughkeepsie Day School
Athletic Field Improvement Project**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Stormwater Management Facility Inspection and Maintenance Easement in regard to the project known as Poughkeepsie Day School Athletic Field Improvement Project; 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 Poughkeepsie Day School Athletic Field Improvement 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, in substantially the form presented.

SO MOVED: M. Cifone/S. Eagleton

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

Nays: Councilman Krakower

CARRIED: 5-1

**02:06-10 AUTHORIZE
SUPERVISOR
TO SIGN**

**Stormwater Management Facility
Inspection & Maintenance Easement
Agreement, Project Land Banked
Parking Agreement In Regard To The
Vassar College Science Building Project**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Stormwater Management Facility Inspection and Maintenance Easement in regard to the project known as Vassar College Science Building project; 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, Project Land Banked Parking Agreement and any supporting recording documents in regard to the Vassar College Science Building 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 Attorney for the Town, Town Engineer and the Director of Municipal Development for the Town of Poughkeepsie.

SO MOVED: S. Krakower/M. Cifone

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

Nays: Councilman Krakower

CARRIED: 5-1

02:06-11 WAIVE

**Exemption From Annual Public
Assembly License Fee For Croft
Corners Volunteer Fire Company, Inc.**

RESOLUTION

BE IT RESOLVED, that pursuant to the request of Croft Corners Volunteer Fire Company, Inc. dated January 23, 2013, the Town Board of the Town of Poughkeepsie does hereby waive the annual Public Assembly License Fee in the sum of

\$100.00 for various company meetings, training sessions, and use by community organizations.

SO MOVED: A. Shershin/J. Baisley

Councilwoman Shershin: I do understand your frustration when dealing with the different fire companies. The actual part of the building that the Arlington Fire District uses is just the bays where the fire engines are. It actually stops at the Community Room and so they are actually supposed to be paid for the heat, electricity and that portion of the building.

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

Nays: Councilman Krakower

CARRIED: 5-1

**02:06-12 AUTHORIZE
SUPERVISOR
TO SIGN**

**Contract Extension In Reference To
The New Sidewalk Construction Project
Known As Safe Routes To School
(SRTS)**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a Contract Extension in reference to the New Sidewalk Construction Project known as Safe Routes to School (SRTS), PIN 8760.34, to change the date of completion of the contract to December 31, 2013, a copy of said Contract is attached.

SO MOVED: Supervisor Tancredi//M. Cifone

Supervisor Tancredi: Do we have to extend this until next December? (No)

Councilman Krakower: When our Highway Department does something (inaudible) when things get bounced up to State or Federal Government funding, it takes years and you almost forget who did this because it was so long ago. So, the fact that it's not completed, it doesn't surprise me.

(Unidentified): This contract extension is for the engineers. They will have work to do after the actual construction is completed. We've been trying to get a contract extension from the contractor but as of yet, he hasn't been very cooperative. This contract hasn't run out. We have a significant amount of money available if, for some reason he decides not to come back. I don't think that's the issue.

Supervisor Tancredi: Do we have to wait for him to come back, if his contract runs out, because we've had trouble with him, right?

(Unidentified): I would hesitate to think how long it would take us to replace the contractor under the Federal regulations. By the time we got this project out on the street last year, there wasn't much time left to complete it. Part of that is the State review process and by the time we got through it, we knew we were going to be right up against it. The sidewalks are pretty much done. There is some cleanup work that needs to be done, which is basically all that is left. We would anticipate probably giving them maybe a month, so we would probably be looking at mid May or something like that on their contract. It shouldn't take them very long once we can get back in contact with them.

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

Nays: None

CARRIED: 6-0

CONTRACT ATTACHED TO FINAL BOOK COPY

**02:06-13 SET DATE FOR
PUBLIC HEARING**

**Amend Chapter 105, Entitled "Fees",
Specifically Section 105 – 4, Entitled
"Fee Schedule" For Plumbing Fees**

**AMENDED
RESOLUTION**

BE IT RESOLVED that the Town of Poughkeepsie does hereby set the 20th day of February, 2013 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and place of a public hearing to consider amendments to the Town Code, Chapter 105, entitled "Fees" relating to plumbing work performed without a permit, specifically Section 105-4 "Fee Schedule", which amendments are as follows, with those words underlined to be added and those stricken through to be deleted:

AMEND Section 105-4, Fee Schedule, O., Chapter 154, Plumbing as follows:

9(a). First offense: \$250 plus the plumbing permit fee schedule.

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

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

SO MOVED: J. Baisley/S. Eagleton

Town Attorney Nelson: Before you vote on this, may I suggest that two lines below where it says ("ADD") that the word "DELETE":(two times,) the way this used to read, was

(two times, plumbing permit fee) and they met today and clarified the language, so, we should recite that there is a deletion. Delete: two times

Motion made to amend the resolution to delete (two times): Supervisor Tancredi/J. Baisley

Councilwoman Shershin: This was an amendment from the Plumbing Board. Currently what the fee schedule is, is that it was double the Plumbing Permit fee. So, if you did not get your plumbing permit and you were working on a job without one, you only had to pay double what the permit was and they felt that that was not enough fine. There were certain plumbers out there who just didn't bother to get the permit as it was that much of a fine and so now there is a second offense. It is a \$500 fee plus you pay the permit fee and so they wanted to put a little more fee into the first offense so that people would go and get their permit.

ROLL CALL ON AMENDMENT: Ayes: Councilmen Baisley, Eagleton, Cifone, Krakower, Councilwoman Shershin, and Supervisor Tancredi
Nays: None CARRIED: 6-0

ROLL CALL ON RESOLUTION: Ayes: Councilmen Baisley, Eagleton, Cifone, Krakower, Councilwoman Shershin, and Supervisor Tancredi
Nays: None CARRIED: 6-0

02:06-14 NOTIFICATION

The Following Notice Of Claims Have Been Referred By The Town Clerk To The Legal Department
A. Victor Bocchino
B. Anthony Martinovic

REFERRED TO LEGAL DEPARTMENT

02:06-15 NOTIFICATION

Liquor License Renewal Application For ADF Dutchess LLC D/B/A Pizza Hut #22945 Located At 2585 South Road/Hudson Plaza Shopping Center

REVIEWED BY POLICE DEPARTMENT

02:06-16 NOTIFICATION

Notice Of Public Hearing For Town of Wappinger On 02/25/13 At Wappingers Town Hall At 7:30 PM To Discuss Adopting:
A. A Proposed Local Law Of Year

2013, Designating Four-Way Stop Intersection At Western Intersection Of Scott Drive & Carroll Drive

B. Local Law No. ___ Of The Year 2013, amending Section 240-60.A. Of Town Of Wappinger Zoning Code To Remove Prohibition Of Mobile Homes As A Temporary Housing Or Elderly Cottage Housing Opportunity (ECHO) Units

C. Local Law No. ___ Of The Year 2013, Amending Section 122-16.N. (2) Of The Town Of Wappinger Code, Amending Permit Fee For Temporary Outdoor Use And/Or Sales (Including Signs) From \$250.00 To \$100.00

NOTED BY TOWN BOARD

**02:06-17 GRANT SPECIAL
CONSENT**

**SC 1, SC 2, SC 3, SC 4, SC 5, SC 6, And
SC 7**

RESOLUTION

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

**02:06-SC 1 AUTHORIZE
SUPERVISOR
TO SIGN**

Change Order – HRPC Water District

02:06-SC 2 NOTIFICATION

New Liquor License -J. Dominicks

**02:06-SC 3 AUTHORIZE
SUPERVISOR
TO SIGN**

Negative Declaration For Senior Center

**02:06-SC 4 AUTHORIZE
SUPERVISOR
TO SIGN**

**Contract With EnVirologic Of NY, Inc.-
Senior Center**

**02:06-SC 5 AUTHORIZE
SUPERVISOR
TO SIGN**

**Contract With Bocran Industries, Inc.-
Senior Center**

**02:06-SC 6 AUTHORIZE
SUPERVISOR
TO SIGN**

**Contract With Simplex Grinnell –
Senior Center**

02:06-SC 7 NOTIFICATION

**The Following Notice of Claims Has
Been Referred By The Town Clerk To
The Legal Department
A. Martinovic V Town of Poughkeepsie
B. Roman V Town of Poughkeepsie**

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

SO MOVED: S. Eagleton/M. Cifone

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

CARRIED: 6-0

**Town Attorney Nelson: Before you move to the first Special Consent Item. On Item # 3,
which is the first item relating to the Senior Center, it needs a final paragraph added to it.
(Mr. Nelson added the line in the Resolution when read)**

02:06-SC 1 AUTHORIZE

**Executive Documentation As Is
Required To Confirm A Fourth
Amendment Of The Memorandum Of
Understanding Between New York
State Office Of Mental Health
("OMH" & Others & Town To
Provide For The Installation Of Back
Flow Prevention Equipment By Thomas
Gleason, Inc. & Supervisor To Execute
A Fourth Change Order To 04/14/11
Contract With Gleason**

RESOLUTION

**BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, on
behalf of the Hudson River Psychiatric Center Water District, does hereby authorize the
Supervisor, or his designee, to execute such documentation as is required to confirm a
fourth amendment of the Memorandum of Understanding between the New York State
Office of Mental Health ("OMH") and others and the Town of Poughkeepsie dated March**

15, 2005, to provide for the installation of back flow prevention equipment by the Town's contractor, Thomas Gleason, Inc. "Gleason"), on New York State owned properties (Dormitory Authority of the State of New York), at a cost of up to \$98,370, provided that the cost of such work, which will protect the Town's water system, is to be reimbursed to the Town by OMH within sixty (60) days of invoice to OMH; and

BE IT FURTHER RESOLVED that the Supervisor or his designee is also authorized to execute fourth Change Order to the April 14, 2011 contract (10-001 HRPC Water District) with Gleason, to perform the above work on the above price terms; and

BE IT FURTHER RESOLVED, that these amendments are a Type II Action under the New York State Environmental Quality Review Act, and require no environmental review.

SO MOVED: M. Cifone/J. Baisley

Councilman Eagleton: Do you know how we arrived at this company to do the work?

Don Beer, Engineer: This contract was bid out about two or two and half years ago and Gleason was low bidder. There has been a couple of lulls in this contract while we waited for the State to do certain things. We are running a new line through the State facility and they had to make disconnections in order for us to complete our work and then they came back to us with some of these amendments and said "Well, we had to disconnect this, and can you hook us back up to this?" They could have gone out and done their own procurement, but since we had a contractor on site and they were happy with the price, they preferred to just put it in as a part of our extra work and we did.

Councilman Eagleton: So, there are no requirements to go out to bid again after a period of time like a year or two and a half years?

Don Beer: No, not that I'm aware of.

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

Nays: None

CARRIED: 6-0

02:06-SC 2 NOTIFICATION

**New Liquor License Application For
Cristantiello, Inc. D/B/A J. Dominicks
Located At 779 Dutchess Turnpike**

**REVIEWED BY POLICE
NOTED BY TOWN BOARD**

**02:06-SC 3 AUTHORIZE
SUPERVISOR
TO SIGN**

**Negative Declaration For Senior Center
Located At 14 Abe's Way**

RESOLUTION

WHEREAS, the Town of Poughkeepsie, pursuant to Resolutions 6:27 #1 of 2012 and 12:19-#SC 12 of 2012, has acquired a 2.02 acre parcel of land at 14 Abe's Way, Poughkeepsie, New York for the purpose of developing a Senior Citizen Center in a metal building located on the site, and

WHEREAS, the site includes the metal building, a wood building/former barn, and a wood frame structure connecting those two buildings; and

WHEREAS, it appears that the cost to rehabilitate the wood building/former barn, and the connecting wood structure exceeds their utility and value to the Town; and

WHEREAS, Superintendent of Highways Pfeifer has advised that his Department is willing and able to demolish and remove the wood building/former barn and the connecting wood frame structure in a good and workmanlike manner; and

WHEREAS, the Town Board has considered whether the redevelopment of the site for a Senior Citizen Center should be subject to the Town's Zoning, Planning and Land Development regulations and processes under the 1988 Court of Appeals' decision, In re: County of Monroe, as follows:

- **The Town Board has consistently taken the lead in the long term search for and the analysis of various sites for a Senior Citizen Center;**
- **The Town Board's analysis has included receiving and considering the advice and suggestions of a Senior Center Committee, Town residents generally and various Town Officials;**
- **The Town Board is the Town's Executive body and its only publically elected Board;**
- **The Senior Citizen Center and site will serve the Town-wide public interest by offering a site for recreational activities for Town residents;**
- **The Town Board's past practice has been to not submit its actions for approval by other Town boards;**
- **The Town Code, at Chapter 210-13L, specifically authorizes the Town Board to oversee this redevelopment;**

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby determines that the redevelopment of a portion of the 2.02 acre site as a Senior Citizen Center shall not be subject to the Town's Zoning, Planning and Land Development regulations and procedures, and pursuant to Town Code Chapter 210-13L determines that it is the appropriate body to oversee this project; and

WHEREAS, the Town Board has considered a Part I of a Long Form environmental Assessment Form submitted herewith; and based thereon

BE IT FURTHER RESOLVED, that this action is typed as an Unlisted Action for purposes of the New York State Quality Review Act; and

WHEREAS, there are no other involved agencies;

NOW THEREFORE BE IT FURTHER RESOLVED, after full consideration of the matter the Town Board finds that this action has no potential for a significant adverse environmental impact, and the Town Board issues a Negative Declaration, a copy of which is attached hereto and made a part hereof; and

Town Attorney Nelson added the following amendment:

BE IT FURTHER RESOLVED, that Superintendent Pfeifer is authorized to proceed with the demolition and removal of the wood building/former barn and wood frame structure.

SO MOVED: S. Krakower/J. Baisley

Councilwoman Shershin: When is this actually being taken place, the demolition? How soon?

Supervisor Tancredi: Assuming the winter won't be too eventful, sooner rather than later because once we get into the Spring months, the crews will be busy with other things.

Weather permitting, within the next month at least.

Councilwoman Shershin: Well, the barn, I brought a copy for everyone, the barn is part of our historical survey that was done for the Town. It was from 1880 and it was actually built for the Ford House, which is on Route 9. It was when the Carpenter Family owned it. They built it then. The Barn is older than Stephan's house.

Supervisor Tancredi: We did check to see if it were on any Historical Registry and it's not on any and also talked to Tim Sickles if he felt it had any historical significance and his feeling was, and Don was in the room when we spoke, since there has been a lot of renovations and reconstructions of the barn, it's not a barn any more. It's been sheet rocked, insulated, there is electric, heating and plumbing, windows put in it and he felt that the historical attachment at one time would no longer apply. They also felt that the structural integrity is no longer there because it is so old and has been reconstructed so many times.

Councilwoman Shershin: You aren't giving me enough time to find out if there is any one interested in restoring it either.

ROLL CALL ON AMENDMENT: Councilmen Baisley, Eagleton, Cifone, Krakower and Supervisor Tancredi

Nays: Councilwoman Shershin

CARRIED 5-1

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

Nays: None

CARRIED: 6-0

**02:06-SC 4 AUTHORIZE
SUPERVISOR
TO SIGN**

**Contract With Envirollogic Of NY, Inc.
To Perform Asbestos Air Sampling &
Analytical Services At Town Senior
Citizen Recreation Center Site At
14 Abe's Way**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a contract with Envirollogic of NY, Inc. in the form annexed to perform Asbestos Air Sampling and Analytical Services at the Town of Poughkeepsie's Senior Citizen Recreation Center Site located at 14 Abe's Way, Poughkeepsie, NY as detailed in its January 31, 2013 quotation, which quotation was the lowest of the three received by the Town Engineering Department, and which work shall be performed at a cost not to exceed \$2,100.00, said contract to be executed on receipt of proof of insurance coverage satisfactory to the Attorney for the Town; and

BE IT FURTHER RESOLVED, that the work is a Type II Action requiring no SEQRA review.

SO MOVED: Supervisor Tancredi/S. Eagleton

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

Nays: None

CARRIED: 6-0

CONTRACT ATTACHED TO FINAL BOOK COPY

**02:06-SC 5 AUTHORIZE
SUPERVISOR
TO SIGN**

**Contract With Bocran Industries, Inc.
To Perform Asbestos Abatement
Services In Part Of Flooring In The
Connecting Structure At The Town's
Senior Citizen Center, 14 Abe's Way**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a contract with Bocran Industries, Inc. in the form annexed to perform asbestos abatement services on approximately 715 square feet of flooring in the connecting structure at the Town's Senior Citizen Center, 14 Abe's Way, Poughkeepsie, New York 12601, at a cost not to exceed \$12,177, which cost includes the \$1,000 EPA and Department of Labor notification fee, and which cost was the lowest of the 3 quotes received by the Town Engineering Department, such contract to be executed upon receipt of proof of insurance coverage satisfactory to the Attorney for the Town; and

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

SO MOVED: J. Baisley/S. Eagleton.

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

Nays: None

CARRIED: 6-0

CONTRACT ATTACHED TO FINAL BOOK COPY

**02:06-SC 6 AUTHORIZE
SUPERVISOR
TO SIGN**

**Contract With Simplex Grinnell, LP To
Design The Fire Alarm System For
Town Senior Citizen Center, 14 Abe's
Way**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a contract in the form annexed with Simplex Grinnell, LP to design the fire alarm system for the Town of Poughkeepsie Senior Citizen Center, at 14 Abe's Way, at a cost of \$2,410.50, which cost is Simplex Grinnell's New York State contract bid price, execution of the contract to be conditioned on receipt of proof of insurance coverage satisfactory to the Attorney for the Town; and

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

SO MOVED: S. Eagleton/J. Baisley

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

Nays: None

CARRIED: 6-0

CONTRACT ATTACHED TO FINAL BOOK COPY

02:06-SC 7 NOTIFICATION

**The Following Notices Of Claim
Have Been Referred By The Town
Clerk To The Legal Department
A. Martinovic V Town of Poughkeepsie
B. Roman V Town of Poughkeepsie**

**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: Supervisor Tancredi/Councilman
Eagleton**

**Joe Armstrong : The upkeep of abandoned properties, do we get our money back from
the upkeep of these abandoned properties that the Town pays to the contractors and our
employees who can be doing other things?**

Councilman Eagleton: No, we are not.

**Councilman Krakower: The Tax Collection Office sends copies of tax bills with a
miscellaneous charge for the property maintenance that the Town has incurred and so we
get paid either by the Bank paying the taxes, the property owner paying the taxes, or the
County makes a lien on what ever property doesn't pay the taxes. The Town gets paid
100% within a 12 month period.**

**Joe Armstrong: Oh, it was never explained to me that way before. My thought probably
was always that why are we using our tax dollars to do it for the banks.**

Councilman Krakower: We're not.

**Joe Armstrong: I thought there was just a lien put on and we waited until the properties
are sold.**

**Town Attorney Nelson: There is a lien where the County would benefit. The tax on the
tax bill and it is a lien and the people pay it, the bank pays or eventually the Town people
pay it.**

**Councilman Krakower; We don't wait for a check from the County, the County pays the
unpaid tax.**

**Doreen Tignanelli: Regarding the Flag Lot discussion tonight. I am in favor of anything
that is going to have the decision made by the Town Board instead of the Zoning Board
or the Planning Board. I think the more things, overlay or whatever, that come before
the Town Board I think we are really better off, because for example, the January 16th
Town Board Meeting we had that big discussion about Wegman's and the traffic and so
the Town Board put that condition on that you are going to have the intersection**

addressed to the Town Board's satisfaction. Then, the next night was the Planning Board Meeting and it was a good thing the Town Board put that provision on because Eric Hollman came out and told the Planning Board that there was a minor issue regarding traffic that needed to be resolved. I didn't think that was minor, we had almost a whole hour discussion about it. I hope you will continue with looking into this issue and not that the Planning Board will have last say on it. I just want to say something about the discussion on the Vassar College Deer Kill and I just wanted to let you know that in the miscellaneous news article in the Vassar College newspaper and in it it says Vassar College spokes person gave one of the reasons for the deer kill having less deer kill than they thought was because the Town requested that we cull only until 10 PM rather than into the later hours. I wasn't aware of any Town involvement or restrictions placed on Vassar. So, if that's not the case, that's what they are saying here.

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

CARRIED: 6-0

RESOLUTION

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

- 1. Confidential communication between attorney and his client/Town Board based on attorney/client privileges.**

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

SO MOVED: J. Baisley/S. Eagleton

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

Nays: None

CARRIED: 6-0

TOWN BOARD MEETING ADJOURNED AT 8:13 PM

TOWN BOARD WENT INTO EXECUTIVE SESSION AT 8:14 PM

TOWN BOARD RETURNED FROM EXECUTIVE SESSION AT 8:35 PM

NO ACTION WAS TAKEN

TOWN BOARD MEETING CLOSED AT 8:36 PM

SJM:lkm