

the low bidder for one, two and three year contracts (currently .0622, .0621, and .0620), and

WHEREAS, the Town has also received a three year Hybrid contract (50% fixed, 50% variable price) quotation from Hess/MEGA, which would be .0620 based on June 12, 2013's variable cost for 50% of the usage, and

WHEREAS, the Town has also received a three year Hybrid contract (75% fixed, 25% variable price) quotation from Hess/MEGA, which would be .0620 based on June 12, 2013's variable cost for 25% of the usage, and

WHEREAS, the Town Board has considered the benefits and risks of the aforesaid proposals,

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor or his designee to execute a contract with Hess/MEGA to continue providing electricity to Town facilities for a period of One year, on a fixed/Hybrid price basis, and if at a Hybrid price, with 75% being at a fixed rate and 25% at a variable rate.

Supervisor Tancredi asked the Board their wishes on this item. He stated that the 50% variable was a bit aggressive for his taste but left it up to the Councilmen to give their opinions at this point.

It is agreed to go with the two year fixed rate.

Jim Nelson, Attorney: The only thing, and you are right, the graph showed a high two years ago, it showed the increase from last year. The one thing that I thought was interesting but can't interpolate, is that (A) both of the variable contracts are .0620 – 50/50 or 75/25 and that same rate is the three year fixed rate. I just thought that was interesting.

Councilman Eagleton: I would recommend the 75/25 for one year.

Supervisor Tancredi: I could go with that as well. Ok, let's make a recommendation that we take the one year variable of 75% Fixed and 25% variable on our usage.

SO MOVED: J. Baisley/Sean Eagleton

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

CARRIED: 6-0

06:12 STB 2 AUTHORIZE

**Special Consent Items SC 1, SC 2,
And SC 3**

RESOLUTION

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

- | | |
|------------------------------------|--|
| SC 1. Bid Award | College Avenue Sidewalks |
| SC 2. Affirm/Reverse/Modify | FOIL Appeal response |
| SC 3. Waive | Fee for Friends of the Poughkeepsie
Public Library District, Inc.'s Book Sale |

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

SO MOVED: S. Eagleton/J. Baisley

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

CARRIED: 6-0

06:12-SC 1 BID AWARD

**“COLLEGE AVENUE SIDEWALK
REPLACEMENT” To Di Corcia Mason
Contractor & Authorize Supervisor To
Execute All Papers Necessary To
Effectuate This Bid**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the bid for “COLLEGE AVENUE SIDEWALK REPLACEMENT” to Di Corcia Mason Contractor for the price of \$8,000, pursuant to the recommendation of the Town Engineer, a copy of which is attached hereto, which restoration and repair work is part of the Town’s ongoing administration and a Type II Action requiring no SEQR review; and

BE IT FURTHER RESOLVED, that the Town Board does hereby authorize the Supervisor to execute all papers necessary to effectuate this bid award with DiCoria Mason Contractor.

SO MOVED: M. Cifone/S. Eagleton

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

CARRIED: 6-0

**TOWN ENGINEER'S COMMENTS ATTACHED TO
FINAL BOOK COPY**

**06:12-SC 2 AFFIRM/REVERSE/
MODIFY FOIL Repeal Response**

RESOLUTION

WHEREAS, Anthony Ferrari, Sr. has filed an appeal from several FOIL requests which he has submitted to the Town Records Access Officer, and

WHEREAS, the Town Board of the Town of Poughkeepsie has reviewed a proposed response to said Appeal prepared by the Town Legal Department; now therefore

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby affirm said response, as detailed in the minutes of the meeting.

Councilman Cifone: Any reason why there was a delay in getting the document?

Town Attorney Nelson: Actually, some of the delay rests with me. There were modifications to FOILS submitted and one of the modifications, I believe, required Sarah to go back six years through documents that were not electronically searchable.

Neil Wilson: That is correct. The documents she went through (there were about 3 feet of them) and she finished it today and got it to Jim Nelson's Office, but it took a considerable amount of time.

Councilman Eagleton: So, were we granting him everything he asked for?

Town Attorney Nelson: No. There are some materials which were intra-agency which were held back and there were also, for the identity, or materials that would lead to the identification of people who had filed several complaints and those were held back under FOIL. Then there were a couple where there were requests for what I would call narrative responses and FOIL is a system designed for access to find documents rather than to request an open ended or narrative answer. So, I declined that as well.

Councilman Eagleton: So, as far as the resolution goes, we are actually modifying?

**Town Attorney Nelson: No, if you agree with what is in the letter, it would be an
affirmance.**

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

CARRIED: 6-0

ATTACHMENT TO FINAL COPY

06:12-SC 3 WAIVE

**Permit Fees Affiliated With The Friends
Of The Poughkeepsie Public Library
District, Inc's Book Sale Occurring
From June 14, 2013-June 18, 2013**

RESOLUTION

**BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does
hereby waive permit fees affiliated with the Friends of the Poughkeepsie Public
Library District, Inc.'s Book Sale, which is occurring from June 14, 2013 through
June 18, 2013 at Poughkeepsie Business Park, 900 Dutchess Turnpike,
Poughkeepsie, New York.**

SO MOVED: A. Shershin/M. Cifone

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

CARRIED: 6-0

SPECIAL MEETING OF THE TOWN BOARD CLOSED AT 7:10 PM

**COMMITTEE OF THE WHOLE MEETING
JUNE 12, 2013
OPENED AT 7:11 PM**

06:12-COW RECOGNITION

**Covanta Energy Group
Gleason Construction PLT**

Supervisor Tancredi: We were actually recognizing two people and recognizing two organizations for contributions to our Senior Center and Councilman Baisley, Chair of our Senior Committee has that information and proclamation.

Councilman Baisley: The first one is Covanta Energy Group which is not here at this time.

Supervisor Tancredi: If they come in late, we can present it to them then.

Tom Meyering gave a description of what was donated to us by these two companies:

Gleason Construction Company donated at least around \$7,000 worth of new ceiling tiles for our Senior Center, which was a major contribution and **Mr. Kaminsky** made a major contribution earlier on which helped get the project going in where they are of \$200,000. Then **Covanta Energy Group** made a contribution to the project and have committed to our "PAINTING DAY" coming up in July.

Supervisor Tancredi: It's nice to see these organizations who have heard about our Senior Building we are trying to open in September and it's nice that they are interested and want to make a contribution and so we wanted to give them some recognition tonight because of their contribution. If **Gleason Construction** will come up, **Mr. Baisley** has a proclamation he would like to present to you.

Councilman Baisley: We've been going through this project, I don't know how familiar you people are, but the Senior Center has been about four or five different locations. Originally, it was supposed to be on **Route 9**, then it was going to **Casperkill** and at one point to the church on **Spackenkill Road** and then over here at the **White House** and so this is a major event for the Town and in the economic time we have now, this is a phenomenal project and to see businesses in the area coming out to help us, this is great, because just so far we only had the **Recreation Trust Fund Money** and donations from the people of the Town and Town employees working hard on Town hours and off hours, this is actually a phenomenal project coming together.

Councilman Baisley read the following proclamation to the **Gleason Construction Company**:

PROCLAMATION

WHEREAS, the Town Board of the Town of Poughkeepsie on behalf of the Town of Poughkeepsie and the residents of the Town of Poughkeepsie does hereby salute Covanta Energy Group for their generous donations to the Town of Poughkeepsie Recreation Department. This donation will be used for a new Senior Center located on Abe's Way in the Town of Poughkeepsie.

WHEREAS, the Covanta Energy Group is clearly making a big difference in the lives of many seniors.

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does enthusiastically program their appreciation for this generous donation and

BE IT FURTHER RESOLVED, an original signed proclamation be forwarded under the great seal of the Town of Poughkeepsie, Dutchess County, State of New York to Covanta Energy.

**DATED: June 12, 2013, SIGNED BY TOWN SUPERVISOR TODD TANCREDI
PROCLAMATION**

WHEREAS, the Town Board of the Town of Poughkeepsie, on behalf of the Town of Poughkeepsie and all the residents of the Town of Poughkeepsie, does hereby salute PLT for the generous donation of the ceiling tiles to the Town of Poughkeepsie Recreation Department. This donation will be used for a new Senior Center located on Abe's Way in the Town of Poughkeepsie.

WHEREAS, PLT is clearly making a difference in the lives of many seniors

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby enthusiastically proclaim it's appreciation for this generous donation.

BE IT FURTHER RESOLVED, an original proclamation will be forwarded under the great seal of the Town of Poughkeepsie, Dutchess County, State of New York to PLT. (PATRICK, LAURA, TOM)

DATED: June 12, 2013 SIGNED BY: TOWN SUPERVISOR TODD TANCREDI

Supervisor Tancredi: We do appreciate all you do for the Town and especially for your contribution to the Senior Center. Thanks

Is there anyone here from REBUILDING TOGETHER? (Yes)

06:12-COW 3 PRESENTATION

**Rebuilding Together In
Dutchess County**

We have some presentations here from Rebuilding Together and they do a great job. About a month ago, they were up by St. Francis Hospital and basically what they do is they come in and find families or individuals who have a significant need in their home and they do roofing, siding, painting, etc. all kinds of home repairs and last year they did one on Davis Avenue and I've been really impressed with what they do and how they help residents in the Town and throughout the County and so tonight they are here to tell us a little bit more about their operation and what they do.

Sarah Mackey: I'm the outreach co-ordinator and Rebuilding Together is a non-profit organization that believes that everyone deserves to live in a safe and healthy home. Our mission is to bring volunteers and communities together to revitalize and repair homes assuring that qualified home owners live independently in a warm, safe and dry environment. All of the work completed is completed at no cost to the homeowner and volunteers are lead by skilled trade's people to provide critical repairs, accessibility modifications and energy efficient upgrades. We have a proven track record here in the community. Rebuilding throughout Dutchess County has been here for over 20 years. We are formerly known as "Christmas in April", if that is more familiar to people. We have completed over 400 projects, engaged over 10,000 volunteers and provided a total of over \$4 million in market value repairs. Right now we are accepting applications and are trying to spread the word about our application cycle being open. We want the residents of the Town of Poughkeepsie to utilize our services and that's what we are here for. Over 30 projects have been completed in the Town of Poughkeepsie over our 20 years, but we would like to increase that number. So, our application period is open to home owners now through the end of September, but we would encourage anyone to apply earlier rather than later. The general criteria for an application is: Homeowners have to be a Dutchess County resident. They have to own and reside in the home needing repairs. There is an income qualification which can be found on our website or by calling our office. The repairs needed are mission driven to bring the home back to a warm, safe, and dry independent living environment. A couple of samples of warm, safe and dry repairs because it helps people to kind of think of neighbors in need who may need our assistance. Some examples of warm repair would be caulking and weather stripping to prevent an air flow in the home and replacing aging windows and doors. Some safety repairs would be replacing and repairing electrical issues. Fixing locks on doors and windows and removing tripping hazards. Dry repairs would include roof repairs, which is very popular. Providing proper gutter repairs and drainage and fixing plumbing issues. Then the independent repairs are more geared toward our senior and disabled applicants. It would be things like wheel chair ramps, grab bars, hand rails, threshold ramps, fixing door knobs and changing them to lever handles and widening doorways. The home repairs are performed on two main days. We just completed one at the end of April, that is our national building day and the next one will be the last Saturday in October. So, if anyone needs our help, I encourage them to call our office at 845-

454-7310 or visit our website which is Rebuildingtogetherdutchess.org and if anyone knows anyone who needs our help, please encourage them to apply.

Councilman Baisley: This is a great work. I've seen the work. It's a fantastic project and you guys do a great job.

Councilman Tancredi: I know the home in April they were working on, the resident from Davis Avenue they helped last fall was actually up at the home by St. Francis helping out. This is nice to see and you can always see the appreciation on the faces of the residents when work has been done in their home. It's a great job that you do and we do appreciate all you do.

Supervisor Tancredi: We are going to have a quarterly report from our Comptroller, but he is at a Father's Day event at St. Martin School and so he is expected shortly and so we will skip him for now and we will go to Tom Meyering, our Recreation Director and he has the up date for us regarding our Senior Center.

Council Cifone just reminded me, in the meantime while waiting for Tom Meyering to set up his program, for the next month we are going to have YFY capabilities in the room. It's a test program until we get a permanent program up and running, so, we have been encouraged to try it and see how it works and try and get the kinks out and so if anyone wants to use YFY they can and we are going to try it out for a month and see how it works and then put it in permanently. We can give you the pass word. Call the office in the morning and we will get it to you.

Tom Meyering, Recreation Director: First I would like to say that we are on schedule to open this September. It's progressing very nicely. I just want to give you at this point, a brief overview of what we have done, what is in progress right now, what we need to do before we open in September. Completed to day since January 1st, we acquired the property, we've performed the necessary demolition, we've built out the library room, the coat room, the fire wall, the fire control room and the kitchen. We've installed windows, insulated the roof, installed a sidewalk, and moved the electrical service. In process right now we are installing exit doors, reinstalling the ceiling; working on a fire alarm system, bathroom and kitchen plumbing is being installed. The electric inside is being upgrading and the parking area has some finishing touches going into it. To be completed yet, we have to paint the exterior, drywall taper coming in in the next few weeks to tape the new drywall inside and then we will paint the interior and for that we will be doing a community paint day and will be looking for volunteers if anyone wants to join us and paint. We will have plenty of paint brushes available for anyone who is willing to help. We still have to furnish the kitchen, install flooring, signage on and around the building so people can find it. We have to work on internet service, phone service, landscaping and we have to acquire our tables and chairs and we also want to do a lighting upgrade to bring it up to the new more energy efficient lighting that Central Hudson has programmed to help us with that. We are moving along very nicely there. (The Budget Status on the Renovations and recognition of donors is attached

to final book copy) We are planning in July to do the painting if any volunteers are available. This is interior painting.

Supervisor Tancredi: The tile flooring is in place. It's not chipped or anything; it's just not shiny any more. We don't think we are going to be able to shine it up and remove any stains that are on it and so we are looking to put a wood flooring over it that the seniors would have slip resistant and easy to clean. Outfitting the kitchen is a big task left to do now. We could possibly get some donations for kitchen cabinets, refrigerator. Those are the biggest items we have left.

Doreen: I saw in there about landscaping. Are there big trees to be removed? I'm really not familiar with what is on the site right now.

Tom Meyering: No, we are not planning to remove any trees. There are some trees but we are not planning on removing any. There are some places around the building where some small plantings would be appropriate.

Doreen: That would be good too, if you could pick some things that would be drought tolerant. Attractive native type.

Supervisor Tancredi: The center has a nice flat lawn area on the south side of it and that is the spot where we hope eventually to have a gazebo or some picnic tables and patio for the seniors. It's not in the plans or budgeted for at this point, but it's more on the wish list at this point.

Tom Meyering: There was a boy scout that contacted me this afternoon about an Eagle Scout project and helping us out and we are going to talk to him about a gazebo.

Supervisor Tancredi: Excellent!

Out Comptroller has arrived and so I'll ask him to come up and give us a brief overview on the First Quarter results. We've been trying to keep the Board updated as to the Town's financial condition quarterly and so this is the First Quarter report.

Town Attorney, James Nelson spoke on the Peddler's License update: As you know, the Town has the Local Law which regulates peddling in the Town of Poughkeepsie. Peddling is generally subject to licensing by the Town Clerk and if people wish to operate or peddle on Town property, they need to come to the Town Board. There is an additional category of peddling for special events such as Flea Markets, where you can also come in front of the Town Board. Those are not located on Town property. What we recently discovered was that our Peddling License when read literally requires A. that other than being at these flea markets, that the peddling has to be along a road right of way and B. More to the point, we learned that a "Canteen

Truck” that pull into a garage or manufacturing facility or industrial site, flip open the sides and sell the people there items for their coffee breaks or lunch, those are also regulated.

Supervisor Tancredi: Correct me if I’m wrong, but I think they are prohibited, outright.

Town Attorney Nelson: Well, they are regulated to the point, that if you read the Code literally, NOT BEING ALLOWED, and so there is a policy question as to whether the Board wants to allow the operation of those vehicles in the Town because you might be able to get a permit from the Clerk to do it, but you actually would still not be able to get a consent from the Town to do it, so effectively you can do it.

Supervisor Tancredi: The way this came up is, we used to have a truck that came up to Town Hall every morning about 9 AM, be here ten minutes after sales and then moved on to Arnoff up the street and Adams and they ended up getting ticketed along the way, not here, so the owner read the ordinance and her question was, even if she gets a permit, is she going to be allowed to do this and as we started looking at it, it appears that she really can’t as it seems to be outlawed in the Town, which I find it a little strange.

Councilman Krakower: Does it completely, I remember looking at this a while back and it seemed to me it prevented the trucks from parking at any location for a certain period of time and basically all these different roads were added to the list all along the way and every time one of these trucks competed with a local business, the business called the Town and the Board added that road to the list and it kind of restricts it significantly, but I thought you could still, at least in a few spots around Town they could do it.

Supervisor Tancredi: The way we are reading it, is they can sit on say South Gate Drive on the side of the street, but they can’t go---What I found strange as a government, how can we restrict someone from driving up a public roadway, going into DOT on private property and she informed me that every property they go on the have the owner’s consent to go on the property and they just go and sell for 15 minutes and then leaves.

Town Attorney Nelson: There are a list of numerous Ways and Streets on which you can’t have it. But, the general rule is that peddling has to occur along the public right-of-way. But, subject to those exclusions and as Todd said, the problem is, if you get off the right-of-way and pull into a factory, or commercial building to do this, as I read it, it appears to be prohibited.

Councilman Krakower: I haven’t looked at it for a long time, but I thought that you had to be there as a more or less, permanent location. Not, drive from location to location, but I haven’t read it in a long time. One of the things that came up

previously was local businesses complain that a brick and mortar store, you spend money to buy a piece of land, build a building, open a business and sell food and a truck parks next to you with no overhead, and they start eating away at your profits in your ability to make a living and that is, I think, the long list of roads came from. I think there should be some ability to do it, but I think we have to be cautious of some collateral damage you can do here.

Supervisor Tancredi: That's why I wanted to talk about it, because I happen to agree that a truck going from property to property, whether it's Arnoff, Adams, Recycle Depot for 10 or 15 minutes selling their things, moving on, and selling with an owners permit—

Councilman Krakower: If I have a business that delivers my product to different customers, we don't restrict someone from delivering to a different business locations, the idea of a food truck pulling in and parking for a few minutes, people buy food and keep going, that's clearly prohibited under our Code?

Town Attorney Nelson: The definition of a peddler is anyone from a vehicle sells or offers goods for sale and when you move ahead it says "No Peddler shall peddle on privately owned land unless authorized by the Town Board to do so for an event such as a Flea Market, Carnival, Circus, Community Day or similar activity.

Councilman Krakower: I almost think, in all honesty, we are over analyzing. I guess we can clarify it. But, to me, peddling on private land is when you park your truck and this is my location and this is where you come to find me. The guy going from place to place, I don't see fitting into that.

Supervisor Tancredi: I agree and that's why I'm concerned about it.

Councilman Krakower: The other side of it, there is a place out on Route 22, the guy started with a road side stand, smoke and ribs barbeque and then he ended up buying a store front. I think there should be some ability in our Town to have a smaller business where you can get started on the road sides to speak. So, I think we have to figure out some sort of balance here. Restricting it all together doesn't really make sense to me, but allowing it anywhere and everywhere you create a mess and impacting people who pay a lot in taxes and someone drives up next to your business and sells the same thing as you for half the price, is not right either.

Supervisor Tancredi: That was our thought, too. So, what we can do is to work on some language and maybe mail to everyone and have you take a look at it and see what you think. My view is, these trucks going from location to location with the owners consent. I think it's crazy for the government to step in and restrict that in some way.

Town Attorney Nelson: The other question you had, it goes beyond food trucks. I mean every gas station in the County has Mapco, Bowes and the other people who come to sell from their trucks, you mention flowers—

Councilman Krakower: Well, that is where it becomes a mess. You get a guy that opens up his truck and sells stereo equipment, the next day flowers, the next time cheap pictures; I think we don't want to get into that. I do think you can between the food trucks and all the rest of the stuff. I wouldn't open it up for everyone to peddle everything and anything.

Supervisor Tancredi: Focus on the canteen trucks because that is the issue at hand and then we can put some language into it—

Town Attorney Nelson: Like canteen trucks with a time limit of 15 or 20 minutes with owners consent.

Councilman Krakower: But, I would also look at the possibility of some places and certain Zones being allowed to park their vehicle and sell from the vehicle. There has to be some happy medium there.

Councilman Cifone: We had a Hot Dog wagon on 55 last year and we stopped him from selling because Stewarts complained they were selling the same product, hot dogs, we stopped it, and rightfully so, he was taking customers away from the businesses that support us year around.

This subject continued with pro and cons and decision was made that this would be worked on.

06:12-COW 2 PRESENTATION

**Comptroller Wojtowicz With
Quarterly Financial Update**

Jim Wojtowicz, Town Comptroller: I'm happy to see some fellow Department heads here tonight. The Chief, Highway Superintendent, Neil Wilson and Tom Meyering. It's a nice place to work at this Town and of course our Attorney is here. Basically keeping with the Supervisor's pledge to be transparent, he has asked for me to report the first quarter's results and wants it done every quarter and so, everything we do here is pretty transparent. We put everything up on the website, good news, bad news and the Budget is up there, the Audits and AUD is up there. So, everything is up there. (The Complete report on the General Funds, Fund revenues, Highway Fund, Water Fund, and Sewer Fund are all attached to the final book copy.)

I just want to spend a quick minute on sales tax. Everybody knows, it's been in the news lately that Dutchess County decided to take \$6 million dollars off the top from Town, Cities and Villages and allocate out the rest. We thought we would be made whole on 2012 Budget of \$2.3 million but they locked us in at \$1 million 25 and we

are still negotiating the gross factor that pretty much sounds good, but it's kind of unobtainable.

Councilman Krakower: It's a bad deal. The Town of Poughkeepsie generates a large portion of sales tax throughout Dutchess County and only gets a drop in a bucket. The City of Poughkeepsie and City of Beacon get a drastically larger amount and it makes absolutely no sense. The Town's are get a smaller share. There was nothing done in this process to make it more fair or more equitable, in my opinion.

Jim Wojtowicz: That's something we are keeping an eye on. We budgeted accordingly and there are some grants out there.

Supervisor Tancredi: Jim's right, we budgeted \$2.3 million in sales for 2012 and we came in at \$2 million five and unlike some municipalities around us, we budgeted conservatively, came in OVER and for some reason the County made the decision they made and they are capping us at \$1 million nine twenty five. They took \$400 off the top, but when we came in \$200 higher, they took \$600 and gave us back \$100 on the election.

Councilman Cifone: It was a new formula they came out with and it will take us 20 years to get back to the numbers we were on. We have no way right now to catch up to where we are and if you look at what we generate, the City of Poughkeepsie gets 5 times what we get. It's not fair, it's never been fair. You, out there, have County Legislators who vote on this, this is coming up on a vote, contact your legislature. This is something that has to be fought. We are generating and it's our Police Department up and down Route 9 and 44-55 taking care of the buildings and properties and the Town is not getting their fair share.

Councilman Krakower: It's also reaching down in our pocket to pay their bills. Unfortunately we are on the bottom of their ladder, but I don't think this Board would make the effort to reach in someone else's pockets to pay the bills and it's the same taxpayers and so it's just pushing it over to a different line item and level of government, but you are still hitting the tax payers.

Supervisor Tancredi gave a lot of credit to the Highway Department for the jobs well done in the Town. Mark Pfeifer is a team player and when we ask him to hold off on purchasing new equipment for a year, he does it, and if you ask him to look at a road that has a pothole, he's on top of things and he is definitely great to have around. Also, if he is asked to spare a guy at the Senior Center this week, he comes through for us. Mark has about 1/2 million dollars for maintenance of the roads plus he does a road in each Ward each year in the terms of re-pavement and we plan to do that this year. He has the six, one in each Ward, to this year and we are trying to do as much as we can there.

Comptroller Wojtowicz: In the Water Department, Superintendent Zani is a Team player and wants to work with you and what the budget is and how much can he spend. He always calls first. The Sewer Plant upgrade has been on the drawing board for years and we do have some money on there for soft costs. The bottom line for the first quarter is I don't see any negative surprises and we will be keeping an eye on it and I'll be updating the second quarter. The audit is going on right now for 2012.

SEE ATTACHMENTS FOR INFORMATION

Supervisor Tancredi asked the audience if there were any discussion on this report.

Doreen Tignanelli: I have a question on the Workman's Compensation. Todd, when you were interviewed at the Poughkeepsie Journal along with Randy Cosal and a couple of other Supervisors and Mayors I know Beacon was joining in with the County for Workman's Compensation and it came as a savings to them. Is the Town able to take advantage of that yet?

Supervisor Tancredi: We are looking at that right now and the Comptroller actually asked us question as to whether we are going to save but we are going to look at it and get some numbers and Workman's Comp only has to do with how you are rated and your experience and so we've got a fairly good rating and our price went up. But, if we can save money by joining the County, we are going to do that.

Doreen Tignanelli: Jim, what is on inter-fund transfer for Water revenues?

Jim Wojtowicz: We are able to budget off the revenues of the Water Fund and so we have a \$400,000 inter-fund revenue from the Water Fund to the General Fund to off set the General Fund tax levy. Again, this is per Audit, one of these things we got approved after the audit. As long as it is a profit based on the usage fee.

Rob Rubin: I'm impressed with what I see so far. I would just ask if the Board would consider that any unspent money from this budget, perhaps you might consider using it for some kind of taxpayer relief in the next year if possible. Thank you.

06:12-COW 5 PRESENTATION

- Director Of Municipal Development Wilson on:**
- 1. R-20,000 District And R-M District Amendments:**
 - 2. Planned Residential Overlay District Amendments**
 - 3. Business Park Amendment To Add Indoor Recreation As Permitted Use And**
 - 4. Discussion Of Adding Innis As**

Permitted Use In R-20,000 District

Neil Wilson: Just a couple of things to discuss with the Board tonight. All of these are matters that have either been before the Board previously or certainly have been discussed with the Land Use Committee. I just wanted to start with the memo entitled R-20,000 and RM, Multi District Regulations. Presently the R-20,000 District the minimum lot size is 20,000 feet, which is a little less than ½ an acre. In the RM District, which is mostly built out, it still does allow for single family and two family uses and 10,000 sq. ft. lots. The concern here is making sure we identified the appropriate densities for lots to be sub-divided to be sure that the minimum acreage applies correctly to lots that have municipal sewer and municipal water. The recommendation here is for the R-20,000 District to increase to a minimum of one acre for those lots that do not have access to municipal sewer and if they fail to have access to municipal sewer and municipal water to require an acre and ½. As a practical matter given the Health Department requirements when you are doing an on site septic you've got to have a one acre of land and good soils in order to be able to do that. So, the idea here is to basically set the standard when someone is coming in and working in an R-20,000 District Area that has no sewer and may not have water that they understand that the minimum acreage requirements go up accordingly. The R-20,000 District contains the most acreage throughout the Town. We've got almost 11,000 acres that comprise the R-20,000 District and the multi-family districts are much smaller than that, but, within that We have a lot of area that is served by both Municipal Sewer and Water and a lot served only by Water and there are areas simply served by on site septic and wells. We have some areas in Kingwood Park that are served by on site septic. So, this is a recommendation that we boost the minimum lot size requirements for a lot to be created again. We have for the lots that have already been created, those will have to be handled by individual case by case basis. If they have sewer and water, great, if they do not, the Health Department will have to review each of those applications accordingly as we will when they come in for the Building Permits and so I just want to make it clear that these are for lots that would be sub-divided going forward. So, that's the recommendation of the minimum acre requirements to make sure we properly described them for the areas that don't have sewer and water.

Supervisor Tancredi: The intent is to avoid problems down the road. We've had issues with problems of septic tanks and septic fields.

Neil Wilson: Of course, too, the good land, which was built on a long time ago, what we are seeing in those instances for new sub-division, we don't have a lot of them like we used to, they tend to be the lands that are constrained due to poor soils, bed rocks, steep slopes and those sort of things and we have to make sure our Zoning properly describes what the rules will be. That would be the recommendation going forward for setting a Public Hearing, but if the Board wishes, I can take the memorandum and turn it into a Resolution for your consideration at the next meeting.

Supervisor Tancredi: I think it's a good idea, personally.

AMENDMENTS ATTACHED TO FINAL BOOK COPY

Neil Wilson: Ok, Second One: Proposed Subdivision Law Amendment. Going back, we are constantly looking at the Code in an effort to make sure that we are not creating problems for ourselves in the long or short run. In this particular instance, the sub-division law contains a requirement for establishing density or major subdivisions, which are three lots and more. In its simplest form there is a calculation that simply says: "In order to figure out what your density is, you have to take out the constrained lands", which tend to be the wetlands, ponds, steep slopes and those sorts of things. But, the second class is subdivision, which is minor where you've got two lots sort of falls out from that requirement. We've had a couple of two lot subdivisions which certainly could have benefited and made the review of those subdivisions a little bit simpler at the staff level. The recommendation here is to amend 177-15 so that the density calculation includes both minor as well as major subdivision. In other words, what we are doing is requiring the take out of the constrained lands as part of that. This is sort of a correction of the existing Code. We think it is a good idea at the staff level and we are looking for direction from the Board.

Supervisor Tancredi: Any questions?

Neil Wilson: Ok, we will prepare that for you as well. Ok, next, turning to indoor recreation. I had received a communication from Dave Kaminski who is developing the Business part on Neptune Road and that work is proceeding. There was what appeared to be a halt in construction, but what that actually was was there was a period of time when IBM, which is still on the hook for the on site mediation system, basically stepped in and had to do their work and now they have turned it back over to Mr. Kaminski to finish up. He had communicated with me regarding the possibility of adding indoor recreation to the business park list of permitted uses. So, what I've done here is to include those and highlighted those uses and combined them under 210-60 as accessory buildings and structures, banking and financial services, hotels and motels, light industrial facilities, museums, offices, which you would expect to see in a business park, restaurants, delicatessens and then there is another class of retail and service business such as retail businesses, service businesses, personal service businesses, bakeries, bookstores, computer stores, health or fitness clubs, specialty or health-food grocery stores, day-care centers, school-age child-care facilities, dry cleaning, parcel service and copy centers. The uses in this subsection shall be limited to 15% of the gross building floor area of the overall business park site. We have a definition in our Code of Indoor Recreation, which is a place designed and equipped for sports, leisure time activities and other customary and usual recreational activities within a structure and not exposed to the out-of-doors and including recreational clubs. In this particular instance, the request is; he has a firm called "Bounce on it", they actually have a web-site and basically it's indoor trampolines. There also appears to be an arcade. The proposal

described it as “Flex Space” and so he has these buildings and available for use for rehab but this particular user would take 25,000 sq. ft. and he’s got more than that available. So, the question is, I’ve looked at it, it’s an indoor kind of occupation. There is plenty of parking as shown on the approved plan. I have no problem with indoor recreation uses. We do have, under 210-97 of the Zoning Code, the section that restricts an arcade type recreation under page 2 (B) that talks about a limitation of no more than 5 free standing coin operated electronic video games and I believe there is a type of element for this particular tenant that Mr. Kaminski is talking about and so I need to get that straightened out, but, talking to the Board, I need some idea as to whether you are interested in having me prepare this as a more formal resolution for your consideration to add indoor recreation and I would also need to talk to Dave Kaminski to see how this other section of our Code may or may not affect his potential tenant. Again, however, I am looking for some kind of direction from the Board as to how you feel about it and if you are interested in entertaining a Resolution going forward.

Councilman Cifone: I don’t have any complaints, I think it’s fine.

Councilwoman Shershin: This isn’t going to open us up to have one of those huge domes come in, like you see across the river, the big white dome?

Neil Wilson: No. The building in the front is quite large and would take up quite a bit of that, it’s in a heart shaped building. No. I’m not a fan of the domes either. Ok. So, I will prepare that as well. Ok, Now, the memorandum on Inns. This again, the Board had dealt with Inns a number of years ago. This came up a number of months ago. Ann Shershin had approached me and had a conversation with Michael DeCordova who had owned the former Copper Penny Inn and he has talked with the Board and with me on a number of occasions. He is interested in establishing an Inn. He did meet with some of the Land Use Committee Members and I’ve had some conversations with Michael and he is here tonight and can speak for himself. But, this thing has been sort of kicking around and I’ve talked with Ann and one of the things I had suggested to Michael in terms of trying to kind of put some “meat on the bone” to help the Board understand the up-side-down side of allowing Inns in the R-20,000 District. I suggested to him that he do a partial search with parameters being, “If the minimum lot size of his former Copper Penny Inn location, which is 3.75 acres, with access on a State Highway and if those were the parameters under which the Town Board would consider going forward, what are the properties that might apply to? So, he got back to me with a list that he had contacted someone in County Real Property Tax System and they came back with a list of properties. I’ve taken the liberty of going into partial access of printing them out so you can see where they are located. These are the basic parameters. There are additional properties on this he gave me, but those properties either didn’t have the proper road frontage or not in an R-20,000 District and I have the whole file in my office if you care to look at it. So, again, in the interest of helping Councilwoman Shershin, move the idea forward and getting feed back from the Board, this is presented to you. I’m again, looking for some direction.

Councilman Krakower: Why wouldn't we be rezoning property into some sort of business use, whether it's business-neighborhood, business-highway. Why won't we be doing that? I'm always concerned about doing anything in a residential area because residents really aren't in general favor of this. It becomes a slippery-slope ones we allow the use. Any future Board could do it anyway, but down the road rather than 3 acres it could be 2 acres or 1 acre and then you start getting situations where you have unintended consequences. Why not put it into a Business Zone. It's a business, it's not a residential use?

Neil Wilson: Yes, unlike the B & B which requires the owner to be a resident on the property and have a manager, it would contain more units up to 25 under our regulations. We do have regulations that cover Inn's.

Councilman Krakower: This property is located on a State road? (Yes) Why not look at rezoning it to a Business/Highway where the use is already allowed rather than changing the entire Town Zoning Code to put a Business use into a Residential Area?

Neil Wilson: I have talked with Ann Shershin about this and talked with Michael about it, there are problems with this.

Councilman Krakower: I just think we are "Chasing our tail" with a lot of these things. If it's a business use and there are Zones in the Town that allow this use, why not rezone one property rather than change our entire Zoning Code.

Supervisor Tancredi: Would you have a problem with "Spot Zoning" then? (Yes)

Councilman Krakower: If you're going to call it "Spot Zoning" though, you can make it a Business Zone as in how is it any different than if it were a residential zone and it's a business use. I mean, it is what it is. If it's an Inn it's an Inn. If you can't spot Zone, then you can't put it there. Why change our Code, because a lot of times we spend a lot of time changing it and then it doesn't happen. An Inn Business would fit in the Business-Highway Zone, the Office-Research Zone, there are a lot of places where it would make sense, so if you Zone that piece of property Business/Highway, Inns are allowed there.

Supervisor Tancredi: I agree with part of what you are saying, I think. My point of view would be, I think an Inn belongs in a Business/Highway or Business District. I've spoken to Michael about this for years when I was Councilman of the Sixth Ward, but I'm one Vote of seven and "It is what it is". I don't agree with having a commercial district in a residential zone. I don't want to agree with changing that residential parcel to a business zone because there are all residential parcels around it. So, if Michael chose to create his Inn in a Business-Neighborhood setting or where it is allowed by Zoning, I have no problem with that at all.

Michael DeCordova: This spot was converted from a residential home in 1997 to a Bed and Breakfast. Neil really didn't clarify what our proposal was. Neil and I have spoken about the limitations of the property in terms of size and we did engage in Engineers per the request of the Use Committee and the Neil's request and I think the maximum the property can hold is 15 guests rooms and a dinning facility for about 40 or 50. It has been enumerated and there was a study made that showed the parking and I paid the engineer to do it and I'm sorry I'm not fully prepared to night with those documents. It's not some larger thing with an unlimited number of seats. I don't feel it has a very residential character, that road. It is a State Highway and the Land Use Committee asked me to find out how unintended the consequences could be in the Town, we did that and the scope was extraordinarily narrow. There is a church across the street and a park up the road. There is a Mulligan's up the road. Again, it is a State Highway. The impressing I had is that if was not going to be an explosive problem for the Town, that you would consider it. Inn's aren't located in Commercial Districts. If you go to Rhode Island or Vermont or Massachusetts, you're not going to find it next to a Wal-Mart, that's not where they are. My property is 3.9 acres and has considerable road frontage and a Bed and Breakfast is not a profitable venture, I would highly encourage you to figure out a way to tax them less. I was taxed as a 1/3 as a commercial business, that pretty much put us out of business. When Kathleen Tabor made that change and this is an economy which is very fragile. In my opinion, our economy is moving more towards tourism, catering to the colleges and less toward the IBM transient business. There is the Walkway and a lot of things bringing people to the Town and if you want that money to go to Rhinebeck and Hyde Park where these places are, I submit, you are going to be losing a lot of sales tax revenue. You will lose a lot of business. An Inn is an extension of the Bed and Breakfast. I'm sorry more Bed and Breakfasts aren't serving Marist, Dutchess and Vassar. We should have six Bed and Breakfasts and get people from the Culinary to stay there too. This is a vision thing in terms of Land Use and Zoning and I think it's a big problem because it is a College Town. People ask me all the time, "Where can I stay" and I tell them Marriott and the Hampton Inn. That's it! The people who call me are sad because they can't find any Bed and Breakfasts here. We are trying to bring business and keep business in the Town and this is not an obnoxious business with neon lights and huge parking areas.

Councilman Krakower is not truly in favor of putting this business in any stretch of the way of a residential area. He would not change the R-20 Code.

Councilman Cifone is in favor of the business in our area and would like to see him be able to expand there.

Neil Wilson: The last item I have, I don't have, unfortunately, a written communication for you. This is on the PROD that I tried to address the question that had come several months ago on the graph we've been working on. It's the idea of requiring a Stand By Pilot Agreement in the event the property were to be taken over by a Not-for-profit. I did speak with Jim Nelson and Todd this afternoon, the

thinking right now is that it probably lays in requiring a pilot as opposed to a stand by pilot agreement. I'm still trying to put some "Flesh on the Bones" for the Board and so I will have to get back to you with a separate communication shortly.

Supervisor Tancredi: Ok, that brings us to the end of the Committee of the Whole Meeting and now we will run through our Committee Reports and then take any comments from the audience.

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|---------------------------|--|
| 1. FINANCE | Councilman Krakower: No Report |
| 2. FIRE ADVISORY | Councilman Conte: No Report |
| 3. GOVERNMENT OPERATIONS | Councilwoman Shershin: No Report |
| 4. LAND USE & PLANNING | Councilwoman Krakower: No Report |
| 5. PERSONNEL | Councilman Cifone: No Report |
| 6. RECREATION | Councilman Baisley: No Report |
| 7. SENIOR CITIZENS | Councilman Baisley: No Report, Mr. Meyering took care of it. |
| 8. TECHNOLOGY & EQUIPMENT | Councilman Eagleton: No Report |
| 9. WATER, SEWER, HIGHWAY | Councilman Eagleton: No Report |

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

CARRIED: 6-0

Doreen Tignanelli: Whatever happened with the Green Way Consulting? Is that off the table, totally?

Supervisor Tancredi: It's not off the Table as far as I know. We were going to get the letter from DEC and then it was to go to Land Use & Planning for recommendation of the Town Board and that's where it sits. I haven't heard anything.

Doreen Tignanelli: Also, about recycling in the Town. You said you were checking with Royal and then I hadn't heard anything more about that.

Supervisor Tancredi: We've talked about it and we've spoken to (inaudible) try and figure out how to best do it and I spoke to Tom (inaudible) in Hyde Park, to put a recycling program in the parks because it is nearly impossible to get the people to put the refuse in proper contains.

Doreen Tignanelli: It's not just the parks, it's all over the Town buildings. It's mandatory.

Supervisor Tancredi: I understand that it is. We have soda and bottle receptacles in the foyer. Most of what we generate here is paper. We have some lunch or food garbage otherwise. It's something we are looking at to figure out the best way to handle it. If we do it, we want to do it right. I've had it on my mind as I've gone to parks and the area and looking around and I haven't seen anything that in terms of recycling and so I know Mr. Meyering spoke to our Rec Committee about the issue and it is something they have to continue to investigate and look at.

Doreen Tignanelli: I have a question for Mr. Nelson regarding FOILS. When you had talked about not giving out information because it was intra-agency information, did you comply with the portion of the law that says you have to comply with the visual and factual information, even if it is inter-agency?

Jim Nelson, Town Attorney: I believe I did.

Doreen Tignanelli: Then about Identification of people in the complaints and FOIL requests. I have filed FOIL requests and have been able to look at folders that contained FOIL records I was seeking and I did see names clearly in there as a complainer. How do you handle that then? You say in this case, you won't give it out because there is identifying information, but all Town Departments know that?

Jim Nelson: I'm not aware of the knowledge that other departments have. I just know that there are opinions from the committee on Open Government that say that the disclosure of either the identity of people who have complaints or information that would make them identifiable can be exempted from FOIL.

Doreen Tignanelli: I guess my thing would be that, are you letting other departments know that if someone does file a FOIL request and they come in to look at a folder or records associated with that that then maybe they should be redacting identifiable information?

Jim Nelson: No, I have not generally advertised that or broadcast it to people who may be handling FOILS, but the people I work with, on this one, I did.

Supervisor Tancredi: I would say Doreen, Nothing is perfect. In a perfect world things happen just as it should, but in a situation like this where you have reams of files and years of information, the occasional name probably is uncovered or searched out.

Doreen Tignanelli; Well, I just was wondering if all departments knew that.

Supervisor Tancredi: Generally speaking, I think most departments that hand that FOILs, for the most part, there are exceptions to everything, but those employees who are accustomed to handling FOILS are generally aware of that. Maybe Mr. Nelson can send out a Reminder Memo. Again though, even after the reminder, is there something that could happen that someone's name or information may leak out, yes, that's possible.

Doreen Tignanelli: Ok, I also would like to say, as far as the rezoning of the Inn, Mr. De Cordova says he doesn't consider that residential because it is on a State Highway. Well, Spackenkill Road is a State Highway, so you are going to tell everyone on Spackenkill Road, you don't live in a Residential District because you are on a State Road? Also, going along with what Mr. Krakower said, if I'm in a residential area I really don't know if I want someone with a 15 room Inn and Restaurant, the surrounding neighbors are still affected. You can call it what you want, but, still putting something in a residential neighborhood it could be impacting neighbors. That's my concern, and would ask that you take that into consideration.

Joe Armstrong: Just to touch on the subject Doreen just talked about. To me a business is a business, is a business, and that is how it should be looked at and if you start making exceptions for this one and next year another one down the road in a development and you are starting to open cans of worms. What do we have these rules for if we are just going to start manipulating them all and turning them around and making exceptions here and there. If it were a hardship thing, that's one thing, but, I just don't like opening these cans of worms. Thank you for getting those trees removed on New Hackensack. They've been gone for a while but I haven't seen you in a while. On the way in today, Greenvale Farm Park, I noticed women exercising at the fence by the road.

Councilwoman Shershin: Yes, and they run a camp there.

Recreation Director Tom Meyering: It's a business called "The Fit Squad" they rent the park for roughly an hour a day for that. They are there some mornings and evenings.

Joe Armstrong: Ok, My concern was using the Public Parks, running a business and Recreation not knowing about it or being compensated for the Park.

Tom Meyering: We are compensated for it and are aware of it.

Rob Rubin: I wanted to thank the Town Board for sending people to the Dutchess County War memorial Ceremonies there and I think the Community should help at it and I appreciate it being there. I wanted to also give credit to the Town Police and Highway Department at that same event and they conducted themselves very professionally and we are very supportable of the success of that event. I would also like to mention that last night on the Town's Historical Commission, we had the

opportunity to preview part of the continuing series of recording significant people in the Town. There was a recording of Jean Murphy, Town Historian; Councilwoman Shershin did a fabulous interview and she is going to present those discs to be posted on the Town Website. I would like to thank Mr. Buttler, a teacher at John J High School and a student that was sent to do the interview, it came off very, very well, thank you to both of them and Todd I would just like you to know that we on the Historic Preservation Commission received an e-mail asking for some family information and attached to the e-mail a document indicating from the Town that I think was 1832 and I was mentioning to Mark that he had something signed similar, this was the President of the Town of Poughkeepsie who signed the authorization of hiring a Street Commissioner. So, Todd, don't change your title from Supervisor to President.

Tony Ferrari: I'm here because of how I've been treated by the Town of Poughkeepsie. I want to bring to you in reference to the Appeal I want to discuss here today. I didn't know it was on the Agenda and I thought I should have been informed that it was on the agenda. I'm going to give a little history of why I've been appealing and it dates back to 1985 when I developed property on 220 Overocker Road at the end of this road. Back then, a Ramond Lolliburti was the Building Inspector and we started clearing the site, he came to me and said that there was a problem that the adjacent property owners don't want you to clear to the property line, they want a buffer there and so we had to leave about 20 feet of debris of trees, branches, poison ivy, you name it. Everything remained there for 20 feet including the end of Albert Drive, which we left completed wooded. Originally the site plan said we could clear it to the end of Albert Drive. We had to leave that old block of woods in there. Also, the condition of me developing the property because Albert Drive had no drainage except through my property, Mr. Still and Mr. Shook at the time decided that the Town was going to donate a culvert pipe that I could put in the back of my property that would drain Albert Drive through my property and down along the northern end of my property to Overocker Road. At that time they were going to donate the pipe to me, but they never did. When I started to develop the property, they didn't have any money in the budget and subsequently, I bought the pipe and put it in and I drained Albert Drive for 25 years or more. Also, I had a CO for the property in reference for the Site Plan which Mr. Lolliburti negotiated with adjacent property owners in reference to leaving the woods there. I couldn't even cut the grass from my Pine Trees to there because they wanted that not touched. Fast forward to 2007, Mark Pfeifer approached me and said "Tony, I would like to have you give me an easement across your property from Albert Drive", to run a pipe line to Overocker Road to relieve the problems on Albert Drive. I said Ok, I have no use for that property and I gave it to the Town at no cost. 2011, I get a notice from Sarah Davis that I am in violation of a Zoning Code that was adopted in 2007 that states that I shall keep my site plan as original site plan. That particular Zoning Law was changed two or three times since I developed the property. Also, they had a problem with Lolliburti adjudicating the condition of that site plan as to what he approved. He said he shouldn't have allowed that, but he did allow and that particular negotiation stood for 25 years

with no problem there. After the Town came in and dug the drainage ditch and moved that debris

I get a violation notice of my site plan. Subsequently, we went to court and I thought I had won the case, but I didn't. I had to either pay a \$1,000 fine or go to jail. I paid the fine. I feel I have been crucified by this Town. I've been paying taxes here for ever and I did nothing wrong, but yet, I was dragged into court like a criminal and to this day, I have a problem with that. I also have a problem with FOILING data before the records officer. I get notices I'm going to get the stuff and then I don't get it. It's in violation of the Freedom of Information Law. I'm totally confused as to how I'm being treated here.

Councilman Krakower: What was the Zoning Violation you got brought into court for?

Tony Ferrari: Because as it is now, it didn't comply with the site plan that was originally there.

Councilman Krakower: Why, though?

Tony Ferrari: Because I had to leave it as is.

Councilman Krakower: Because the trees were removed.

Tony Ferrari: Because the buffer was removed,

Councilman Krakower: But, the Town removed?

Tony Ferrari: Yes.

Supervisor Tancredi: Believe me, this has gone on for months. Mr. Ferrari has been in court and it is not something you are going to figure out in 10 minutes, I assure that. It's a very complicated issue.

Attorney Nelson: The violation, I believe, was that the site was being maintained or operated and it was not consistent with the requirements of the Site Plan.

Supervisor Tancredi: I believe the reason the trees were planted, because it was the Natural buffer, which was a wooded area and so Mr. Ferrari didn't plant the trees for the site plan and so the "Scrub brush" for lack of a term, was removed when the pipe was put in and now the neighbors can see his operation and they are complaining that Mr. Ferrari never put the trees in and this thing has been going on now for quite a while and it's very complicated.

Tony Ferrari: I've had no problem up until 2011 and that was a complete surprise to me. The trees I planted are 40 ft. tall pine trees. These trees existed for 25 years, tall, white pine trees. Lollaberti gave me a CO based on his discussions with the

adjacent property owners and what I was allowed to clear. My problem is the adjacent property owner is asking for their buffer that was promised, My problem is, I can't get anything out of the Town as to what these people were actually promised. I have 4 FOILS. I know you voted on that appeal tonight. I don't know how you voted because I was home and someone called me to come in.

Councilman Krakower: First of all, I think if someone is on the agenda, they should be notified of the fact. It would be reasonable to let the person know that and have the opportunity to speak on the issue.

Supervisor Tancredi: Mr. Ferrari's appeal is not based on the case, it's the FOIL information.

Councilman Krakower: I do feel that when there is an appeal coming from we should let them know. Generally you would do that in a Court of Law. The parties need to know that that is going on. It would be reasonable to let the person know that. Otherwise we are making a decision in a vacuum.

Tony Ferrari: Because of the delays of me receiving FOIL data from the Town and also for the fact that I've received letters saying I was going to get it on a certain date and that didn't happen, I had to write a letter to the Town appealing the decisions of the Town and I copied Robert Freeman with the Committee of Open Government. Now the Town has addressed a letter to Mr. Freeman saying that they are going to answer my FOILs. Basically it's going to be what you guys voted on tonight. They are not going to give me FOIL Data, even though I know there is stuff out that that is pertinent to what I'm trying to get. I'm so confused.

Supervisor Tancredi: "Jim, get the record straight because I don't want to give anyone the impression we are withholding any information that we should be giving out. We aren't holding any information that should be given out. As I understand it, we are withholding names of complainents.

Town Attorney Nelson: First of all, Mr. Ferrari, I don't think you were here when this was addressed and when this was addressed and the question of the delay was discussed and I did acknowledge to you that the delay in some part, rests with me and I just want you to know that I accept that. However, I believe that the response that was given, as far as the names of complainents, the propriety of withholding documents that identify complainents. The fact that FOIL information does not include intra-agency matters and I think some of your questions, at least as I read them, were requests for narrative responses as opposed to requests for a particular document. I understand your frustration.

Tony Ferrara: Some of the frustration is that I got a letter from you saying that there was going to be a little delay because there is numerous departments you have to compile this information from and so now you are saying that it is not available, or it was available?

Town Attorney Nelson: Well, I've explained to you in those letters that certain types of documents are not subject to FOIL.

Tony Ferrara: Now I'm getting that.

Supervisor Tancredi: There is a little bit of confusion also, Mr. Ferrara. You sent in FOILS and then revised the FOILS and it makes it difficult.

Tony Ferrara: It really blows my mind because when I originally went to court in June and because the Town took 83 days to get me some of my FOIL Data originally, they had the court case delayed and it was adjourned until September and at that point I came in to Mr. Nelson's Office and I put together 29 exhibits I wanted to put before the Court that night and because Judge Paul Banner was up to here (Gestured) with cases, he started hearing me and then he started cross examining Sarah Davis and he then asked me how much more I've got and I told him I have 29 exhibits on it. He said 29 exhibits, I've got to get through this court, you and Mr. Wallace write me a summation and give me all the data and I'll set the court date up to two weeks from today and be here. Well, I was there and, in fact, I gave him the summation letter and I don't know how many exhibits I had and gave them to him on the 4th of September. The 12th we were there and Mr. Wallace wasn't there, Sarah Davis wasn't there and the Judge even asked the Deputy asked if Mr. Wallace was in the back room and he was surprised Wallace was not there and subsequently Mr. Nelson gave me some data saying that Mr. Wallace never submitted anything to the court for that particular court case that night. That completely blew my mind because normally if you go to court and a cop has a charge against you and he isn't there to defend the charge, the Judge will throw it out. Here I am waiting there and he duly noted it in his records that night.

Councilman Krakower: How many trees are we talking about?

Tony Ferrara: There were 30 some trees I put in. There were another 30 some trees that should have been put in, but the buffer was there and was negotiated by Mr. Lolliberti. I couldn't touch anything from 20 feet of that property line. The end wood area on the last section of the property must have been 40 feet of trees and after 25 years were up 40 feet tall.

Councilman Cifone: This Mr. Lolliberti is he an engineer from the Town?

Tony Ferrara: He was your Building Inspector at the time.

Councilwoman Shershin: He's now deceased.

Tony Ferrara: Not only that, but the Building Inspector, I'm a contractor, when a Building Inspector comes on a job and tells you something, you abide by that. He's the law. If I hadn't abided by what he said about clearing that site, he could have

flagged my site and shut it down. You listen to the Building Inspector. He's your eyes in the field.

Councilman Krakower: Is this matter still in court?

Tony Ferrara: No, I paid the fine. There was a decision by the Court.

Councilman Krakower: Did the decision require that you plant the trees?

Tony Ferrara: No. If I plant trees, I had to go to court. If I have to return it to what it was back in 1985, I have to plant poison ivy, honeysuckle, blueberry bushes, ash trees, hemlock trees.

Councilman Krakower: Did the court require you put it back to what it was?

Tony Ferrara: No.

Supervisor Tancredi: How many trees did the court ask you to plant?

Tony Ferrara: That's immaterial, at this point. The buffer was there for 25 years.

Supervisor Tancredi: It's really not immaterial because if the trees were planted, that's what you were required to do.

Tony Ferrara: It is immaterial, Mr. Tancredi, because somebody promised the adjacent property owner a buffer and it wasn't delivered, that's the problem.

Councilman Krakower: Those are the requirements that get put into your site plan. The promise may come from the Town, but it comes out of the property owner's and developer's pocket and so if the buffer is required and the trees are required, the Town says that and puts it into your site plan and you agree to it. That's something you have to do. The Town doesn't go out and plant trees where a developer is building.

Tony Ferrara: I realize that. The approved buffer was there for 25 years. No problem with the Town or the adjacent property owners until I gave the property to the Town and a 10 ft. construction easement to the Town to put the drainage down there and that is when the problems began. Not only that, I have no problem with that neighbor, in fact they asked me if they could use my property there to run my septic system in and it's a good thing I didn't give them permission because you would have been ripping up her septic system with your drainage ditch and you would have had more problems. But, listen, the problem is, there WAS NO PROBLEM for 25 years. Four years after I gave the Town the right of way on Albert Drive, I got involved with litigation that I shouldn't have been involved in. If the Town had made a promise to the adjacent property owner and kept that promise, whatever they agreed to, then I wouldn't have gone to court. Very simple!

Reconsider your vote please! Thank you

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

CARRIED: 6-0

Supervisor Tancredi: Do we have any items for Executive Session, Jim:

Town Attorney Nelson: Yes, we do. A couple of brief items that would be matters relating to conversations in Attorney/Client and another related to hiring, firing, demotion, promotion of a particular firm or corporation.

Motion made to Adjourn to Executive Session: Supervisor Tancredi/S. Eagleton

CARRIED: 6-0

BOARD INTO EXECUTIVE SESSION AT 9:13 PM