

**MINUTES OF THE TOWN BOARD MEETING HELD ON
SEPTEMBER 18, 2013 AT 7:00 PM AT TOWN HALL, ONE
OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

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

- **NOTE:** Attachments pertaining to a particular Town Board Meeting will be found after the final minutes of that meeting, which are kept in the official minute books, held in Town Clerk's Office.

{ } Designates corrections or amendments to

7:00 PM

CALL TO ORDER

SALUTE THE FLAG

Town Supervisor Tancredi apologized to those who follow meetings on the TV regarding technical problems with televising. We hope to get that straightened out real soon. You may be able to receive the voice recording, however, but, again, hope to get that taken care of real soon.

Motion made to open the Public Hearing on Zoning to anyone in the audience who wished to speak: Supervisor Tancredi/Councilman Eagleton

CARRIED: 8-0

Joe Armstrong: At a couple of different meetings, there was talk regarding this Overlay District. Could you explain in a little more detail what this is? What will happen with and how it is used. I really don't understand what it all means.

Supervisor Tancredi: Sure. I have the Development Director come up and speak on this.

Neil Armstrong: What it is is an amendment to the Zoning Ordinance that will allow the Town Board on a case by case basis to place what is referred to as an Overlay Zone on a given piece of property or properties for a specific purpose. In the case of the PROD, it would allow the Town Board to evaluate a proposed development requiring a minimum of ten acres. There are other standards. It would have to have sewer and water and the amenities would have to be proposed for residents. But, the Town Board would then evaluate whether or not they wish to apply the overlay zone to the proposed properties and, of course, I'm being very

simplistic, it would have to hold an environmental review, but the zone itself doesn't exist until the Town Board creates it and does not replace, necessarily, the underlying zone, but it could, in some cases, be in addition to. But, it is a tool, but has no effect until the Town Board simply drops the lay onto where ever the overlay property is.

Joe Armstrong: Well, I guess what I'm asking is, what does overlay mean?

Neil Wilson: It overlays the underlying zoning.

Joe Armstrong: Is it just for businesses or houses, or what?

Neil Wilson: No, it is an overlay on top of what the existing underlying happens to be. For instances; there are only certain zoning districts in the Town that this particular overlay zone could be applied to. Heavy Industrial or Light Industrial, for example. So, you would then be overlaying this particular district on a piece of property in a say a Heavy Industrial Zone and so it's an overlay on top of the existing zone.

Joe Armstrong: Ok, it shows A-F here on general requirements and it mentions a couple of places where this would happen, three of them, I guess, and some of them don't specifically say where, which means if something comes up and they want to do something it will be looked at and dealt with at that point or what?

Neil Wilson: No. If you go to the official Town Zoning map, we have parts that go from the existing residence mobile home districts, Fairview Center, Salt Point Center, the HRDD District which is essentially the Psychiatric Center and then the light industrial zones, with the HRDD District, all of the other Zones occur somewhere else in the Town. We have Light, and Heavy Industrial located up in the Fairview Avenue District and on Route 55. So you have those Zones existing somewhere else in the Town.

Joe Armstrong: But, it could happen anywhere in the Town.

Neil Wilson: Within those Zones.

Joe Armstrong: Does any of the Board have personal or financial involvement in any of these areas where this stuff is going to be done?

Town Supervisor: The only property I own in Town is where my home sits. (The Board members agreed to the same).

Doreen Tignanelli: I just want to reiterate something I brought up a couple of meetings ago. In July 2012, Councilman Eagleton had expressed concern regarding the level of scrutiny on properties that were formerly had a heavy industrial use and he asked for some language to address that and I don't believe that that was ever

added to the proposed law and Mr. Wilson said that something specific could be put in for a higher level of scrutiny, but as of several meetings ago, it didn't appear that that happened. I don't know why that wasn't addressed. It seems like certain Council members had these addressed, but not others and also I'm concerned about density and you talk about the increase in tax base, but you also have to take into consideration in increased services. I know there was one other question about whether there was going to be taxes, homestead or non homestead and I just asked the Supervisor about that and so Todd, could you just repeat it so people know?

Supervisor Tancredi: Yes, basically it is commercial, anything above three units, doesn't receive the Homestead tax. It's not taxed as a single residence. I asked Kathleen Taber after the last meeting.

Doreen Tignanelli: Ok, just to clear that up.

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

CARRIED: 7-0

09:18-01 PUBLIC HEARING

**Amend Town Code Chapter 210,
Entitled "Zoning", Adding Section
2010-21 entitled "Planned
Residential Overlay District
PROD."**

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 18th day of September, 2013 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend Chapter 210, adding section 210-21 entitled "Planned Residential Overlay District (PROD)", 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 a Type I 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 None Significance and; 3) a Negative Declaration is hereby issued; and

BE IT FURTHER ENACTED, that a written recommendation, dated August 27, 2013, was received from the Dutchess County Department of Planning and Economic Development stating that the proposed amendment was a matter of local concern with comments; and

BE IT FURTHER ENACTED, that a written recommendation dated{August 27, }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 September 5, 2013 and published in the Poughkeepsie Journal on September 6, 2013; and

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

SO MOVED: J. Baisley/M. Cifone

Supervisor Tancredi: I just wanted to say, for discussion purpose, that the Planning Board has not sought this rendition, although they previously passed two other similar PROD proposals. They are going to address this, if we need to, tomorrow night. The law on this tonight is that it has to pass tonight by a simple majority. With a vote of 5-2, I would like to know what the Board's wishes are, we can either vote on it tonight or adjourn the Public Hearing until the second Wednesday and once the Planning Board looks at this and assume they do what they did the previous time and give the thumbs up, we would have to pass this 4-3. All of the changes were to slim it down, but I don't know exactly what they were.

Neil Wilson: Actually, the last changes from a couple of months ago, we adjourned it and it came up in February or so and it had to do with cleaning up the language and a pilot coming out of the box as opposed to a pilot, that was the change we made, other than that, the Districts to which it would apply to, the density and other standards remain the same from what the Board had previously looked at.

Supervisor Tancredi: They saw it twice, is that it?

Neil Wilson: They have already seen it twice, the first innervation was quite different from what they have now, in terms of the density, which was over a year

ago and to the Districts in which it would apply. But, the current version is different in terms of the requirement of the pilot. That was the substantial change.

Councilman Krakower: The language for the pilot says that it is the intent of the Town Board for the cost of the school, fire, police, ambulance and municipal services be paid by the owner, but it doesn't actually require it. Couldn't it require it? Section (H.) Shouldn't that require it? (He read section (H))

Neil Wilson: The intent was that the pilot be required essentially coming right out and saying it, it's just not here in the package. It is supposed to be required, Yes. I'm reading it as mandatory, yes.

Councilman Krakower: But, it says, "It is the intent, but it doesn't require it."

Neil Wilson: Then it needs to be changed.

Supervisor Tancredi: But, it says, "Mandatory Agreement".

Councilman Krakower: Right, it's a "Mandatory Agreement", but it's subject to negotiation.

Neil Wilson: The intention was that it was required. The intent language is to describe why we are requiring it, but it is required.

Councilman Krakower: But it is, "The Town Board shall require as a condition of any PROD Approval implementation of a pilot agreement between the owner or applicant in the Town that provides that the owner shall make annual payments to the Town. It doesn't say they have to pay all the taxes, but it shouldn't be something that is negotiated, if they are doing this, they have to pay the full shot.

Supervisor Tancredi: I think that's always going to be the intent. A pilot though—

Councilman Krakower: A lot of pilot agreements come in below the tax amount.

Neil Wilson: Right, a lot of them are done as incentives, that is correct.

Councilman Krakower suggested that (H) MANDATORY AGREEMENT Page 2 be amended at this time. Amendment being that "The PILOT shall pay or equal to or exceed the current tax bill on the property."

Town Attorney Nelson: I have two questions for Mr. Wilson. One, should you wait for (A) the Planning Board and with these changes and secondedly whether these changes are subsitively enough that we should re-advertise it."

(AN EXTENSIVE PRO AND CON DISCUSSION ON ISSUES OCCURRED)
(SEE WEB-SITE TO HEAR THE PRO'S AND CON'S)

Town Attorney Nelson replied with “If we are going to condition this on a positive Planning Board recommendation and if we are going to have language about the minimum taxes and set a floor as well as a ceiling, I would re-advertise for that.”

Supervisor Tancredi made a point saying that we get our agendas on Friday, we can’t make the changes.

Councilman Cifone suggested voting on this tonight and then going back and amending later.

Councilman and Supervisor agreed.

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

Nays: Councilmen Eagleton and Krakower

CARRIED: 5-2

AMENDMENTS ATTACHED TO FINAL BOOK COPY

Supervisor Tancredi ran down the agenda items and public comments.

Robert Rubin: I would like to just make a comment regarding Item 9:18:04 copy of lease agreements. I would to ask the Town to consider, there are copies throughout the Town and not just through the Police Department, perhaps negotiating all of these leases as one and perhaps maybe getting a better price advantage and not just one copy or one department at a time, but a Town wide service.

09:18-02 PRESENTATION

New York State STAR Program

Supervisor Tancredi: There has been some changes with Basic Star Program and there are some requirements that in order to be able to receive Basic Star, you have to re-file and there is a deadline and I think it is very important that we listen carefully.

Mr. John Wolhem & Victoria Costello: I want to introduce Victoria Costello who works with a number of Counties including Dutchess and we are both with the office of Real Property Tax Services which is part of the Department of Tax and Finance. The reason we are here tonight is because of a new requirement to register for the Basic Star exemption. The Star exemption is the only State Funded Property Tax Exemption. It provides benefit against the recipient paying school tax. There are two versions. Basic Star, which is what we are really here to talk about tonight. That’s available to anyone who owns their home and is their primary residence and the cumulative income of the resident owner and spouse not more than \$500,000. There is also the version known as the Enhanced Star, which is for Middle Income Seniors. This registration program does not affect the folks who are receiving the Enhanced Star redemption. In the Town of Poughkeepsie, there are

well over 7,400 property owners who are receiving Basic Star. Throughout Dutchess County, there are almost 54,000 and so it does affect a lot of folks. As the Supervisor mentioned, there is no legislation that requires anyone receiving the **BASIC STAR EXEMPTION IN 2013 TO REGISTER A NEW, IN ORDER TO KEEP RECEIVING IT IN 2014 AND SUBSEQUENT YEARS.** Unlike registration in the past, can only be done through the Department of Tax and Finance and we'll go into the two specific ways this can be accomplished. Statewide, this is affecting more than 2 million people and this program, again, **DOES NOT AFFECT FOLKS PRESENTLY RECEIVING THE ENHANCED STAR.** Recipients of the Enhanced Star have always had a requirement to annually reapply, they can either submit a paper to the Assessor's Office each year or once they are in the program opting into something known as Income Verification Program whereby they would have to provide Security # Information, but then the Tax Department provides the check on the income back to the Assessor preventing them from having to do the annual filing each year. There is a phone # you will see a number of times which is 518-457-2036 and anyone with questions about this later on, can call that number of you can register that number as well. The reason this program is being undertaken is that Star was implemented in the late 90's and at this point, there is a concern that there may be a fair number of people out there that are either receiving Star inappropriately or possibly double-dipping. They may have a home out of State, which they are also saying is a primary residence and as I touched on earlier, Star is an exemption for people who own their property in New York State which is their **PRIMARY RESIDENCE** and you can't have more than one primary residence and this is to eliminate those kinds of duplications or erroneous exemptions. Basically, everybody who is getting Basic Star 42013 (If you see this on your Tax Bill for 2013) You will be receiving a letter from the Department of Tax and Finance. For Folks in Dutchess County, those letters actually went out last week and so by now, I would like to say everybody should have already received that letter. But, for some reason if you did not, it's not an imperative for registering. If you've gotten your letter, that's going to have on it the directions for how to accomplish this as well as a 7 character Code known as a **STAR CODE.** The way most people are choosing to approach this is to go to the Department's Website, which is WWW.TAX.NY.GOV and prominently displayed on the Department's Home Page is a link to the registration application. You go to that, you will be asked to enter a series of 6 numbers, which will appear on the screen and that is simply so the application knows you are not a SPAMMER or some kind of a program trying to get into the system. Once you do that, you will enter your **STAR CODE** and that will bring up your property address. You just want to make sure that this is indeed your property, which it should be. Then you are going to be entering a few other pieces of information. Essentially, you will be entering the name of each individual who was owner of record of the property and any spouses living on the property who may not be owners. For each of those individuals you are going to be asked to enter a Social Security # and you will be asked a couple of questions. First: For each individual is the property the primary residents of that individual, YES or NO. Then for each of those individuals, does that individual own property outside of New York State that is receiving a residency based exemption? An example of that

might be: If you own property in Florida, there are folks that receive what is known as a Homestead Exemption there. That can be a problem and in fact probably is a problem if you are getting STAR in New York because in order to get a Homestead Exemption in Florida, you would be saying your Homestead property in Florida is your primary residence and the seat of STAR is based on the property in New York and you can't have more than one PRIMARY RESIDENCE. If someone were to answer YES to that question, they are going to be asked to provide the address of that property. Once that is done for each owner or residence spouse who is not an owner, you are going to be asked a question about income. As I mentioned before, Basic STAR now has an income component to it which is based on an income TWO YEARS PROCEEDING. Since this registration is for 2014, the income year being looked at here is 2012. So, the question would be for the owners and residence spouses, "DID YOUR FEDERAL ADJUSTED GROSS INCOME, YOUR CUMULATIVE INCOME FOR 2012, EXCEED \$500,000? YES OR NO. Once you enter that, you will be asked finally for some contact information, phone #, and e-mail, so if the Department needs to contact you for clarification, they can do that. You will hit SUBMIT, that is basically saying everything I put in there is right and that will bring up a screen with a confirmation number and we recommend strong that everybody either print that number out or copy it down because that number is your proof that you completed registration. The process is really pretty straight forward, simple and most people say it takes them no more than 5 minutes to do. Obviously, we encourage everybody to do it as soon as you get the letters so you don't forget and we will go into the timing right now. The requirement for completing this registration is DECEMBER 31st of this year. So, for folks who haven't done it yet, you still have a few months, but do it as soon as possible so you won't forget. Some time around December 1st the Department will send out a follow up letter to folks who have not yet registered. SIMPLY A LITTLE REMINDER. Some time in JANUARY people who have either not registered or who are being denied for some reason, will receive a letter to that effect. That letter will also contain information about an appeal process and there is a two step appeal for people who are denied basic STAR as a result of this program. They can initially file a direct appeal to the Department of TAX & FINANCE. If that were to be denied, they can file a follow up appeal to an entity known as the STATE BOARD OF REAL PROPERTY TAX SERVICES and then some time after March 1st Assessors will be notified through a secure portion of the Department's website of the list of properties in their respective Towns and Cities for which BASIC STAR will need to be removed for the 2014 Roll. This is the Appeal process, which we've pretty much gone through, but this is a good moment to hit on a VERY IMPORTANT POINT. IF YOU ARE RECEIVING BASIC STAR IN 2013 AND YOU RECEIVE A LETTER TO REGISTER, AGAIN, YOU CAN ONLY DO THIS THROUGH THE DEPARTMENT OF TAX AND FINANCE. YOU CAN NOT REGISTER THROUGH YOUR LOCAL ASSESSOR AND SIMILARLY, IF YOU ARE DENIED, YOU CAN NOT FILE AN APPEAL THROUGH YOUR LOCAL BOARD OF ASSESSMENT AND REVIEW which is the traditional means for challenging an assessment related decision or value.

ADDITIONAL INFORMATION ATTACHED TO FINAL BOOK COPY

Councilman Krakower: From what you have said, it looks like you are trying to get people who are double-dipping or within New York State or out of New York State to comply. If somebody has in New York State and are getting a Star exemption here and they have a house in Florida and getting a Senior exemption there or primary residential, whatever it may be, what is the penalty in New York State for doing that? If the State catches them currently, what would the penalty be?

John Wolhem: Yes, there would be penalties on the books. Presently, under existing law, and I should point out that the State actually does not level these penalties; the penalties are left to the local Municipalities to levy and pursue. Presently there is a \$100 fine for material mis-statement on the application. The municipality can go back and collect or recover the erroneously received tax benefits, plus interest, up to three years, and the individual, if it appears that someone did make a material misstatement, they can be denied receipt of the Star for up to five years. Those penalties are going to be actually increased each year for the next three years.

Councilman Krakower: In reality a \$100 fine is not preventing anyone from rolling the dice. Even going back three years with interest, if I'm stuffing additional tax payments into my pocket, I'm getting interest with it being in the bank. The only thing they are getting hit with is \$100. Not that I'm encouraging people to do it, but, why wouldn't they with the new reporting, I'm presuming you are swearing to the accuracy of the form. So, with the new reporting, is there anything additional that creates any more liability or responsibility? If he is lying today about his taxes, is there a chance he is going to lie tomorrow about his taxes? Without something to force them to come clean, there are going to people say, "New York State hasn't picked it up, Florida hasn't picked it up, Its, \$100 in New York State, I don't know what it is in Florida, but it doesn't seem there is a lot of down side for people to lie.

John Wolhem: There are two things that I would point to specifically. As I mentioned, the legislation that is already passed, has increased the penalties which will start going into affect as of October 1st this year and will become more aggressive for the next three years. At that point, the amount of tax, plus interest, will be increased to six years and the fine, depending on the circumstances, can be as much as \$500 and the denial of Star for future years will still be in affect up to five years. Additionally something was enacted a couple year ago, in the Property Tax Law of 4/96 that allows people to announce an exemption up to 10 years plus interest plus a \$500 processing fee that goes to the County. The maximum penalty could be \$2500.

Councilman Krakower continued questioning penalties for the deception process.

Any questions from the audience may be further questioned in the lobby outside.

09:18-03 REAPPOINTMENT

**Assessing Department Of Kathleen
Taber As Town Assessor**

RESOLUTION

BE IT RESOLVED, that the Town Board of the {Town of Poughkeepsie,} does hereby reappoint Kathleen Taber to the position of Town Assessor for the Town of Poughkeepsie for a six (6) year term at her current salary subject to any budgetary modifications, effective October 1, 2013 with the term ending September 30, 2019.

SO MOVED: S. Eagleton/J. Conte

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

CARRIED: 7-0

**09:18-04 AUTHORIZE
SUPERVISOR
TO SIGN**

**Copier Lease Agreement With Ricoh
USA, InC.**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a Copier Lease Agreement with Ricoh USA, Inc. for a 5 year lease agreement from January 1, 2014 to December 31, 2018 at an annual cost of \$2,944.20; and

BE IT FURTHER RESOLVED, that Ricoh USA, Inc. has agreed to continue to provide services with no increase from the 2013 agreement rate of \$2,944.20 per year, and the Town Board of the Town of Poughkeepsie finds that the solicitation of alternative proposals for these services would not be in the best interest of the Town.

SO MOVED: J. Conte/J. Baisley

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

CARRIED: 7-0

**09:18-05 SET DATE FOR
HEARING**

**Special District Assessment Roll
For Special District Budgets For 2014**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 2nd day of October, 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 in regard to the Special District Assessment Roll, which concerns the water districts, sewer districts and drainage districts of the Town of Poughkeepsie; and

BE IT FURTHER RESOLVED, that said proposed Special District Budgets are on file in the Town of Poughkeepsie Clerk's Office and available for review.

SO MOVEDL M. Cifone/S.Eagleton

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

CARRIED: 7-0

09:18-06 SET DATE FOR PUBLIC HEARING Community Development Block Grant Program For 2014

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 2nd day of October, 2013 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the date, time and place of a public hearing to consider and thereafter vote on applications for monies from the County of Dutchess through the Community Development Block Grant Program for the year 2014, of which the Town of Poughkeepsie is a member.

SO MOVED: S. Krakower/M. Cifone

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

CARRIED: 7-0

09:18-07 AUTHORIZE New Liquor License Application Waiver Of 30 Day Advance Notice For MCR Business Solutions D/B/A Twisted Soul, Inc. Located At 47 Raymond Avenue

REVIEWED BY POLICE

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from MCR Business Solutions, on behalf of Twisted Soul, Inc., 47 Raymond Avenue, Poughkeepsie, NY, for a waiver of the 30 day review period for a liquor license application; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the thirty (30) day review period and does authorize and direct the Town Clerk to forward a letter of waiver and consent, pursuant to the attached request.

SO MOVED: A. Shershin/M. Cifone

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

CARRIED: 7-0

**09:18-08 AUTHORIZE
SUPERVISOR
TO SIGN**

**2013 Community Development Block
Grant Program Agreement With
Dutchess County For Project Entitled
“Red Oaks Mill Park Handicapped
Accessible Improvements”**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign the 2013 Community Development Block Grant Program Agreement with the County of Dutchess for the project entitled Red Oaks Mill Park Handicapped Accessible Improvements, a copy of which is attached.

SO MOVED: Supervisor Tancredi/J. Conte

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

CARRIED: 7-0

AGREEMENT ATTACHED TO FINAL BOOK COPY

09:18-09 NOTIFICATION

**The Following Claim Has Been Referred
By The Town Clerk To The Legal Dept.**

**A. Elgen Associates, Inc. V Town &
Galleria Mall For Dale Miller**

**B. Edward V. Laxgang V Town, Police
Department & Marist College**

REFERRED TO LEGAL DEPARTMENT

09:18-10 AUTHORIZE

**Special Consent Items 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:

- | | |
|---------------------------|---|
| SC 1. Presentation | County Club Sewer Plant – Don Beer |
| SC 2. Authorize | Town Engineer to advise NYSDEC regarding the Country Club Sewer Plant |
| SC 3. Authorize | Emergency Repair – Arlington Sewer Treatment Plant |
| SC 4. Appointment | Permanent Part Time Town Clerk
David E. Delio |
| SC 5. Appointment | Permanent Part Time Town Clerk
Kelly Tremper |
| SC 6. Approve | Appointment of Felicia Salvatore as
Deputy Registrar |
| SC 7. Notification | The following claim has been referred by
the Town Clerk to Legal Department:
State Farm (Leroy Walker) v. Town of
Poughkeepsie |

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: J. Baisley/J. Conte

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

Nays: None

CARRIED: 7-0

09:18-SC 1 PRESENTATION

**Country Club Estates Alternative For
Treatment Facility By Donald Beer,
Town Engineer**

Don Beer, Town Engineer: Several months ago we had a meeting with New York State DEC after they visited the Country Club Plant, and they pointed out, which we already knew, that the plant, which is a steel plant, had some significant deterioration. The holes in some of the tankage and they asked us to come up with some plan to rehabilitate that plant. About two months ago, I believe, the Board authorized Morris Associates to do a feasibility study to upgrade the plant and simultaneously the Town Engineering Department looked at two options to transfer the Waste Water to Tri-Municipal or to the Arlington Treatment Plant. In the spread sheet you have in front of you is the result of these three analyses. The First option is fairly self-explanatory, but I will go over them quickly. First option is to go to Arlington and I just want to point out to you that the first foot note says that the estimate assumes that the casing pipe is adequate under Route 9. There is a casing pipe shown on all DOT drawings that we all believe is there and Frank Ozonie(?) will take a look at it in the next week or so, once we get DOT approval to look for it. If it's there, we are going to use it and it will make the crossing cheaper and we assume it's there. It is shown on the presentation that it is a 30 or 36 inch RCP Pipe. Second thing I will note for you in both the first and second options. We did a flow analysis over the last two years of the average daily flow coming out of the County Club Sewage Treatment Plant and it was 47,000 gallons a day and our assumption is that if whether we bought into the Arlington Treatment Plant or into the Tri-Municipal Sewage Plant, the Town would continue to sell that capacity at \$15 a gallon and that equals to \$705,000 overall costs. Second option is to transmit it to Tri-Municipal and that's over a mile up hill to get across in the area of the Galleria and that is \$2,350,000 and the Third option is basically two different type of treatment options that runs between 1.6 and 1.7 million. When we met with the DEC they had asked us to get back to them by the end of July and we talked to them and they agreed to move that date out to September 31st and that's how long we have to respond to them and we need to tell them which direction we would like to go in and we won't necessarily be held to that, if we do some investigation into the Arlington option and decide it's not the right way to go, which I don't anticipate that, but if we do, I think we have the option to reconsider that. Once we send this information to them by the end of this month, they are going to then expect us to move forward at a fairly rapid pace.

Supervisor Tancredi: No. one is our best option to go with, it's the cheapest alternative and the next item we have is to authorize the Town Engineer to advise DEC that that is our plan at this point.

Councilman Cifone: Where are we going to get this money?

Don Beer: I ran two spread sheets for those costs. One at a 30 year payment and one at a 20 year payment, annual cost per benefit unit, which in Country Club the majority of residences are one benefit unit and there is the Motel which is about 150 benefit units and the School, which is something like ten benefit units. So, each benefit unit over a 20 year period would pay approximately \$338 and we ran this at 3% assuming we would use Environmental Facility Corp Funding, if we can't do

that, the rates will be a little bit higher and so \$338 on a 30 years, the annual cost would be about \$257.

Councilman Krakower: And those are all in the Second Ward? (Yes)

OPTIONS ATTACHED TO FINAL BOOK COPY

09:18-SC 2 AUTHORIZE

**Town Engineer To Advise NYSDEC
Regarding The Country Club Sewer
Plant**

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie, having considered the cost estimates and presentation by the Town Engineer regarding the Country Club Sewer Treatment Plant, does hereby authorize the Town Engineer to advise the New York State department of Environmental Conservation that it appears at this time that conveying the effluent from the County Club Sewer Treatment Plant to the Arlington Sewer Treatment Plant for treatment is the most economical and likely remedy, subject to the Town's continuing due diligence and compliance with all bidding, environmental and other applicable laws, rules and regulations.

SO MOVED: S. Eagleton/J. Conte

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

CARRIED: 7-0

09:18-SC 3 AUTHORIZE

**Emergency Repair At Arlington Sewer
Treatment Plant On Belt Press That Is
Shutting Down**

RESOLUTION

WHEREAS, Supervisor Tancredi, per Town of Poughkeepsie Procurement Policy, has today received information from the Assistant Plant Manager at the Arlington Sewer Treatment Plant (ASTP) and the Town Engineer that the belt press at the ASTP has been shutting down because of the failure of its safety devices, that the operation of the press is necessary for the proper operation of the ASTP and that the safety devices must be replaced, and

WHEREAS, the Town Supervisor has determined under the Town's Procurement Policy that an emergency exists, based on which he has authorized Anderson Brothers to proceed with the repair and replacement of the safety devices at an estimated cost of \$7,712.00, and

WHEREAS, the Supervisor has contacted with Anderson Brothers without seeking other proposals because of their long term experience with the equipment, and

WHEREAS, the performance of this work appears to the Town Board to clearly be an emergency, and that the maintenance and repair of equipment is exempt from the New York State Environmental Quality Review Act, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie concurs with and ratifies the Supervisor's determinations that this is an emergency situation, and the retention of Anderson Brothers.

SO MOVED: J. Conte/S. Eagleton

Supervisor Tancredi: Basically, presses a moving belt and if any of the employees got caught up in this press, at this point, there is no way for an emergency shut down and that's why it is an urgent situation.

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

CARRIED: 7-0

09:18-SC4 APPOINTMENT

Town Clerk's Office Of David E. Delio to the Position of Permanent Part Time Deputy Town Clerk

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the appointment of David E. Delio to the position of Permanent Part Time Deputy Town Clerk at the salary of \$15.00 per hour for a maximum of 20 hours a week, effective September 23, 2013.

SO MOVED: M. Cifone/J. Conte

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

CARRIED: 7-0

09:18-SC 5 APPOINTMENT

**Town Clerk's Office Of Kelly
Tremper As Permanent Part Time
Deputy Town Clerk**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the appointment of Kelly Tremper to the position of Permanent Part Time Deputy Town Clerk at the salary of \$15.00 per hour for a maximum of 20 hours a week, effective September 23, 2013.

SO MOVED: S. Krakower/J. Conte

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

CARRIED: 7-0

09:18-SC 6 APPROVE

**Town Clerk's Office Of
Appointment Of Felicia Salvatore
As Deputy Registrar**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the appointment of Felicia Salvatore as the Deputy Registrar for the Town of Poughkeepsie, effective immediately, which term expires on December 31, 2013, at the salary set forth in the annual budget.

SO MOVED: A. Shershin/J. Conte

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

CARRIED: 7-0

09:18-SC 7 NOTIFICATION

**The Following Claim Has Been Referred
By The Town Clerk to Legal Department
State Farm (Leroy Walker) V. Town of
Poughkeepsie**

REFERRED TO LEGAL DEPARTMENT

**Motion made to suspend the rules for public speaking: Supervisor Tancredi/S.
Eagleton**

CARRIED: 7-0

Rob Rubin: I would just like to let the Town community know about two things I'm personally involved in. Castle Point VA is looking for veteran input on how to improve services to and for the Veteran and to that end, on September 26th they are going to be having a meeting and if any veterans out there who would like to participate in the meeting call Kathy Curtain at 831-2000 Ext. 20-20. Also, Dutchess County has what is called an Emergency Reserve Corp. of volunteers who assist the County and emergency personnel in an emergency natural or manmade situations. I will be going for my first training on it this coming Saturday. If others are interested, it's the Medical Reserve Corp. Please contact the County.

Gregory Daw: I came here tonight to address the Board regarding a drainage issue in the Second Ward where I live. In the interest of time, I prepared a short statement, which I would like to read to the Board, which will explain the situation and I also brought some recent photos which will help illustrate the problem.

STATEMENT

My name is Greg Daw and I live at 80 Hillis Terrace in the Second Ward where I've lived since 1978. For the past 35 years I have been plagued with storm water problems that have cost the former owner and myself over \$60,000. For those of you who might not be familiar with the area, Hillis Terrace is just under a mile long and ends with a large circle with 22 homes on it and is separated from Lower Hillis by a large ridge that extends from both sides of the circle to Wildwood Drive. Unlike lower Hillis Terrace and most streets in the Town of Poughkeepsie, the upper circle has no natural drainage or storm drains with the exception of four dry wells installed by the Town Highway Department a few years ago, which failed to resolve the problem. My home was built in 1963 and sits just below street level on one of the hills on the circle making it susceptible to major flooding from storm water coming from the street and the hills on Hillis Terrace and Wildwood Drive which is directly behind my home. During period of heavy rain, water enters my property from the street and neighboring properties and floods my garden basement. The only protection afforded my home is the black top burn the Town Highway Department put in front of my home that has been breached many times over the years. Once the dry wells spill and overflow, the water floods the road and makes it impassible. I believe the drainage problems are an oversight in the initial planning and approval process for the development of the area over 50 years ago. Over the years I have discussed the problem with numerous Town officials, including Engineer Sean Crimins, who met with me at my home on July 25, 2013 to survey the problem. A Stormwater improvement project needs to be developed by the Town of Poughkeepsie to address this problem. As we continue to experience unprecedented flooding being caused by Global Warming and Tropical Storms.

Supervisor Tancredi: Are there any storm drains in your area at all or until you hit Route 44?

Gregory: There are numerous dry wells on lower Hillis, it's almost a mile long but the back circle doesn't have anything. Up until a couple of years ago, the Town came in and put dry wells in down around the corner from me and two on the other side of the circle. But, a dry well is just a closed system with very limited capacity. Once it fills up it over flows. (Photos to back up his comments) This gentleman is in a crisis situation where in the near future he may have to abandon his home.

Supervisor Tancredi promised to speak to Mr. Beer and Mr. Crimmins about the issue.

Gregory requested the Board to get back him on this situation.

Doreen Tignanelli: Mr. Wilson's examples about Dutton and Fargo sights, those were not your typical cases, those were actually Supper Funds, Brown Fields, Federal Funding and there is less funding for that these days. I don't think that's a typical case, so if there is some sort of environmental remediation that needs to be done, there is not going to be DEC oversights on that and so I don't think those examples were very valid. You shouldn't really be passing laws unless---you say you can tweek it, well, there has been a number of laws you were going to tweek over the years, the Wetlands Ordinance in 2003, for example and then when the Master Plan was put in place, you said we will strengthen the wet lands ordinance in a couple of years and that was 2007, so, when you say you are going to tweek these things, basically what it means that "Let us push something through now, so we can get something now and heck with making it better". So- If that is what you are willing to settle for, I guess that's what the people in the Town get.

Mr. Armstrong: On the subject of the Overlay, I don't know if it's a good idea or not but I was glad to hear that those situations would have to pay for the services, including fire and ambulance which is one of the biggest expenses that the tax payer has.

Councilman Krakower: But, that's not necessarily enforceable.

Mr. Armstrong: Nothing is if you don't want to. Anyway. On this sewer thing in Country Club Estates, I'm not sure I understand all of it. What exactly is covered under that \$705, 000 covers.

Supervisor Tancredi: That's the buy in to the Sewer Treatment Plant in Arlington and that's what you would normally pay .

Councilman Krakower: If you are not in the District, in order to be part of the District, you have to buy into it. So, that's what the Buy In Cost is.

Town Attorney: Anybody who is served by a District has paid over the years, the capital cost to build that plant and so when new folks come in who were not

formally part of that District, they are being asked to pay a “catch up charge” to pay their fair share of what would have been the Capital charges they are getting.

Mr. Armstrong did not agree with that.

The Town Board explained the process to Mr. Armstrong

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

RESOLUTION

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

- 1. Litigation: To discuss litigation strategy in a case known as Ferrari.**
- 2. Confidential communication between attorney and his client/Town Board based on attorney/client privileges.**
- 3. Matters leading to appoint, employment, dismissal or removal of a Corporation.**

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

SO MOVED: J. Baisley/S. Eagleton

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

CARRIED: 7-0

TOWN BOARD ADJOURNED TO EXECUTIVE SESSION AT 9:05 PM

TOWN BOARD ENTERED EXECUTIVE SESSION AT 9:07 PM

TOWN BOARD RETURNED TO TOWN BOARD MEETING AT 9:50 PM

NO ACTION WAS TAKEN IN EXECUTIVE SESSION

TOWN BOARD MEETING CLOSED AT 9:51 PM

SJM:lkm