

**MINUTES OF REGULAR TOWN BOARD MEETING
HELD ON FEBRUARY 19, 2014 AT 7:00 PM
AT TOWN HALL, ONE OVEROCKER ROAD
POUGHKEEPSIE, NEW YORK**

PRESENT: Supervisor Tancredi
Councilman Baisley
Councilman Carlos
Councilman Conte
Councilman Cifone
Councilwoman Shershin
Town Attorney Odierna
Town Clerk Salvatore

ABSENT: Councilman Krakower

- **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 the Town Clerk's Office.

{ } designates corrections or amendments to

7:00 PM

CALL TO ORDER

SALUTE THE FLAG

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

CARRIED: 6-0

Rob Rubin: I would like to address Item #2. I was curious about that and so I stopped by this afternoon and the Town Clerk was very kind to give me a copy of the resolution. My question on that is the concern of any money being spent and what I'm wondering if there is any way I can get any information on if the Town is spending any money on that even if money is being granted by a State or Federal level?

Supervisor Tancredi: We have spent money on this. This is something that is about three years old. We have spent money on right-of-way acquisition, as you are probably aware, we discussed that at an open meeting and we've spent money on the design of a new road. That engineering firm was selected after the bidding process. This is a Federal Project and there is Federal and State money that is coming in on this project and the Town's contribution is about 5% and it is really a big leverage of our funding. It will be 80% reimbursed by the Feds and 15% reimbursed by the State, but right now, this is just the Federal Aid agreement. There is going to be a lot more work and as the paperwork comes in. Right now we are waiting for the DOT to approve the design and once that happens, we will have

to bid out the construction work. If you want to come in and see the engineering bid that was done, the engineering firm doing the work is Hudson Valley Engineering Associates. Not any engineering firm can bid on it. They have to meet Federal regulation guidelines and so on and so forth, but you can come in and see me and we can meet with the engineer and give all that information to you.

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

CARRIED: 6-0

02:19-01 PUBLIC HEARING

**Unsafe Building Located At 26
North Grand Avenue**

RESOLUTION

WHEREAS, by Resolution 12:18-#10 of 2013 adopted on December 18, 2013, the Town Board of the Town of Poughkeepsie has determined that the one and a half story building (“Building”) located at 26 North Grand Avenue, Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6161-07-707937 (the “Premises”), owned by David G. Jago is dangerous, unsafe and dilapidated, and an imminent threat to the general public; and

WHEREAS, the Town Board adopted Findings regarding the Building and directed the issuance of an Order and Notice requiring the demolition of the Building and the setting of a Public Hearing regarding the Order and Notice; and

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

WHEREAS, the Town of Poughkeepsie has in the Order and Notice reserved its right to proceed more rapidly with the remediation of this site if it is required pursuant to Town Code Section 71-12, and

WHEREAS, that the Legal Notice of Public Hearing was posted on January 6, 2014 and published in the Poughkeepsie Journal on January 8, 2014; and

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

BE IT RESOLVED, that in the event that the owner has not timely commenced or completed the demolition, the Town Board of the Town of Poughkeepsie authorizes and directs the Building Department to demolish and remove the Building by Town employees or by the contractor making the lowest price proposal to the Town consistent with Town Code Section 71-10, and to thereafter assess against the Premises and levy and collect the expenses of same as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy, and

BE IT FURTHER RESOLVED, that this work is an enforcement proceeding and is therefore a Type II Action which is exempt from environmental review under 6 NYCRR 617.5(c)(29).

ADJOURNED TO INDEFINITE DATE

02:19-02 SUPERVISOR TO SIGN

**Supplemental Agreement Re:
Spring Road Project**

RESOLUTION

Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State “Marchiselli” Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the SPRING ROAD RECONSTRUCTION, TOWN OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK, PIN 8759.21 (the Project’’) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Town of Poughkeepsie desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction, construction supervision and construction inspection

NOW, THEREFORE, the Poughkeepsie Town Board, duly convened does hereby

RESOLVE, that the Poughkeepsie Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Poughkeepsie Town Board hereby authorizes the Town of Poughkeepsie to pay in the first instance 100% of the federal and non-federal share of the cost of construction, construction inspection and construction supervision work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$2,058,000 is hereby appropriated from Account H23 5110.0202 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Poughkeepsie Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Supervisor thereof, and it is further

RESOLVED, that the Supervisor of the Town of Poughkeepsie be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the Town of Poughkeepsie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Supervisor, the following municipal titles: Town Highway Superintendent, Town Engineer, Town Comptroller and Town Clerk are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Town of Poughkeepsie, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

**STATE OF NEW YORK)
) SS:
COUNTY OF DUTCHESS)**

I, Felicia Salvatore, Clerk of the Town of Poughkeepsie, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said Town Board of the Town of Poughkeepsie at a meeting duly called and held at the Town of Poughkeepsie Town Hall, One Overocker Road, Poughkeepsie on February 12, 2014 by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the Town of Poughkeepsie, New York, this 21st day of February, and 2014.

**FELICIA SALVATORE
Clerk, Town of Poughkeepsie**

SO MOVED: J. Baisley/W. Carlos

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

Nays: None

CARRIED: 6-0

02:19-03 ACCEPT

2013 Minutes – December 18, 2013

2014 Minutes – January 08, 2014

January 15, 2014

January 22, 2014

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the minutes for the following 2013 and 2014 Town Board Meetings, to wit:

December 18 – Regular Town Board Meeting

January 8 – Regular Town Board Meeting

January 15- Committee of the Whole

January 22- Regular Town Board Meeting

SO MOVED: W. Carlos/J. Conte

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

Nays: None

CARRIED: 6-0

02:19-04 NOTIFICATION

30 Day Waiver Notice Form For A New Application For Red Robin International Inc., Who Wishes To Take Over For Current Red Robin Restaurant Which Is Being Operated As A Franchise At 2511 South Road

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Skene Law Firm,

P.C. on behalf of Red Robin International, Inc., 2511 South Road, 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 ratify the Town Clerk's forwarding of a waiver and consent, pursuant to the attached request.

SO MOVED: J. Conte/M. Cifone

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

Nays: None

CARRIED: 6-0

02:19-05 AUTHORIZE

**Special Consent Items
SC 1, SC 2, SC 3 and SC 4**

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

Fairview Commons

SC 2. Authorize

Referral of Fairview Commons Project Application to Planning Board & Consent to the designation of the Planning Board as the Lead Agency for the SEQR Review

SC 3. Authorize

Joyce Gray in Assessing to work additional hours

SC 4. Discussion/Resolution

Town Board response to Grievance

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: M. Cifone/A. Shershin

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

Nays: None

CARRIED: 6-0

02:19-SC 1 PRESENTATION

Fairview Commons

Kelly Libolt with (inaudible Park Associates, Chazen Page is here as well: We are going to give you just an overview of the project, which we are calling Fairview Commons. Just to orient everyone, this is Marist College on Route 9 (referring to easel presentation). I'm going to give you just an overview of the project. This is Marist College and Route 9 is at the top of this map. This is Fulton street, Cedar Avenue and the Marist Housing, Town Park. The applicants own about 13 acres in that area. It's vacant land tucked back in there. It's also adjacent to the CSX Rail Line and we are proposing to do a multi-family housing complex there using your newly created PROD, (Planned Residential Overlay District). Currently the property is in the Fairview Center Zoning and so we are applying to you so we can apply that overlay district to the property. This is a 170 unit complex and access to the site is off of Fulton Street. Right now this intersection is used by Avello. It's a pretty wide intersection and he's trying to consolidate that intersection so it addresses our use and theirs. We are trying to develop a single point of access for both his vehicles and ours. This is a combination of four bedroom units and two bedroom units. It's a four story structure. You can go all the way through to West Cedar Street for emergency vehicles only. The nice thing about this property is that we have created a site that really utilizes the land and this particular area is going to be designated as open space, which is about 1/3 of the site. It is 4.5 acres. This is the primarily wooded section. This area right now was subject to a Land Contour Permit which we applied to the Planning Board last year for it. The prior owner put a lot of concrete and garbage on the property and we applied to the Town to remove all of that and clean that site up, which we did. We are saving the best area here as open space. It is heavily wooded and is a great buffer between this project and the primary single family residential properties to the other side of the facility. We met with the Water and Sewer Department and we are preparing a more significant application to go to the Planning Board so we can commence with this process. One thing I want to point out is that these two buildings are four story structures and this building is a three story structure and we are proposing that the first story is going to be used for commercial office use. It will be the office for the complex and some sort of a gym and/or movie theatre. We hope that it's a gated community. We have two parking spaces per unit and so we have more than we need, but we want to gate that off so it is a controlled facility. So, we are applying to you first as advised by the Overlay District, and then request to be sent over to the Planning Board so they can commence the SEQR review for the project.

Supervisor Tancredi: Just so the Board is aware, before they receive the overlay, we will have a formal Public Hearing and comment period and that all has to happen. This is sort of an effort on the applicant's part to try to keep us informed as to where they are with this project. This Board will then have a formal approval and a Public Hearing. This is for more informational purposes.

Councilman Carlos: The intersection is going to be on Fulton? (Yes) Are you going to put some kind of traffic control device there?

Kelly Libolt: We are doing a traffic impact study, so we hired a consultant who has worked with the Town before and we will work with your traffic consultant. I don't think the volumes are going to be that significant to warrant any type of traffic control signal or stop sign, but it will come out as part of that review.

Councilman Carlos: I was thinking more in the line of turning lanes and stack lanes. The site line.

Kelly Libolt: I don't think we are going to have the volume for that, but we will see when the traffic study is completed. We did do site line, so we will provide that to you so you can see that. We did speak to Mark Pfeifer also.

Supervisor Tancredi: Do you plan on having a site manager living on site there?
(Yes)

Kelly Libolt: The office will be there as well. It will probably be someone who is living in one of the units.

Councilman Carlos: How many four bedroom units are you planning?

Kelly Libolt: It's a 75/25 %, 75% of the units are four bedroom and 25% are two bedroom and its 170 units.

Supervisor Tancredi: This primarily will probably be rented to Marist students or faculty. Hopefully, it will get some of the students out of the neighborhoods. That's what I envision, which has been a big problem over the years.

Councilman Conte stated that he liked the looks of the project and liked what it could do for the area. The only thing he was not too keen on is he is not too "big" on gated communities.

Councilman Baisley asked how close this project was to the nearby residents.

Kelly Libolt: About two houses.

Councilwoman Shershin asked about what the charge would be to residents.

Kelly Libolt: We don't know yet, it will come out through the process.

Eric Hollman, Town Planner: You have a resolution in your packet. The next step, if the Board chooses to go that way, is to circulate the application in front of you tonight, over to the Planning Board as a procedural matter. Typically, the Planning Board will be the Lead Agency and so the Planning Board would take first cut at it and then it will come back to the Town Board for a Public Hearing, review and discretion regarding the planned Residential Overlay District.

02:19-SC2 AUTHORIZE

**Referral Of Fairview Commons Project
Application To Planning Board &
Consent To The Designation Of The
Planning Board As The Lead Agency For
The SEQR Review**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the referral of the Fairview Commons project application for Planned Residential Overlay District designation to the Town of Poughkeepsie Planning Board for a recommendation pursuant to Town Code Section 210-154, and hereby consents to the designation of the Planning Board as the Lead Agency for the SEQR review for said project.

SO MOVED: A. Shershin/M. Cifone

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

Nays: None

CARRIED: 6-0

02:19-SC3 AUTHORIZE

**Joyce Gray In Assessing To Work
Additional Hours**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize Joyce Gray to work additional hours per week temporarily starting February 24, 2014 and ending May 23, 2014, provided that the total hours shall not exceed 30 hours in a week, at her current rate of pay.

SO MOVED: Supervisor Tancredi/J. Conte

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

Nays: None

CARRIED: 6-0

RESOLUTION

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

- 1. Confidential communication between Attorney and Client/
Town Board based on Attorney/Client privileges.**

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

SO MOVED: J. Baisley/J. Conte

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

Nays: None

CARRIED: 6-0

**TOWN BOARD MEETING ADJOURNED AT 7:23 PM
TOWN BOARD ENTERED EXECUTIVE SESSION AT 7:24 PM**

Supervisor Tancredi asked Dave Wise and Chief Mauro to join them in Executive Session

TOWN BOARD RETURNED TO TOWN BOARD MEETING AT 7:49 PM

02:19-SC 4 DISCUSSION

Town Board Response To Grievance

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, having reviewed the two step three grievances dated February 17, 2014 and served by the Patrolman's Benevolent Association regarding:

- 1. Work Week Article 3, Past Practice Clause Article 11 Section 3, and**
- 2. Leave Provisions Article 7 Section 5(a) and Past Practice Clause Article 11 Section 3**

does hereby deny said grievances as untimely and separately for the reasons stated in Chief Thomas Mauro's responses of January 27, 2014, and

BE IT FURTHER RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign Step Three response letters on behalf of the Town Board.

SO MOVED: J. Baisley/J. Conte

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

Nays: None

CARRIED: 6-0

Motion made to suspend the rules for public speaking on Town issues: Supervisor Tancredi/J. Conte

CARRIED: 6-0

Rob Rubin: Just a brief note to the members of the community that the members in Poughkeepsie who also are part of the Wappinger's Central School District, we in the Wappinger's School District recently passed the Veterans School Tax Exemption so that Veterans in several different levels, will be eligible for exemptions on their School taxes. They would have to go and talk to the Town Assessor on this information. I believe it is 15% for Veterans, 25% for combat veterans and additional up to 50% of your VA Disability. You would have to review this with your Assessor. Also, I don't know if you have an answer on this, we had spoken last week about the possibility of a Veterans Honor Exhibit.

Supervisor Tancredi: No, I don't have any further thoughts on it. Also, I neglected to have Keith Ballard come up from our Water Department to discuss some plan changes within the Department that we are working with the County on. Keith, can you just give the Board an overview on this as to what we are talking about and thinking about doing in the Water Department regarding management and plan for the future. I think Keith has a good plan and makes a lot of sense for the Town.

Keith Ballard: What I proposed to do is to make a few changes as far as Titles. I would be moving up to Water Superintendent, which has not been used since 1996 and I want to bring Ed Losee up as a Water Supervisor with the position I have now. I want to do when I'm out of Town, it is a Deputy position where I would have full coverage and I'm looking toward the future whereas in another 4 or 5 years I will be retiring, I want someone to be able to step right in and it would be a lot easier if I could teach them now for the next 4 or 5 years what they are to expect and I think it would be a good savings for the Town. Eddie has been with the Town 26 years and for me it would be about a \$1,000 promotion. Also, there would be job descriptions. My description now is Water Maintenance Supervisor and it has no administrative duties at all. It is just dealing with the daily operations of the water system. I think it would be in the Town's best interest to make these changes and that way, when I'm out sick or on vacation or retire, there is full coverage.

Supervisor Tancredi: There is some testing that would be involved.

Keith Ballard: Eddie already took the test for Water Supervisor and he passed with #2 on the list and so he could move right in. Me, I would have to take a Civil Service Test in a couple of years, probably. So, I would have to be made "Provisional" and Eddie would have to be put in the position as contingent/permanent pending the outcome of my civil service test. The County said that that is the only way you can do it.

Supervisor Tancredi feels it would be an excellent plan and commends Keith for his astute thoughts on this. We will have to bring formal resolutions before the Board to vote on this, but this is just a heads up and keep you in the loop of things.

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 Hildacar**

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

SO MOVED: J. Baisley/J. Cifone

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

Nays: None

CARRIED: 6-0

TOWN BOARD ADJOURNED TO EXECUTIVE SESSION AT 7:58 PM

**NO ACTION WAS TAKEN IN EXECUTIVE SESSION
TOWN BOARD MEETING CLOSED AT 8:10 PM**

FS:lkm