

**MINUTES OF COMMITTEE OF THE WHOLE MEETING
AND TOWN BOARD MEETING
HELD ON NOVEMBER 18, 2015 AT 7:00 PM
AT TOWN HALL, ONE OVEROCKER ROAD
POUGHKEEPSIE, NEW YORK**

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

Supervisor Tancredi: We have a combined meeting tonight, we are going to do our Committee of the Whole Meeting and Town Board Meeting this evening because next week, obviously, we won't be meeting because of the Holiday and so what we are going to do first is our Committee of the Whole Meeting and we have one presentation concerning the Friendly Honda project that we've heard about previously, but they want to give us an update and we now welcome them to the microphone.

11:18-COW 01 PRESENTATION

Friendly Honda Project

A Presentation was given by Jennifer Van Tuyl (from Cutty & Feder) and Joseph Sarchino (from John Meyer Consulting). They spoke about the proposed project that has come back to the Town Board for rezoning, which is set for a public hearing to be held at the December 16, 2015 Town Board Meeting. They showed the Town Board some revisions they made to the site plan in regard to fencing and trees. Councilman Conte suggested that they look into making the lots accessible without having to enter back onto Route 44. The entire presentation may be viewed on the YouTube page located on our website.

END OF THE COMMITTEE OF THE WHOLE MEETING

TOWN BOARD MEETING

Supervisor Tancredi made a motion to open Public Hearing #1: Seconded by Councilman Conte

Doreen Tignanelli: I wasn't sure if this is specific to the Zoning Map because when I looked at parcel access and also on the Town's website, the tax status info, it lists 30 Arlington Avenue as residential already, so----

Supervisor Tancredi: I think the parcel access is wrong.

Doreen Tignanelli: So, it's not currently residential?

Supervisor Tancredi: No. It was used, I think as some type of a business....

11:18-01 PUBLIC HEARING

**Town Code Amendment – Chapter
210-Zoning Map 30- Arlington
Avenue**

RESOLUTION

BE IT ENACTED, the Town Board of the Town of Poughkeepsie, held a duly noticed public hearing on the 18th day of November, 2015 at 7:00 PM at Town of Poughkeepsie Town Hall, One Overocker Road, Poughkeepsie, New York to amend the Town Code, Chapter 210, Article III, specifically Section 210-11, which amendment proposes to change the zoning designation of tax parcel number 6161-08-888898, also known as 30 Arlington Avenue, from Highway Business (B-H) District to Residence, Single Family 20,000 Square Foot (R-20,000 District); and

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

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

BE IT FURTHER ENACTED, that a written recommendation dated October 30, 2015 was received from the Dutchess County Department of Planning and Development and that said recommendation stated that the adoption of the herein zoning amendment is a matter of local concern; and

BE IT FURTHER ENACTED, that a written recommendation dated October 26, 2015 was received from the Town of Poughkeepsie Planning Board in which said Board recommended adoption of the herein zoning amendment; 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, the Legal Notice of Public Hearing was posted on October 28, 2015, and published in the Poughkeepsie Journal on November 3, 2015 and

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

SO MOVED: J. Baisley/W. Carlos

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

CARRIED: 7-0

ATTACHMENTS MADE TO THE FINAL COPY

Supervisor Tancredi read the Agenda. Motion made to suspend the rules for public comment on Agenda items: Supervisor Tancredi/Councilman Cifone

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

CARRIED: 7-0

Doreen Tignanelli: I have a question on SC 1 on the appointment of the accountant. Is that a position that also has benefits? (Yes) Ok, so the starting salary is \$54,385 plus benefits. (Yes) I looked at the information that was with the Budget and that is more than the current salary of the long time receiver of taxes and the Town Clerk and so, is that set by Civil Service Law?

Supervisor Tancredi: Yes, it's less than what the accountant we had was making. She was here a number of years. It's a little less than what we had budgeted, we weren't sure what we were going to find when we put the position out so it is within our budget restraints. It is a Civil Service position. This woman isn't actually on the list currently. She will have to take the test when it comes up. (She is "provisional")

Doreen Tignanelli: Ok, #2, the legal notification, are the neighbors of that gas station project on Overocker suing the Town?

Supervisor Tancredi: Yes, it looks that way.

Doreen Tignanelli: They were here that night talking about the number of variances, so. Ok, the last thing is the #4, the Tax Cert. for South Road Associates.

It's down ½ a million dollars, the current assessment was 1.6 million and now it's down to 1.1. Again, when a lot of these projects, different properties come before the Planning Board, they talk about the Tax revenue they are going to be bringing in, but then very often they come in and they ask to have their assessment lowered and then residents really have to----

Supervisor Tancredi: This is a building that's been there for years. It's back behind the Marriot and I talked to the Assessor about this issue and some of the questions you raised and basically what she is basing her assessment on is leases that have been provided. Sometimes it seems to us that it is a dart at the dart board, but there is a system that she has, she bases the evaluations on lease information and revenue streams, etc. and so that's how she arrived at this.

Doreen Tignanelli: Do you know what current business is in there, because I'm not aware of what they are building?

Supervisor Tancredi: No, There is a Marriot and a brick office building next door. The driveway in between those has a planted median in the middle, but if you go down that driveway, it's behind those. I don't know what's in there, I know a part of it is empty.

Town Clerk Salvatore: My husband's business just went in there. There is not a lot in there.

Joe Armstrong: Same #4, in other words, the value of the building determines how much business they have inside the building, I thought the tax rolls was what the value of the building was. Not whether you had it rented or not rented.

Supervisor Tancredi: That impacts the assessed value of the building.

Joe Armstrong: The next one is going to be The Landing over there, that's going to be the next one for a knock down. What I'm saying is, every time these things happen, who is going to pay for what was there and what we expect to get. I've seen a couple of instances while being involved with the Fire Department, we have to give money back. We can't meet our budget now.

Supervisor Tancredi: You're preaching to the choir....

Mr. Armstrong continued on about this subject for a bit.

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

RESOLUTION

WHEREAS, the Town Board has received a communication from the Director of Municipal Development to suggest that it change the zoning designation of 1165, 1167 & 1171 Dutchess Turnpike and 1 & 3 Easy Street, tax parcel numbers 6362-01-178705, - 186712, 193719, 164715 and 157718, to Highway Business (B-H) District, for the project known as Friendly Honda; and

WHEREAS, the action to amend the Zoning map is an Unlisted Action under the New York State Environmental Quality Review Act; and

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

WHEREAS, amending the Zoning map requires a public hearing.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby sets a public hearing on the proposed amendment for December 16, 2015, at 7:00 PM, or as soon thereafter as the matter may come to be heard, in the Town Hall, One Overocker Road, Poughkeepsie, New York; and
2. The Town Board hereby states that because only the Town Board can consider and adopt changes to the Town Code that it is the only involved agency, and the Board hereby declares that it is the Lead Agency for purposes of coordinating the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law; and
3. The Town Board refers this matter to the Dutchess County Department of Planning and Economic Development for a recommendation pursuant to GML 239-m; and
4. The Town Board refers this matter to the Town Planning Board for an advisory report.
5. The Town Board directs the Town Clerk to notify the surrounding towns of the public hearing pursuant to GML 239-nn.

SO MOVED: W. Carlos/J. Conte

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

CARRIED: 7-0

ATTACHMENT MADE TO FINAL BOOK COPY

**11:18-03 SET DATE FOR
PUBLIC HEARING**

**Town Code Amendment – Chapter
210-33 Neighborhood Business
District**

RESOLUTION

WHEREAS, the Town Board has received a communication from the Director of Municipal Development regarding an amendment to Section 210, specifically 210-33, Article VI, entitled “Neighborhood Business (B-N) District” of the Town Code; and

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

WHEREAS, the action to amend the Zoning Law is an Unlisted Action under the New York State Environmental Quality Review Act; and

WHEREAS, the amendment requires a public hearing.

NOW, THEREFORE BE IT RESOLVED THAT:

- 1. The Town Board hereby states that because only the Town Board can consider and adopt changes to the Town Code that it is the only involved agency, and the Board hereby declares that it is the Lead Agency for purposes of coordinating the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law; and**
- 2. The Town Board hereby sets a public hearing on the proposed amendment for December 16, 2015, at 7:00 PM, or as soon thereafter as the matter may come to be heard, in the Town Hall, One Overocker Road, Poughkeepsie, New York; and**
- 3. The Town Board refers this matter to the Dutchess County Department of Planning and Economic Development for a recommendation pursuant to GML 239-m; and**
- 4. The Town Board refers this matter to the Town Planning Board for an advisory report pursuant to Section 210-154 of the Town Code.**

5. The Town Board directs the Town Clerk to notify the Clerks of the surrounding municipalities of the public hearing pursuant to GML 239-nn.

SO MOVED: J. Conte/W. Carlos

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

CARRIED: 7-0

PROPOSED AMENDMENT ATTACHED TO FINAL BOOK COPY

PUBLIC HEARING TO BE HELD ON DECEMBER 16, 2015

**11:18-04 AUTHORIZE Tax Certiorari Settlement-South Road
SUPERVISOR TO SIGN Associates**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the settlement of the tax certiorari proceedings instituted by South Road Associates, LLC, for the tax assessment roll of 2015, as shown on the attached Consent Judgment; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Town Supervisor, Town Assessor and Corbally, Gartland and Rappleyea, LLP, to sign such papers as are necessary to effectuate said settlement.

SO MOVED: M. Cifone/J. Conte

Councilman Carlos: This is pursuant to the consent judgment by Judge Brands?

Supervisor Tancredi: Yes, that's it.

Councilman Carlos: We really don't have any choice in the matter.

Supervisor Tancredi: Part of the problem with these is, it's a negotiated settlement, these tax cert. always are with, us, businesses attorney, and usually there are appraisers involved. We can fight it, but what that will mean, if we really are being beat on this, is to go to court, racking up additional legal fees and expenses and then hoping the outcome is in our favor. So, the Town's refund on this is just about \$5200, and the Fire District's refund is \$3300.

Councilman Carlos: Knowing that we don't have any choice, I understand.

Councilman Baisley: But as Mr. Armstrong said, and it's true to fact, a business can't rent their business without being competitive, we are the one that "bites the bullet". This happened with a couple of stores where their sales were down and those were incorporated in the number, sometimes it just doesn't make sense. A lot of these other businesses around, just because they are having hard times, they come back and they do that. We were over assessed for a while and I think maybe this will straighten a lot of them out. This is an older building back there and I don't think it gets a lot of use. It's not like a state of the art building, but, still it seems like we always take the brunt of these.

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

CARRIED: 6-1

**TAX CERTIORARI REFUND LIABILITY ATTACHED
TO FINAL BOOK COPY**

11:18-05 CONSENT

**Planning Board As Lead Agency –
Pederson Real Estate – Correction**

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie received a corrected Notice of Intent dated October 26, 2015 pertaining to the project known as Pederson Real Estate Site Plan, 244, 246 and 248 Innis Avenue, Poughkeepsie, New York, Tax Parcel Nos. 6162-15-748453, 748465 and 745459, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby consent to the Town of Poughkeepsie Planning Board acting as SEQR Lead Agency for the project known as Pederson Real Estate Site Plan, 244, 246 and 248 Innis Avenue, Poughkeepsie, New York, Tax Parcel Nos. 6162-15-748453, 748465 and 745459.

SO MOVED: J. Lepore/M Cifone

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

CARRIED: 7-0

ATTACHMENTS TO FINAL BOOK COPY

**11:18-06 AUTHORIZE
SUPERVISOR TO SIGN**

**Inter-Municipal Agreement With County
In Regard To 239 Referrals**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute an Intermunicipal Agreement with the County of Dutchess, in the form annexed, to modify the process for the General Municipal Law Section 239 referral of planning and zoning matters to the County so as to eliminate the referral of those matters which do not have the “county wide” or “inter-community” impacts referred to in Section 239, such as administrative referrals, referrals for residential use permits and variances, and the renewal or extension of site plans or special permits when there are no changes to the site plan or special permit, and

BE IT FURTHER RESOLVED, that the execution of said Intermunicipal Agreement is part of the ongoing administration of the Town’s affairs requiring no seqra review.

SO MOVED: A. Shershin/M. Cifone

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

CARRIED: 7-0

AGREEMENT ATTACHED TO FINAL BOOK COPY

11:18-07 REAPPOINT

**Paul Lahey – Alternate Member Of The
Zoning Board Of Appeals**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reappoint Paul Lahey to serve as an Alternate Board Member for the Zoning Board of Appeals, which designation is for a four (4) year term commencing on January 1, 2016 and expiring on December 31, 2019

SO MOVED: Supervisor Tancredi/J. Conte

Councilman Conte: Just as a positive feedback on him, everyone is very happy to have him on that Board.

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

CARRIED: 7-0

11:18-08 RATIFY

**Notification To Dutchess County Of
Delinquent Water, Sewer and
Miscellaneous Charges**

RESOLUTION

WHEREAS, it appears that certain water and sewer rents, assessments and charges due to the various districts in the Town of Poughkeepsie from properties within said districts have not been paid for more than sixty (60) days and are liens against the said properties; and that notice of those delinquent charges, as detailed by the Town’s Software Support Analyst, has been forwarded to the County of Dutchess per Town Law Section 198(1)(k) and (3)(d) by November 13, 2015, and

WHEREAS, delinquent charges for Property Maintenance have also been so forwarded to the County of Dutchess pursuant to Town Code Section 159; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie hereby ratifies the notification to Dutchess County regarding delinquent water and sewer rents and charges and property maintenance charges and requests that the amounts stated as being default be levied against the properties liable therefore.

WATER	\$ 303,555.54
SEWER	195,282.90
OTHER	<u>18,315.72</u>
TOTAL	\$517,154.16

SO MOVED: J. Baisley/W. Carlos

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

CARRIED: 7-0

11:18-09 AUTHORIZE

**Knights Of Columbus Run To Be Held On
Saturday, December 5, 2015**

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from John M. Karge, on behalf of the Mid Hudson Road

Comptroller's Office

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Jessica Bascone to the position of Accountant – Full Time Permanent with the Comptroller's Office at the yearly salary of \$54,385, which appointment will become effective December 1, 2015 and which appointment is subject to a probationary period of not less than 8 nor more than 26 weeks per Civil Service Law; and

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

SO MOVED: M. Cifone/J. Baisley

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

CARRIED: 7-0

11:18-SC 2 NOTIFICATION

**The Following Petition Has Been
Referred to the Legal Department:
1. Stengel, Aguirre, Mack And Greaves
Vs. Town ZBA, Arlington Farms And
Malabar**

REFERRED TO LEGAL DEPARTMENT

11:18-SC 3 AUTHORIZE

Budget Modification – Sewer Department

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the 2015 Budget, pursuant to the attached Budgetary Transfer Request Form submitted by the Comptroller, to allow for grouting work of our storm drain lines, as follows:

INCREASE:

S 909 Sewer – Appropriated Fund Balance \$20,00.00

INCREASE:

S 8120-0446 R & M Lines

\$20,000.00

SO MOVED: J. Lepore/J. Conte

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

Nays: None

CARRIED: 7-0

COMMITTEE REPORTS

- | | |
|-------------------------------------|---|
| 1. FINANCE | Councilman Baisley: NOTHING TO REPORT |
| 2. FIRE ADVISORY | Councilman Conte: NOTHING TO REPORT |
| 3. GOVERNMENT
OPERATIONS | Councilwoman Shershin: NOTHING TO
REPORT |
| 4. LAND USE & PLANNING | Councilman Lepore: NOTHING TO REPORT |
| 5. PERSONNEL | Councilman Cifone: NOTHING TO REPORT |
| 6. RECREATION | Councilman Baisley: NOTHING TO REPORT |

Councilman Baisley mentioned that Rec and Sr. Citizens will be meeting on Monday.

- | | |
|--|--|
| 7. SENIOR CITIZENS | Councilman Baisley: NOTHING TO REPORT |
| 8. TECHNOLOGY &
EQUIPMENT | Councilman Carlos: NOTHING TO REPORT |
| 9. WATER, SEWER, HIGHWAY | Councilman Carlos: NOTHING TO REPORT |

Motion made to suspend the rules for public comments on Town issues: Supervisor Tancredi/Councilman Cifone

CARRIED: 7-0

Stacy Mesler, Andrea & Ed Sayago, Roger Higgins and David Cullen from New Hamburg came before the Board to speak on issues in New Hamburg.

A DVD of the entire meeting can be obtained from the Town Clerk's Office for \$1.00, or the meeting can be viewed on YouTube via a link on the Town of Poughkeepsie website.

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

CARRIED: 7-0

TOWN BOARD ENTERED INTO EXECUTIVE SESSION AT 8:15 PM

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 New Hamburg Terminal.**
- 2. Confidential communication between attorney and his client/Town Board based on attorney/client privileges.**

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

SO MOVED: J. Baisley/J. Conte

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

CARRIED: 7-0

TOWN BOARD RETURNED FROM EXECUTIVE SESSION AT 8:42 PM

NO ACTION TAKEN

TOWN BOARD MEETING ADJOURNED AT 8:43 PM

FS:lkm