

**MINUTES OF REGULAR TOWN BOARD MEETING
HELD ON MARCH 4, 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
Councilwoman Shershin
Town Attorney Nelson
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/A. Shershin

Joe Armstrong: What is an All Hazards Mitigation Plan?

Supervisor Tancredi: It's a plan that we would be a part of a County-wide plan for major storm events. It puts us in line for FEMA reimbursement and things like that. We are a part of it now, but I believe the County is up-dating their hazard planning and major event planning for major storm events, etc. and so it is something we are a part of, but they are updating their procedures.

Joe Armstrong: Hazardous spills as well, or what?

Supervisor Tancredi: I don't know, I think it is primarily storm related.

Joe Armstrong: The Deputy Highway Superintendent, is that a new position or just filling an old position?

Supervisor Tancredi: We had a retiree a few weeks ago and we are promoting a current employee to this position to replace the retired individual.

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

CARRIED: 6-0

**03:04-01 RESOLUTION/
PROCLAMATION**

**Designation Of April As World-
Wide Parkinson's Disease Awareness
Month**

RESOLUTION

Whereas, Parkinson's disease is a progressive neurological movement disorder of the central nervous system, which has a unique impact on each patient; and

WHEREAS, according to the Parkinson's Action Network, the Parkinson's Disease Foundation, the American Parkinson's Disease Association and the National Institutes of Health, there are over one million Americans diagnosed with Parkinson's disease; and

WHEREAS, symptoms include slowness, tremor, difficulty with balance and speaking, rigidity, cognitive and memory problems; and

WHEREAS, although new medicines and therapies may enhance life for some time for people with Parkinson's, more work is needed for a cure; and

WHEREAS, increased education and research are needed to help find more effective treatments with fewer side effects and ultimately a cure for Parkinson's disease; and

WHEREAS, a multidisciplinary approach to Parkinson's disease care includes local wellness, support, and caregiver groups; and

WHEREAS, April has been proclaimed as World Wide Parkinson's Awareness Month for all to recognize the need for more research and help in dealing with the devastating effects of Parkinson's disease; now therefore,

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie proudly proclaims the month of April, 2015 as Parkinson's Awareness Month and encourages all municipal officials, citizens and visitors to participate in the scheduled activities to learn more about Parkinson's Disease.

SO MOVED: J. Baisley/W. Carlos

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

Nays: None

CARRIED: 6-0

03:04-02 APPROVE

Police Policy And Procedure-Domestic

Violence Incidents

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the Town of Poughkeepsie Police Department Policy and Procedure #7-3000, entitled “Police Officer Involved Domestic Violence Incidents”, which policy is attached and incorporated herein.

SO MOVED: W. Carlos/J. Conte

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

Nays: None

CARRIED: 6-0

POLICY ATTACHED TO FINAL BOOK COPY

03:04-03 ACCEPT

**Resignation – Brittany Heyd –
Town Court**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the resignation of Brittany Heyd from her position of Permanent Part Time Clerk, effective February 19, 2015.

SO MOVED: J. Conte/J. Baisley

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

Nays: None

CARRIED: 6-0

03:04-04 PROMOTION

**Michael Raffaele – Water
Department**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby promote Michael Raffaele from the position of Laborer to Water Maintenance Mechanic with the Town of Poughkeepsie Water Department, effective March 14, 2015, at an annual salary of \$40,415.00, such promotion being 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. Conte

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

Nays: None

CARRIED: 6-0

03:04-05 DEMOTION

**James Normandin-Water
Department**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby demote James Normandin from the position of Water Distribution Operator-Grade D to Water Maintenance Mechanic with the Town of Poughkeepsie Water Department, effective March 14, 2015, at an annual salary of \$52,250, as requested by Keith Ballard, Water Superintendent, 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: A. Shershin/M. Cifone

Supervisor Tancredi: Demote is a strong word here, but basically the situation is that Mr. Normandin has a certain class of a license he had as an employee that he chose not to renew and he is still an employee in good standing, but he had received an increase when he got the license but now that he doesn't have it, we are moving him back to where he was.

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

Nays: None

CARRIED: 6-0

03:04-06 AUTHORIZE

**Town Clerk To Attend Clerk
Convention**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize Town Clerk Felicia Salvatore to attend the New York State Town Clerk’s Association Annual Conference from April 26, 2015 through April 29, 2015 in Rochester, New York, funding for which is included in the Town Clerk’s Budget; and

BE IT FURTHER RESOLVED, that the Town Clerk Felicia Salvatore is hereby authorized to utilize a Town vehicle for travel to, at and from said conference and, subject to budget limits and applicable Town policies, to apply for reimbursement for her fuel, food and tolls for the conference.

SO MOVED: Supervisor Tancredi/W. Carlos

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

Nays: None

CARRIED: 6-0

**03:04-07 SET DATE FOR
PUBLIC HEARING**

**Amendment To Town Code –
Energy Facilities**

RESOLUTION

WHEREAS, the Town Board is considering an amendment to Chapter 210, specifically Sections 210-67.1 entitled “Energy Facilities”; and

WHEREAS, the proposed 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

WHEREAS, the action to amend the zoning law is a Type I Action under the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Town Board has determined that the proposed amendments 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, the amendments of Chapter 210, require a public hearing.

NOW, THEREFORE BE IT RESOLVED THAT:

- 1. The Town Board hereby states that because only the Town Board can consider and adopt changes to the Town Code that it is the only involved agency, and the Board hereby declares that it is the Lead Agency for**

- purposes of coordinating the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law; and
2. The Town Board hereby sets a public hearing on the proposed amendments of the Town Code for April 1, 2015, at 7:00 PM, or as soon thereafter as the matter may come to be heard, 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 Planning Board for an advisory report pursuant to Town Code Sections 210-154.
 5. The Town Board directs the Town Clerk to notify the Clerks of the surrounding municipalities of the public hearing pursuant to GML 39-nn.

SO MOVED: J. Baisley/W. Carlos

Councilwoman Shershin requested Neil Wilson to come up and give a brief overview to the Board on what the changes are.

Neil Wilson: We adopted the Energy Facility Section I think in 2012. We've had a couple years of experience and the adjustments we are making are basically to clarify some of the language in terms of screening for the Ground Mounted Solar Facilities. We also are proposing to allow, right now we prohibit, the Windmill Facilities in the R-20 and Neighborhood Business Districts. Our proposal is to allow those subject to height limitations for the District. In particular I had talked with Councilman Baisley and he has someone, I guess in his Ward who is interested---

Councilman Baisley: Yes, they are small in size, not as big as the ones you see in the wind fields. This one is about 4 feet. So, it is small in nature and you won't even notice it. It is self-sufficient, which will back feed the battery and it will be a benefit to homeowners.

Neil Wilson: Right, so, we will limit the size or basically the diameter. Interesting enough, it's not just the ones where the blades are vertical, but they have the turbines. So, that's the adjustments that you are seeing, but a lot of it has to do with screening and some clarification of the languages. We have again gained some experience in administering this section of the Code.

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

Nays: None

CARRIED: 6-0

AMENDMENTS ATTACHED TO FINAL BOOK COPY

03:04-08 WAIVE

**Annual Public Assembly License
Fee-Croft Corners Firehouse**

RESOLUTION

BE IT RESOLVED, that pursuant to the request of Croft Corners Volunteer Fire Company, Inc., the Town Board of the Town of Poughkeepsie does hereby waive the annual Public Assembly License Fee in the sum of \$100.00 for various company meetings, training sessions, and use by community organizations.

SO MOVED: W. Carlos/J. Conte

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

Nays: None

CARRIED: 6-0

03:04-09 AUTHORIZE

**Special Consents 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:

- | | |
|----------------------|--|
| 1. Authorize | Dutchess County All Hazards Mitigation Plan |
| 2. Appoint | Michael Simon-Deputy Highway Superintendent |
| 3. Resolution | March, 2015 – Colon Cancer Awareness Month |

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. Conte/W. Carlos

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

Nays: None

CARRIED: 6-0

03:04-SC 1 AUTHORIZE

**Dutchess County All Hazards
Mitigation Plan**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor and his designees to participate with the County of Dutchess in development of the Dutchess County All-Hazards Mitigation Plan.

SO MOVED: M. Cifone/J. Conte

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

Nays: None

CARRIED: 6-0

03:04-SC 2 APPOINT

**Michael Simon – Deputy Highway
Superintendent**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby promote Michael Simon to the position of Deputy Superintendent with the Town of Poughkeepsie Highway Department, effective immediately, at the salary of \$34.88 per hour, such promotion being 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: A. Shershin/J. Baisley

The Town Board congratulated him.

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

Nays: None

CARRIED: 6-0

03:04-SC 3 RESOLUTION

**March, 2015 Colon Cancer
Awareness Month**

RESOLUTION

WHEREAS, Colorectal Cancer is the number 2 cancer killer in the United States; and

WHEREAS, likelihood of developing colon cancer during your lifetime is one in twenty; and

WHEREAS, Colorectal Cancer is one of the most preventable types of cancer and often curable when detected early; and

WHEREAS, March has been proclaimed as Colon Cancer Awareness Month; now therefore,

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie proudly proclaims the month of March, 2015 as Colon Cancer Awareness Month.

SO MOVED: Supervisor Tancredi/J. Conte

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

Nays: None

CARRIED: 6-0

Motion made to accept public comments on Town issues: Supervisor Tancredi/W. Carlos

CARRIED: 6-0

Doreen Tignanelli: Since you mentioned the Highway Department, what is the overtime budget looking like for Highway with all the snow?

Supervisor Tancredi: We just came through February and so we are keeping a tally each month and each of our line items, we have sub-contractors, overtime and salt, and we are probably going to exceed all of them. This winter has been worse, financially than last. We thought last would be one of the worst, but this winter has been worse. What Marc and I have discussed often, especially in a winter like this, and one of the issues we are dealing with right now is two vacancies in the Highway Department, but we are going to leave those vacancies open until the dust settles, the snow stops and we see where we are with each of these Budget items and based on the end of January, we are going to be over on most of these items and so we will see where we stand and then keep those spots vacant if we have to make up that money. So, these guys have been working overtime and then some and have been doing a good job. Winter in the Northeast can be very cruel.

Doreen Tignanelli: Ok, my other question, and I was hoping Mr. Nelson would be here. It's about Fairview Commons and I had sent the Town Board an e-mail. Fairview Commons is on Fulton Street in Councilman Cifone's Ward and I saw on the Planning Board Agenda that the applicant, Page Park Associates, asked for relief from the Town Code where right now, the Town Code says that, until the final site plans for a project are signed, you are not supposed to remove any trees on the project site and that was something that the Board put into place about 2008. You did that to prevent situations where previously people would come in and cut down all the trees on the site and maybe the project didn't go forward and then you are left with a barren site. So, they have asked for relief from Town Code Section 210.151H which says, "Site owner or applicant shall not commence any site preparation, including but not limited to, tree removal, removal of soil, etc." So, does the Planning Board have the authority to give them relief from that section of the Town Code?

Town Attorney Nelson: There are no one word answers in my vocabulary. I wasn't aware of that request and I have not looked at 210.151H but I will be happy to look at it and I will talk to Neil and I will advise the Supervisor.

Doreen Tignanelli: Well, they have asked for a special meeting for this, and it is March 5th and the reason for this is they are trying to get this through before the March 31st deadline where you are not supposed to cut certain trees because of the Indiana Bat habitat and so even though their final site plans are not signed, they want to go ahead and remove the trees because they will otherwise have to wait and I also know you can't talk about this, but I also know there are legal actions, and lawsuits against the Town on the site and you don't know the outcome of the lawsuit. But, in general, my concern is, if you let them do this, then the next project that comes along, they could potentially ask for relief from this too, and then you've set a precedent. One of the conditions the Planning Department staff said was "Maybe they can give a legal letter of consent from the Town's Director of Municipal Development" that would be Mr. Neil Wilson. Now, in all the Planning Board Meetings I've gone to, in the last 15 years, I don't know that I've ever heard of somebody being issued a legal letter of consent in order for them to sort of bypass a Town Law and so that's my question, the Planning Board Special Meeting, five o'clock on Thursday and I have another concern about that with Mr. Wilson. He is Town Director of Municipal Development and also has his own private business and he used to be partners in LRC group and LRC Group are the applicant's engineering firm.

So, I don't know if it would be appropriate in my mind for Mr. Wilson to be issuing a legal letter of consent for any sort of waiver to his former partner. Even if it's not a conflict of interest, to me it is the appearance of a conflict of interest and I would think you would want to avoid that at all costs. Again, I'm against this because I believe it will set a bad precedent and many of you were on the Board then and you enacted it for a reason. Even if there were a restoration plan that they agreed to, you are taking down trees there

that are thirty feet tall and anything they are going to plant is not really going to restore it to its previous condition if the project doesn't go through.

Joe Armstrong: I also wish Mr. Nelson didn't leave when he was talking about these energy facilities and talking about the type of wind objects being 4 or 5 ft tall. I was going to ask him what other procedures are put in place that would protect anyone from walking into those things, I mean 4 feet, night time or someone being where they shouldn't be, regardless, runs into them.

Councilman Baisley: That's part of the screening issue, height, and that's not four foot tall, the unit itself is about 20 or 25 feet in the area.

Joe Armstrong: Oh, ok, still, it seems to me there should still be some type of protection around it. I guess I would be upset if it were in my neighbor's yard.

Supervisor Tancredi: What we have set tonight was the public hearing and you can get a copy of the proposed changes to the Code and take a look at them.

Joe Armstrong: Also, a comment that Doreen made about a conflict of interest and changing these rules for people, I've commented a couple of times at some of the meetings I've been to and that is, some of the people coming in for variances on their properties and I often sometimes question, why do we have these rules we have here if we are going to arbitrarily give people what they want whether 5 or 15 ft away from their house. I just think there is too much, "Oh what the heck, let them have it." I think this stuff should be taken a little more serious.

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

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

Nays: None

CARRIED: 6-0

Motion made to adjourn the Meeting: Supervisor Tancredi/J. Conte

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

Nays: None

CARRIED: 6-0

MEETING CLOSED AT 7:25 PM

FS: lkm