

Doreen Tignanelli: Right, I do realize it is for one year, but, it's really hard to predict how far sound will travel, how it happens and like I said, if you are in a residential neighborhood, I really wouldn't like to have to listen to noise at night and on the weekends.

Councilman Cifone: When we are open for it, I will make an amendment that if the Board accepts it and if it becomes a problem for the neighborhood, we can rescind it and we will see what the Board wants to do with it or modify it in some way, shape or form to protect that.

Marcy Schwartz: First of all, I want to reiterate what Doreen just said. The Noise Ordinance is there to protect the health, safety and welfare of the public and it is hard to understand how basically a total right of the Board to waive that for any reason doesn't really seem to be in the interest of the citizen, although the language is in here. Second of all, the procedure that you stated should be in here. My general objection as a lawyer, the language is just much too broad. You said, for example, that the entity seeking a waiver would have to come before the Board, there is nothing in here about that, it just says, "For good cause shown". So I think this should be written more tightly and it should give examples of what for "Good Cause Shown" shown is and I'm sorry, I did miss the meeting where I understand this was discussed in a little more detail, but having looked at the noise ordinance as it now exists, it says that there is no construction between 10 PM and 7AM and so, what is the problem with that?

Supervisor Tancredi: This specific request, which we discussed a couple of weeks ago, came from Marist College in relation to their new dorms and I think I can speak for the Board but I will just speak for myself at this point, it is a unique situation in that to the west of Marist is the river, to the east of Marist is the Home Depot Plaza and the Psych Center property and north of Marist is Marist property and south is where they would be building the dorms for Marist Campus and so we think this is a unique situation where there are no residents within the vicinity that are going to be impacted by this noise.

Marcy Schwartz: Ok, what I am assuming is that they want to work longer hours.

Supervisor Tancredi: They want to work on weekends starting earlier in the morning on weekends and work on a Sunday if they need, because I think they have a tight time schedule and construction schedule to get these dorms completed and so that is what was presented to us and that's why this is being considered.

Marcy Schwartz: Right, the Noise Ordinance right now says that "When it comes to heavy equipment". That's what's more restrictive.

Supervisor Tancredi: Yes, and that's what they are looking to see if they can get a waiver for the construction of their dorm project.

Marcy Schwartz: Ok, so it sounds like basically the proposed language is to set up a process whereby they can get a waiver or someone else wanting to do some kind of construction or earth moving. So, the first thing I would raise is I would include in your language that they should have to seek a waiver before the Board for a good cause because it doesn't say that right now. You say here, "for good cause as determined that such waiver would be protective of the general.." so it does put it in here that they have to ---how would they seek a waiver, would they have to do it in writing, just be able to show up, or what?

Supervisor Tancredi: My feeling is that they would have to put it in writing and get on the Town Board agenda and come before the Town Board and seek the waiver.

Marcy Schwartz: So maybe say upon written application or something. Someone could draft it a little tighter and it is important to me that this just goes to non-public works and it doesn't go to anything else because then you get into the situation, as Board Members, you don't want to have absolute authority to be able to waive any of the Noise Ordinance, you just wouldn't even want that.

Supervisor Tancredi: Well, we tightened it up when we knew there were problems with a development in the Spackenkill area and we put a heavier restriction on weekend operations of heavy equipment and so if we see there is a need, we've shown we will act and in this case we wrote it specifically this way so it fits into the need that exists and the Town Board would have the opportunity to consider that but I understand that we do want to have a process in place, there can't be loop holes here and I agree with you on that.

Marcy Schwartz: I don't know what the Zoning is of Marist College, but another idea, if you wanted to tighten this up even more, is to say "If someone seeks an exemption, they can seek an exemption with an "X" whatever that Zoning is, because I'm sure it's not residential.

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

CARRIED: 6-0

04:01-01 PUBLIC HEARING

**Amendment To Town Code-Noise,
Chapter 139**

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to public hearing held on the 1st day of April, 2015 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby

adopt an amendment to the Town Code, Chapter 139, entitled “Noise”, as it was revised on April 1, 2015, and

BE IT FURTHER ENACTED, that the amendment as it was presented and revised during the April 1, 2015 adoption process, 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

BE IT ENACTED, that the action to amend the noise law is a Type II Action requiring no SEQRA review; 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 March 20, 2015 and published in the Poughkeepsie Journal on March 23, 2015; and

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

WHEREAS, after the close of the public hearing and after the motion to adopt the proposed resolution was moved by Councilman Baisley and seconded by Councilman Carlos, Councilman Cifone moved to amend the resolution to add the following language as the next to last sentence of new Code subsection 139-6(J): “However, should noise become a problem, the Town Board may rescind or modify the waiver.”, which amendment was seconded by Councilman Conte and unanimously carried 6-0 (former Councilman Krakower’s seat being vacant), and

The motion in chief having been moved and seconded, the resolution as amended was called to a vote and carried as follows:

SO MOVED: J. Baisley/W. Carlos

Motion was made to close Public Hearing #1: Supervisor Tancredi/J. Conte

CARRIED: 6-0

AMENDMENT ATTACHED TO FINAL BOOK COPY

Motion made to open Public Hearing #2: Supervisor Tancredi: J. Conte

CARRIED: 6-0

NO SPEAKERS CAME FORWARD

Motion made to close Public Hearing #2: Supervisor Tancredi/J. Conte

CARRIED: 6-0

Supervisor Tancredi: Bill (Councilman Carlos), before you read this, the Planning Board met on this and what they have decided is that they need more time to research and investigate the wind energy component on this so before you read it, would like to ask the Town Board to consider the following: This is broken up into two segments. The first part has to do primarily with solar and then the second part, starting at "F" has to do with wind energy systems. I would like to have us consider approving the first portion of this, which we really need, relating to solar and ---I think there is some concern about the noise these systems generate and I think there is concern about if they are not properly maintained and it isn't just the noise of the wind blowing through them, if they are not maintained and the squeaking and then additionally, if they are not of the right height, whether they can pick up the wind to actually make a difference and I think we've limited the height on these and so I think there is a lot of uneasiness among Planning Staff and then it was reflected in the Planning Board's decision and after talking to Mr. Wilson, I understand the concerns and actually I've had a number of residents speak to me about this proposal and they also are concerned about the noise these might make in the yard next to them.

Councilman Baisley: The gentleman in reference to this, has researched this to no end and there really is no issue and so I'm actually against putting it off any longer. He's purchased this and the solar panels and has been six months in the waiting –

Supervisor Tancredi: Well, the solar panels, he's fine with—

Councilman Baisley: But they won't let him touch it until he does the solar, but, that's the way they are going to do it, I'll just vote against it because this has been since October when he bought this, it shouldn't take six months to look into this.

Supervisor Tancredi: Right now and the reason we can do it that way is because, right now there is a restriction on wind energy, windy systems in Town, so if he bought it in October, I understand that, but –

Councilman Baisley: He bought all of the solar panels and they are holding that up because---

Supervisor Tancredi: Solar is allowed under certain conditions, roof top—

Councilman Baisley: The wind was not allowed because of those big wind turbines, which they are now small wind turbines, no bigger than 4 feet around and so—

Councilman Conte: Does the Planning Board have a length of time they think they will need to do the investigation?

Supervisor Tancredi: I don't know that.

Councilman Conte: Would you feel better if we put something in place that if we gave him a month to come ---

Councilman Baisley: This poor guy has been waiting all winter, this has been going on since October—

Supervisor Tancredi: I'm not sure I'm going to vote in favor of it anyway, the wind, depending on once we do more research and understand the impact of these to people in the immediate area and so---

Councilwoman Shershin: Yes, if he has one that is noiseless, maybe we could make it specifically that that type is allowed.

Supervisor Tancredi: I just don't know enough about them. There are issues and if you read this, it primarily deals with setbacks and there have been some issues that Planning would really like to have the solar piece of it approved and cleaned up and the reason Mr. Wilson and Jim Nelson feel we can do the first part of this because the second part expands our --wind is not allowed at all, so we can do part A relating to solar if everyone agrees and hold off on the wind. That was the recommendation.

Councilman Cifone: I agree though with Jay, we've been making this poor guy wait for a while, we should move forward and---

Supervisor Tancredi: But, you need to understand, wind is not allowed in the Town at all right now, so it's not like he's waiting. He bought it- and he's waiting to see if we will change our law.

Councilman Baisley: But this should have been addressed long before this or we should have been notified long before the Public Hearing. Just call it "Government inefficiencies".

Supervisor Tancredi: I know, there are some serious problems in New Hamburg with noise and I think noise is a serious issue and think it is something we need to consider carefully. I read it, but I'm not super comfortable with it. Once we open the flood gates—

Councilman Baisley: It just shouldn't have come in front of us if it wasn't ready, it's been passed around that long. We shouldn't have found out tonight that now there is an issue with this.

Supervisor Tancredi: The first half of it is ready to roll. So, let's let Bill read the resolution and if we want to talk about it some more, we can.

Councilman Carlos: Do I have to modify the Resolution to only cover the first section? Or just read the resolution as is?

Supervisor Tancredi: I would just read it.

**ORIGINAL AMENDMENT READ FOLLOWED BY DISCUSSION
RESOLUTION OF AMENDMENT AS REVISED AND APPROVED FOLLOWS:**

04:01-02 PUBLIC HEARING

**Amendment To Town Code-
Chapter 210 – Zoning, Section
210-67.1- Energy Facilities**

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 1st day of April, 2015 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby adopt an amendment to Town Code Chapter 210, specifically Section 210-67.1, entitled "Energy Facilities" as it was revised during adoption on April 1, 2015; and

BE IT FURTHER ENACTED, that the amendment as it was presented and revised during the April 1, 2015 adoption process, 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

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 under the New York State Environmental Quality Review Act (SEQRA); 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 No Significance and; 3) a Negative Declaration is hereby issued; and

BE IT FURTHER ENACTED, that a written recommendation was received from the Dutchess County Department of Planning and Economic Development

dated Mach 10, 2015 stating that the proposed amendment was a matter of local concern; and

BE IT FURTHER ENACTED, that a written recommendation dated March 23, 2015 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 March 13, 2015 and published in the Poughkeepsie Journal on March 16, 2015; and

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

Whereas, after the close of the public hearing and after the motion to adopt this proposed resolution was moved by Councilman Carlos and seconded by Councilman Conte, Supervisor Tancredi moved to amend the resolution to delete the references in it to Wind Energy Systems (“WES”), which deletions included the approximately eleven (11) references on page 1, all of page 4 (paragraph F) and page 5 through the last line of paragraph F, and the references to WES in subsection G, which motion to amend was seconded by Councilman Conte and carried by a vote of 5-1 (Councilman Baisley opposed, former Councilman Krakower’s seat being vacant).

The motion in chief as so amended having then been called to a vote was carried as follows: Ayes 5
 Nays 1

SO MOVED: W. Carlos/J. Conte

Councilman Carlos: Do we want to set a deadline when the Planning Board has to get back to us on this?

Supervisor Tancredi: It’s up to the Town Board.

Councilman Carlos: It seems to be imperative to get this---

Councilman Baisley: Take the time now; if it’s off, it’s off. Leave it off and I’ll address it with Neil in the morning. He’s obviously the one that decided to pull this out at the last minute.

Supervisor Tancredi: Ok, so we have an amendment and let’s first see if all agree with the amendment. Motion has been made and seconded on the amendment.

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

Nays: Councilman Baisley

CARRIED: 5-1

Supervisor Tancredi: Then voting on the amended Resolution:

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

Nays: Councilman Baisley

CARRIED: 5-1

**COPY OF AMENDED RESOLUTION ATTACHED TO FINAL
BOOK COPY**

**Motion made to suspend the rules for public speaking: Supervisor Tancredi/
W.Carlos**

CARRIED: 6-0

**Doreen Tignanelli: I have a question about Agenda Item 4: Is there going to be a
presentation given on this or are you guys just voting on the Public Hearing?**

**Councilman Cifone: Well, we can have one, if people want to see one. I'm having
another meeting with the developer here at Town Hall. I haven't sent the date yet.**

**Doreen Tignanelli: I just wasn't sure, if someone was going to give a presentation as
part of this tonight, I wondered if we would have a chance to ask questions, not that
I'm sure I want a presentation, just if there is one, would we have the opportunity to
ask questions?**

**Supervisor Tancredi: Usually something like that, we do at the Committee of the
Whole Meetings.**

Doreen Tignanelli: I'm not asking for a presentation, I just happened to see---

**Supervisor Tancredi: I don't think we were expecting, necessarily, a presentation,
because I don't think the project has really changed from the last time we saw it or
the presentation that was made before the Planning Board and so I was thinking
that if---**

**Doreen just clarified she was wondering if there was going to be a presentation, not
that she wanted one.**

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

CARRIED: 6-0

04:01-03 RESOLUTION

**Designation Of May As Mental
Health Awareness Month**

RESOLUTION

WHEREAS, mental health is essential to the well being and the vitality of our families, businesses and communities; and

WHEREAS, mental health conditions are real and prevalent in our nation, with 1 out of 4 Americans and 1 out of 5 children affected by mental illness; and

WHEREAS, more people die from suicide in the United States than from traffic accidents, and an estimated 22 veterans die from suicide each day; and

WHEREAS, stigma and fear of discrimination keep many who would benefit from mental health services from seeking help; and

WHEREAS, education, compassion and awareness about mental illness can change negative attitudes and behaviors toward people with mental illness; and

WHEREAS, each business, school, government agency, law enforcement agency, healthcare provider, organization and citizen shares the responsibility to promote mental wellness and support prevention efforts, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, on behalf of the Town of Poughkeepsie, does hereby proclaim the month of May 2015 as MENTAL HEALTH AWARENESS MONTH; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie also calls upon all Town of Poughkeepsie residents, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of mental illnesses, reducing stigma and discrimination, and promoting appropriate and accessible services for all individuals.

SO MOVED: J. Conte/M. Cifone

**SO MOVED: ROLL CALL: AYES: Councilmen Baisley, Carlos, Conte, Cifone,
Councilwoman Shershin, Supervisor Tancredi**

NAYS: None

CARRIED: 6-0

**04:01-04 SET DATE FOR
PUBLIC HEARING**

**Zoning Designation – Dalia Site
Plan-Sophias Way, Violet Avenue
Lots And 35 Violet Avenue**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 6th day of May, 2015 at 7:00 PM at Town of Poughkeepsie Town Hall, One Overocker Road, Poughkeepsie, New York, or as soon thereafter as the matter may be heard, as and for the time, date and place of a public hearing to consider an amendment to the Town Code, Chapter 210, entitled “Zoning”, which amendment will be as follows:

An application pursuant to Section 210-11 of the Town Code for a change of zone involving tax parcel numbers 6162-10-448647, 450614, 436615, 429640 and 407662 from Residence, Single Family 20,000 (R-20) District to Residence Multifamily (R-M) District; and

An application pursuant to Section 210-20 of the Town Code for designation of tax parcel numbers 6162-10-448647, 450614, 436615, 429640 and 407662 as a Senior Housing Overlay District (SHOD) for a project known as Dalia Site Plan – Senior Housing, located at Sophias Way and Violet Avenue Lots, and 35 Violet Avenue, Poughkeepsie, New York, said application being contingent on the zoning of the aforesaid tax parcels being changed from R-20 District to R-M District as a condition precedent.

AND BE IT FURTHER RESOLVED, that the Planning Board of the Town of Poughkeepsie has heretofore been designated as Lead Agency, issued a SEQRA Negative Declaration for the project and submitted a positive recommendation with suggested conditions dated March 19, 2015 and that the proposed action is an Unlisted Action; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize and direct the Town Clerk to send a copy of the proposed local law to Dutchess County Planning, for a recommendation, as required by General Municipal Law 239-m; and

BE IT FURTHER RESOLVED, that Town Board directs the Town Clerk to notify the Town Clerks of each of the surrounding municipalities of the public hearing pursuant to GML 239-nn.

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

SO MOVED: M. Cifone/J. Conte

Councilman Carlos: This is to set the Public Hearing at which we would encourage people to come forward and make comments about this?

Supervisor Tancredi: Sure.

Councilman Carlos: Ok, and concerns from us at the same time?

Supervisor Tancredi: Yes, obviously concerns from the residents and us, but if the Board has questions or concerns, you certainly have access to, and you've seen the plans and know that we have access to the consultants and so don't be afraid to confront it though.

**SO MOVED: ROLL CALL: AYES: Councilmen Baisley, Carlos, Conte, Cifone,
Councilwoman Shershin, Supervisor Tancredi
NAYS: None**

CARRIED: 6-0

04:01-05 APPROVE

Babe Ruth Baseball Opening Day Parade

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Joan Elmendorf on behalf of Poughkeepsie Babe Ruth Baseball, to hold its Opening Day Parade on April 18, 2015 at 11:00 AM, which parade route is outlined on the attached documentation; and

WHEREAS, a Certificate of Liability Insurance has been filed with the Town Clerk naming the Town of Poughkeepsie as an additional insured; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application for said Opening Day Parade as submitted.

SO MOVED: A. Shershin/M. Cifone

**SO MOVED: ROLL CALL: AYES: Councilmen Baisley, Carlos, Conte, Cifone,
Councilwoman Shershin, Supervisor Tancredi
NAYS: None**

CARRIED: 6-0

04:01-06 APPROVE

Vassar College Reunion Fireworks

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Vassar College to include a fireworks display at its Vassar College Reunion weekend event to be held on Friday, June 12, 2015 with a rain date of Saturday, June 13, 2015; and

WHEREAS, the applicant has notified the Arlington Fire Department; and

WHEREAS, a Certificate of Liability Insurance has been filed with the Town Clerk naming the Town of Poughkeepsie as an additional insured; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application as submitted for a fireworks display to be held on Friday, June 12, 2015 with a rain date of Saturday, June 13, 2015 at 9:00 PM on Vassar College property, Raymond Avenue, Poughkeepsie, New York,

SO MOVED: Supervisor Tancredi/J. Conte

**SO MOVED: ROLL CALL: AYES: Councilmen Baisley, Carlos, Conte, Cifone,
Councilwoman Shershin, Supervisor Tancredi
NAYS: None**

CARRIED: 6-0

04:01-07 APPROVE

Marist College Riverfest Fireworks

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Marist College to include a fireworks display at its Riverfest event to be held on Friday, April 24, 2015, with a rain date to be determined; and

WHEREAS, the applicant has notified the Fairview Fire District; and

WHEREAS, a Certificate of Liability Insurance has been filed with the Town Clerk naming the Town of Poughkeepsie as an additional insured; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application as submitted for a fireworks display to be held on Friday, April 24, 2015 at 9:00 PM on Marist College's riverfront property, North Road, Poughkeepsie, New York.

SO MOVED: J. Baisley/J. Conte

**SO MOVED: ROLL CALL: AYES: Councilmen Baisley, Carlos, Conte, Cifone,
Councilwoman Shershin, Supervisor Tancredi
NAYS: None**

CARRIED: 6-0

04:01-08 AUTHORIZE

**Kimberly Russell-Work
Additional Hours In Clerk's Office**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize Kimberly Russell to temporarily work additional hours per week in the Town Clerk's office for ninety (90) days starting immediately, at her current rate of pay.

SO MOVED: W. Carlos/M. Cifone

**SO MOVED: ROLL CALL: AYES: Councilmen Baisley, Carlos, Conte, Cifone, Councilwoman Shershin, Supervisor Tancredi
NAYS: None**

CARRIED: 6-0

04:01-09 NOTIFICATION

The Following Claim Has Been Referred To Legal Department

- 1. Scarchilli v. Town of Poughkeepsie**
- 2. Romero V. Town of Poughkeepsie**

REFERRED TO LEGAL DEPARTMENT

04:01-10 APPOINT

Town Justice to replace Paul Banner Who Retired As Of March 31, 2015

RESOLUTION

WHEREAS, Town Justice Paul L. Banner retired March 31, 2015, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie hereby appoints Stephan Krakower as Town Justice to fill the unexpired term of Justice Banner through December 31, 2015.

SO MOVED: J. Conte/W. Carlos

Councilwoman Shershin: As a point of order, don't we have to accept his resignation from the Town Board first before we appoint him to become a Judge?

Town Clerk Salvatore: I received his resignation as of today.

Town Attorney Nelson: He has to have vacated any other elected office before this motion, but the Town Board doesn't have to accept a resignation.

Councilwoman Shershin: So, we don't actually have to have a resolution stating that he has resigned?

Supervisor Tancredi: The Clerk received one today from Councilman Krakower who resigned his position as Councilman.

Councilman Conte: He will be missed.

Councilman Carlos: I've worked with Stephan on several big items over this last year, my freshman year, one of which included the work at the Town Justice Court and he sat next to me during hours of that and I think he has more than enough knowledge in the court to be an excellent Justice and I would recommend that.

Supervisor Tancredi; I will have to agree and I would like to thank Stephan for his years on the Town Board, we are going to miss him and he certainly has done a good job representing the Fifth Ward residents and I'm sure he will do a good job in the Justice Court.

Councilman Cifone: I would just like to say that Stephan and I have not always agreed on everything, but he has added a lot to a lot of projects in the Town and a lot of tax base in Spackenkill and he really cares for the residents up there and in the Town in in general and he has been helpful to me in a lot of areas and you are going to be missed Stephan, but I know you will do a good job as a Judge and I've been telling you that for years.

Town Clerk Salvatore: Just keep in touch, Steve.

SO MOVED: ROLL CALL: AYES: Councilmen Baisley, Carlos, Conte, Cifone,
Supervisor Tancredi

NAYS: Councilwoman Shershin

CARRIED: 5-1

04:01-11 AUTHORIZE

**Special Consents SC 1, SC 2, SC 3,
SC 4, SC 5 and SC 6**

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 | Calling of Special Town Board Meeting |
| 2. Authorize | Rinaldi Flea Market |
| 3. Authorize Supervisor
To Sign | Contract with Atlas for Police copier
maintenance |
| 4. Authorize Supervisor | Lease Agreement extension with NYCOMCO |

2015 through October, 2015 to be held at 900 Dutchess Turnpike, Poughkeepsie, NY, owned by Quadrelle Realty Services; and

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application as submitted, contingent upon the Town first receiving the applicable fees and a Certificate of Liability Insurance naming the Town of Poughkeepsie as an additional insured.

SO MOVED: Supervisor Tancredi/J. Baisley

**SO MOVED: ROLL CALL: AYES: Councilmen Baisley, Carlos, Conte, Cifone,
Councilwoman Shershin, Supervisor Tancredi
NAYS: None**

CARRIED: 6-0

**04:01-SC 3 AUTHORIZE
SUPERVISOR
TO SIGN**

**Contract With Atlas For Police
Copier Maintenance**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a Maintenance Agreement with Atlas Star Digital Document Specialist for copier maintenance at the Town of Poughkeepsie Police Department for the agreement period from May 15, 2015 to May 14, 2016 at the annual cost of \$2,200.00, which is no increase from last year; and

BE IT FURTHER RESOLVED, and the Town Board further finds that it would not be in the best interest of the Town to solicit alternative proposals or quotations for such service; and

BE IT FURTHER RESOLVED, that the Town Board finds that this is a Type II Action requiring no environmental review.

SO MOVED: J. Baisley/W. Carlos

**SO MOVED: ROLL CALL: AYES: Councilmen Baisley, Carlos, Conte, Cifone,
Councilwoman Shershin, Supervisor Tancredi
NAYS: None**

CARRIED: 6-0

**04:01-SC 4 AUTHORIZE
SUPERVISOR**

**Lease Agreement Extension With
NYCOMCO**

TO SIGN

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a Lease Agreement which extends its current lease with New York Communications Company, Inc. for the Police Department's radio equipment lease and maintenance which agreement will be for five (5) years commencing upon completion of the installation of new equipment through 2020, at a cost of \$443 per month, which reflects no increase, pursuant to the recommendation of the Chief of Police, a copy of which is attached.

SO MOVED: M. Cifone/J. Conte

Supervisor Tancredi: The Chief wants to point out that this current monthly lease fixes the lease price to 2020 and so I think that that is a good deal and gives us some insurance going forward.

**SO MOVED: ROLL CALL: AYES: Councilmen Baisley, Carlos, Conte, Cifone,
Councilwoman Shershin, Supervisor Tancredi
NAYS: None**

CARRIED: 6-0

04:01-SC 5 AUTHORIZE

**Appraisal Services For Country Club
Sewer**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to contract and pay for appraisal services from McGrath & Company for five (5) additional temporary and permanent easements described on the annexed draft plats prepared by the Town Engineer at a total cost not to exceed \$4,200.00, which easements are required for the Country Club Sewer District improvements, and the Supervisor and his designees are further authorized to proceed with negotiations to acquire those easements at prices not to exceed the appraised values, subject to Town Board approval of the negotiated prices and transfer of the easement interests to the Town.

SO MOVED: J. Conte/W. Carlos

**SO MOVED: ROLL CALL: AYES: Councilmen Baisley, Carlos, Conte, Cifone,
Councilwoman Shershin, Supervisor Tancredi
NAYS: None**

CARRIED: 6-0

DRAFT PLATS ATTACHED TO FINAL BOOK COPY

04:01-SC 6 NOTIFICATION

**The Following Claim Has Been
Referred to Legal Department**

- 1. McCready V. Town of
Poughkeepsie**

REFERRED TO LEGAL DEPARTMENT

Supervisor Tancredi made a motion to suspend the rules for comments from the public on Town issues. Seconded by W. Carlos

CARRIED: 6-0

Doreen Tignanelli: For SC 1, the calling of the Special Town Board Meeting, what documents are you deciding?

Supervisor Tancredi: Fairview Commons Documents.

**Doreen Tignanelli: Does that have anything to do with tree cutting? (No)
Ok, thank you.**

Susan Barbarisi: I just wanted to say three things about the continuing issues with the Bottini Fuel Terminal in New Hamburg. First I would like to go on record and say thank you to the Town Police who have been very courteous and responsive. Secondly, in spite of whatever acts the Town is taking, the negotiations, etc. We have not, as residents, noticed any change at all in the flow of traffic and all the other issues that are associated with the fuel terminal. For instance on this past Monday evening, the noise from the off-loading of a barge into the tanks was louder than anyone could recall and it was phenomenally loud. The Police did come down and issued two tickets, however, the off loading continued with this really loud noise until after 2:30 am and so that brings me to the third point, which is a question as to whichever entity is actually receiving these tickets, what happens or what point may a permit be revoked or what happens. What can we expect with the Town Police having being very responsive to us?

Supervisor Tancredi: What happens is the individual gets a noise ordinance ticket and they get an appearance date to appear in Court and there is typically a fine associated with that ticket and so when they go to Court, a fine will be levied to the individual the ticket is issued to. In other cases, it's been to the operator of the trucks, typically, one of the employees.

Susan Barbarisi: So, in this instance, the barge people who are offloading the barge is the people that are in violation?

Chief Mauro: We look for a management or someone in charge and we had some difficulty in actually accessing the equipment off shore, there are some safety issues I'm concerned about. My Officers not being familiar on how some of that equipment is used, but we have cited employees of the Barge Company and Bottini. They are documenting as well as the employers, whoever is in charge or any other employees on site and the vehicles that were on site and in attempting to make video and audio records of the encounters as well.

Stacy Messler: I'm here on behalf of the New Hamburg Association, in part to talk about what Susan talked about and also to discuss the letter that was sent from the Town to the Bottini Company's attorney. We submitted a FOIL request and received a copy of the letter and so we want to clarify one point on the letter which was the 18 wheeler point. We think needs to be refined because there is a concern that some of the trucks actually have 14 as opposed to 18 wheels and that is because the tractor in that case only has one rear axle with 4 tires as opposed to two axles with 8 tires. So, the restriction should actually be any configuration of a tractor trailer truck because you don't actually loose the side of the truck just because there are the 14 rather than the 18 wheels. The second is that we are wondering if there has been any response to the letter from Bottini? (Not at this point) and the third is, what is the timing for the company to respond and execute the changes to the site plan and how long do we wait?

Supervisor Tancredi: At this point it is open ended. We are hoping the Company is responsive and if we don't hear something back in a reasonable amount of time, we will contact them, but, without getting into our strategy and negotiating this publicly, the Town, as I'm sure you know and I'm sure the Bottini's as businessmen realize the Town has quite a bit of leverage in terms of what it can do in New Hamburg and we would rather not see a prolonged legal battle there so we are hoping that Bottini's being a long time Town businessmen will understand the concerns of the neighbors and how they've changed their business over a year or so and it has kind of been the breaking point so we are hoping we can come to a resolution and some type of agreement without a long drawn out and so that is kind of the plan.

Councilman Baisley: They are working on it we got an acknowledgement that their attorney has received a letter and he has contacted his client on the letter already.

Stacy: I understand, the Neighborhood Association is concerned because the summer is coming and we are anticipating some kind of a slow down, but then the summer will be over the fall will arrive in less than 6 months and then the danger issues to the residents of New Hamburg that will obviously decrease traffic in the summer and then increase again. I just want to go back a bit where Susan was concerned with the noise with the barge. The barges arrived and were setting up about 7 PM on Monday and about 8:15 there were two incredibly loud buzz saw type noise that blared and the loudest filling to date commenced until 2 AM and Town Police were called and they did respond. We called again at 1 AM because it

had not stopped and the Lieutenant that had arrived said that he could ask them to shut down the barge, but he won't until he got a directive from the Town Board to ask them to shut down. He suggested to us that they were specifically told not to ask them to shut down. (She went on to say that she has seen the barges arrive at night and wait until morning, and the barge companies are in violation of the Noise Ordinance)

We feel they should fill during the day and not the evening or night hours and so we are just questioning the timing and filing of the barge. We would just like to know how we could ask the barge how not to operate in the evening hours as a separate issue from the trucks.

Supervisor Tancredi: Previously, when we've talked about hours of operation, in relation to delis and convenience stores, we've been typically told that we can't regulate the hours of operation or restrict the hours for business. But, I understand the concern. We will do everything we can to try and get this problem fixed.

Councilman Baisley: They are looking into the marine issue there to see if there is some way they can regulate them for the water. I've contacted the Sheriffs Dept. about that, they do all the water issues in the summer time and they may have a better answer on what we can do on the water.

Marcy Schwartz: This is just a note in regard to the Board's designation of May as Mental Health Awareness Month. The Poughkeepsie Journal, about a year ago did an exposé on the severe lack of psychiatric hospital beds in our area and I just raise it here because I believe St. Francis Hospital is in the Town of Poughkeepsie and I know this is nothing in the Town's hands, but should the Town have input or some kind of comment on that issue, I would recommend that input be given on the number of beds being increased and one of the reasons I know about this, actually, has to do with the new Town Justice because his uncle is a Psychiatrist and he told me of a case just before that article appeared, where he had a patient who was suicidal and because there is only something like ten beds now in our entire area for psychiatric patients, he could not get the guy admitted and so it is a life and death issue.

Marc Pfeifer: I just wanted to say thank you to Stephan, you've been a major part of this Board and you've been on this Board ever since I've been a Highway Superintendent and it's always been a pleasure to work with you. We have a great Town Board to work with and you've been a big part of it and so you will be missed and thank you for all your years of service.

Joe Armstrong: Just a clarification on that Country Club, is this an additional appraisal involvement or is it still a part of the original appraisalment?

Supervisor Tancredi: No, it's a part of a few small easements we need and so what we want to do is when we seek an easement and if we have to pay for that easement

we want to have an idea of what the value is and so we are having the appraisals done. It's additional to ones we've had previously.

Joe Armstrong: And you don't know if this is going to affect the total amount when we are finally done? Is it considered being part of the financial cost? (Yes) Most of this appraisal now is on the outside of the Country Club Estate property going down.

Supervisor Tancredi: Yes, down around where the new pump station is going to be.

Councilman Cifone: Before we close, I would just like to congratulate the gentleman in the back of the room, Patrick Reed for going to Boston College. He is a Spackenkill graduate and he is going to be going off to college in Boston and Michael Dwyer, I appreciate you coming with him and I wish you both success in college and thanks for coming to tonight's meeting, I understand you both are very interested in government. So, keep up the good work.

Former Councilman Krakower: I just want to thank all of you for all the friendship and support and leadership in all that you have done for the Town and for me over the years. It's been an honor and privilege to work with every single one of you. That's the beauty of Town Government; we don't always have to agree. I think we all come to work with the same goal in mind and try and do what is best for the Town of Poughkeepsie and for the people who live here and try and make the Town a better place and I would like to think that I've contributed to that over the years and I hope I've left the Town better than when I took office. The thing that makes me feel really good about stepping out at this point, is that we do have such a good Town Board. The Town is in good hands. The taxpayers and residents and people who live here and pass through our Town are in very good competent hands and the employees who work in Town Hall and for the Town are tremendous and I've learned over the years that we have some really, really good people that are very dedicated to the job they do and it is not just for the pay check for the overwhelming majority of people who work for our Town. I want to thank you all and appreciate your support tonight, I'm looking forward to the new opportunity in the Court and I hope to serve well and do the Town proud.

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

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 his client/Town Board based on attorney/client privileges.**

