

owns and so this is an intermunicipal agreement that basically says that the City is going to be responsible to maintain it, to police it as much as practical and it's an agreement that we are going to have in place so that even if they don't ever build in the Town or end up doing our piece the walking path will still be constructed.

Councilman Cifone: We are held harmless from anything, also.

Doreen Tignanelli: Well, my concern is that that strip has not been cleaned up and again, that is part that the State owns and Dutton was supposed to clean it up after they acquired it from the State, so what about the fact that it's not cleaned up yet? Does that make any difference to you, to the Town Board?

Supervisor Tancredi: I don't know anything about that. Again, I don't know if Neil or Jim has any information on it. This is simply an intermunicipal agreement, we are not giving them approval to build in the Town's piece, this is to allow the City to have a walking path that runs the length of their property and the front of what is the Town's piece to the Vassar College Boat House.

Doreen Tignanelli: I guess my concern is that that strip, is a contaminated piece of land and that it does need to be cleaned up and if you agree to some intermunicipal agreement---

Supervisor Tancredi: Jim, is there any reason for us to be concerned, as far as you are concerned?

Town Attorney Nelson: I wasn't aware of the condition of the property and my assumption is the City is going to eventually end up with title to this from the developer and the City is going to be careful for it's own reasons and make sure that it doesn't take title to something that is contaminated, or, if it does, that it's got an exemption some place under the Federal Environmental Protection laws.

Supervisor Tancredi: Right now the State owns it, correct?

Town Attorney Nelson: Yes, but I'm not sure where the exact boundary is, but the request by the applicant to the State was to take title to lands west, I think, the high water mark and so the answer is yes, I believe.

Doreen Tignanelli: Well, I did contact the DEC and they said, "The strip of land along the shore line that was part of the former lumber yard, does require clean up. This strip of land was removed from the site because the O'Neil-Dutton Group learned that it was owned by the State of New York and they are in the process of acquiring it from the New York State Office of General Services and plan to apply for the Brownfield Cleanup Program to perform the cleanup, and so then I asked if the cleanup plan for that strip has been formulated and they said, "an updated plan for the strip of land will be developed after it is acquired by O'Neil – Dutton." So, just so you know, that strip of land is contaminated as of the time of this

correspondence with the DEC, O'Neil-Dutton had not acquired it and after they did, then there is going to be a need for an updated plan for that strip of land to remove the contamination. So, just so you are aware of that.

Town Attorney Nelson: The way this resolution is worded, is that it authorizes the Supervisor to go ahead with IMA, but subject to alterations that are required for Planning and Development purposes after consultation with Mr. Wilson, as well as with the Chief of Police for public safety, so this is an issue, under this resolution, will be licensed to address after consulting with---

Supervisor Tancredi: Here has been my problem with this all along, is that I don't have any issue, this is not the Town's development, they are not before the Town of Poughkeepsie, this is to allow the City to extend this walking path and so let me make myself perfectly clear and say it for probably the fifth time, this is not an approval for Dutton Lumber to build anything on this land that's in the Town of Poughkeepsie, they don't even have an application before us at this point. There was an old one, but we have not approved that plan. The last time they were on our agenda, Lou Kaufman sent me an e-mail, which I can pull up, and asked me to remove them from our agenda until they have things worked out with the City. So, when and if that happens, I have no idea. I made Mr. Kaufman aware that I don't know how this Board will vote on this project when he does come before the Town of Poughkeepsie. I think my exact words were to him, "As far as I'm concerned, it's 50/50." You will have to come in and kind of make a pitch as things have extended for years, literally, and so this isn't an approval to build. We've told them on our piece, the only thing we want is a walking path. We don't want a playground, swing set, jungle gym, at the most, this will be a walking path and I don't know if it will be a blacktop path or not.

Doreen Tignanelli: I just wanted to make sure that you know that that strip of land needed to be cleaned up and it had not been yet, before you entered into any agreement and so if you are comfortable with –

Supervisor Tancredi: What I would encourage you to do, I don't know if you sent the City any correspondence or if that's a concern, I don't know if the City is aware that that hasn't been cleaned up, but I think they are ready to approve this project and so that may be something they would be interested in, I don't know.

Town Clerk Salvatore: Doreen, the SC's were online, but I didn't get them until almost quarter to three and so after we talked, I got them shortly after.

Doreen Tignanelli: I checked late this afternoon. The only other question I have. The consent to the Tax exemption SC 3, Holiday Inn Express, they are asking for a tax break and then it will just be divided up among Town residents?

Supervisor Tancredi: No, what they are going to ask for is an exemption on sales tax on the cost of materials and/or labor for these improvements Holiday Inn

Express has talked to either the IDA or EDC one of those organizations and as we said, we would like a sales tax break on our improvements and they have to make renovations of the hotel in order to keep their flagship name, Holiday Inn Express- and so the County, through one of these agencies, said that to Holiday Express, no problem, but we want to make sure if we give it to you the Town's not going to... They haven't even spoken to us and so they contacted me and said "This is what we are going to do through, I guess it's the IDA, we would like a sales tax break just on the improvement. The materials and supplies for the improvement and renovations and we have no objection. We feel we will get more in building permit fees, and things like that than by the time the sales tax is divided up for everybody.

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

CARRIED: 7-0

04:15-01 ACCEPT

Retirement of Chief Thomas Mauro

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the retirement of Thomas Mauro as Chief of Police of the Town of Poughkeepsie, effective May 30, 2015.

SO MOVED: J. Baisley/W. Carlos

Councilman Carlos: Every once in a while a business as usual comes across this desk and your elective representatives move on it and history moves on. This particular topic, I think, the retirement of Chief Mauro, needs to have a little more than that, so please indulge me for a second here. On Wednesday, August 25th, 1976, Tom Mauro started his career in the Town of Poughkeepsie Police Department. Friday, May 29th, will be his last day here as Chief of Police. His professional Law Enforcement career, which spanned 40 years, ends. Tom served in the Police Department as a Police Officer, A Detective in the Juvenile Aid Division, a Detective in the Detective Division, A Police Sergeant in the Patrol Division, A Detective Sergeant, a Police Lieutenant, a Police Captain, and as Chief of Police. The salary of a Police Officer in 1976 was about \$11,000 a year. I know, I was there. Tom didn't take the position here because of the money or the benefits, he wanted to help people and so he has for 40 years, the last as Chief of Police. Being a Chief of Police is not like any other position in the Police Department. When you start out as a Police Officer, you are responsible for your own safety. Promotion to Sergeant means, you are responsible for the safety of the squad of men and women who work with you. Promotion to Lieutenant means you are responsible for a whole shift, everything that happens on that shift. Promotion to Captain means you are responsible for a Division, the Detective Division, Patrol Division. That last promotion to the Chief of Police changes everything, you are now responsible for every man and woman and everything in the Police

Department. Unlike all the subordinate ranks, the Chief's responsibility doesn't end when a shift does, the Chief is responsible for all of the people all of the time, there are no days off in that responsibility, you have it all the time. You find yourself second guessing yourself, "Do we have enough Police Officers? Did we train them to the highest level that we can? Do they have the best equipment we can get for them? Do they have the best Bullet proof vests? What new risks do they face now and what can I do to mitigate it?" This is one of the ones that haunts you, "Did I do all I can do to protect them and get them home to their families after their shift?" That last part that's unique to the position of Chief of Police and it is in your soul the whole time you are in that position. We can congratulate Chief Mauro on his retirement and say thank you for your service, you have protected them, you've protected our Town, people that live here and our families, our businesses, children, homes and for all of your professional life. Saturday, May 30th, you passed that terrible responsibility on to the next Chief of Police. You can finally rest. Our best wishes are with you and your family. Thank you Tom, for 40 years of service.

Councilman Conte: I was going to say the same thing, it's funny how he---I think we all don't like to see anybody retire, but you're losing the head of a department such as this, it can be a scary ground, but I do know we have some people that can fill that shoe and I know we will have someone who is groomed for that position and should be a good transition. He was a very good person to work with for the years I have been able to work with him.

Councilman Cifone: He was easy going, I called him at home on a number of occasions and he took care of any problems I had and I didn't have to call him that many times at home, because our Police Department is very good at what they do, but on a couple of occasions I did and he accepted the call and didn't put me on hold and he took care of it. He is going to be missed. He trained our staff very well. He worked with us on our Budgets very well and we can't ask for any more than that and we wish him well.

Supervisor Tancredi: I agree, I wish he was here tonight, but we will make sure we get him here prior to his retirement and give him the accolades he deserves and he does deserve, he has been an outstanding Chief and outstanding team member of this team we have in the Town of Poughkeepsie. We do appreciate all he has done.

ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Lepore,
Councilwoman Shershin, and Supervisor Tancredi
Nays: None CARRIED: 7-0

04:15-02 AUTHORIZE

Town of Poughkeepsie Little
League Parade

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Brian Conte on behalf of Town of Poughkeepsie Little League, to hold its Open Day Parade on April 18, 2015 at 9:00 AM. which parade route is noted 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: W. Carlos/J. Conte

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Lepore,
Councilwoman Shershin, and Supervisor Tancredi
Nays: None CARRIED: 7-0**

**04:15-03 AUTHORIZE Vassar College Founders Day
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 Founder's Day weekend event to be held on Saturday, May 9, 2015 with a rain date of Sunday, May 10, 2015; and

WHEREAS, the applicant has notified the local 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 Saturday, May 9, 2015 with a rain date of Sunday, May 10, 2015 at 9:00 PM on Vassar College property, Raymond Avenue, Poughkeepsie, New York.

SO MOVED: J. Conte/M. Cifone

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Lepore,
Councilwoman Shershin, and Supervisor Tancredi
Nays: None CARRIED: 7-0**

04:15-04 AMEND/APPOINT Emergency Interim Successors

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby amend Resolution 1:7-#12 of 2015 regarding the appointment of the Town's Emergency Interim Successors, as requested by the Dutchess County Department of Emergency Response, and

BE IT FURTHER RESOLVED, that said amendment to the Emergency Interim Successors is as follows specifying the individuals rank in order of succession as listed:

1. Jon Jay Baisley;
2. Marc Pfeifer; and
3. Michael Cifone

BE IT FURTHER RESOLVED, the Supervisor is hereby authorized empowered and directed to execute the Emergency Interim Successor designation form, which is attached hereto, and to return it to the D.C. Department of Emergency Response.

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**

04:15-05 Read after 6A & 6B

**04:15-6A REAPPOINT Historic Preservation Commission
A. Sarah Johnson**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reappoint Sarah Johnson to the Town of Poughkeepsie Historic Preservation Commission for a five (5) year term from April 20, 2015 through April 19, 2020.

SO MOVED: J. Lepore/J. Conte

Councilwoman Shershin: Sarah is doing a real wonderful job. She is the secretary for the Historic Preservation Commission and she is one of the best secretaries I've ever seen and I'm thrilled she has agreed to do another five years.

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

Nays: None

CARRIED: 7-0

04:15-6B REAPPOINT

B. Robert Rubin

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reappoint Robert Rubin to the Town of Poughkeepsie Historic Preservation Commission for a five (5) year term from April 20, 2015 through April 19, 2020.

SO MOVED: J. Lepore/M .Cifone

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

Nays: None

CARRIED: 7-0

**04:15-05 SET DATE FOR
PUBLIC HEARING**

**Amend Town Code – ATC Drive-
Through Overlay**

RESOLUTION

WHEREAS, the Town Board has received a communication from the Director of Municipal Development recommending amendments to Chapter 210, entitled “Zoning”, specifically Section 210-22, pertaining to Arlington Town Center (ATC) District, adding a new zoning overlay district and regulations, entitled “Main Street Drive-In Overlay District (MSDOD)”, 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 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, the amendments 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 for May 20, 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 Planning Board for an advisory report pursuant to Town Code Sections 210-154.**
- 5. The 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-mn.**

SO MOVED: A. Shershin/J. Baisley

Councilwoman Shershin: We have some new businesses that are interested in coming into Main Street and it would be very helpful for them to be allowed to have drive-throughs and the considerations that Main Street and also the 44/55 Corridor, there aren't as many people who walk on those sidewalks and those streets as in Raymond and Colleview and LaGrange and the buildings are packed much more densely there where you definitely don't want to have drive-throughs, but it make sense to have drive-throughs available to the businesses on Main Street, especially if it helps to bring in new business. It generates a new interest and right now there is a big push. The Arlington Business Improvement District is pursuing a grant to help improve the appearance of Main Street and try to generate some new interests and new businesses and bring in new customers.

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

Nays: None

CARRIED: 7-0

AMENDMENT ATTACHED TO FINAL BOOK COPY

(04:15-6A & 6B read before 04:15-05)

**04:15-07 SET DATE FOR
PUBLIC HEARING**

**Amend Town Code – Vehicle and
Traffic**

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 the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and place of a public hearing to consider an amendment to the Town Code, Chapter 195 entitled “Vehicles and Traffic”, specifically Section 195-41 Schedule VI, entitled “Prohibited Turns at Intersections”, which would add the following underlined language to Section 195-41. Schedule VI: Prohibited Turns at Intersections, specifically as follows:

Name of Street	Direction of Travel	Prohibited Turn	Hours	At Intersection of
Malmros Terrace	Southeast	Left	All	Vassar Road; Except Wappinger’s Central School District buses *
Rowley Road	Southeast	Left	All	Vassar Road; Except Wappinger’s Central School District buses*

***Suspended effective May 7, 2015 until receipt of NYSDOT confirmation that Spring Road has been reopened to regular traffic.**

BE IT FURTHER RESOLVED, the Town Board of the Town of Poughkeepsie does determine that this action is a Type II Action requiring no environmental review; and

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

SO MOVED: Supervisor Tancredi/J. Conte

Councilman Cifone: What was the rationale for this, was there a problem over there?

Councilman Carlos: It has to do with the closure of Spring Road and the people on Malmros, Rowley and Victor their exit that is out to Spring Road which is now closed so this will give them the ability to go out to Vassar Road and turn right or left.

ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Lepore,
Councilwoman Shershin, and Supervisor Tancredi
Nays: None **CARRIED: 7-0**

04:15-08 AWARD **Contract for Greenvale Pavilion**

RESOLUTION

WHEREAS, the Recreation Department requested proposals for the construction of a pavilion in Greenvale Park; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the contract for the construction of a pavilion in Greenvale Park, pursuant to the attached Request for Proposal, to Shirk Pole Buildings, East Earl, PA at the proposal price of \$27,600, and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to execute a contract for said construction with Shirk Pole Buildings; and

BE IT FURTHER RESOLVED, that said action is a Type II Action requiring no further review.

SO MOVED: J. Baisley/J. Conte

Did we have any local contractors or companies bid on this?

Supervisor Tancredi: We actually called a few locals to try and get them to bid on it, but we didn't receive anything from any local guys.

Councilman Baisley: It will be a big plus for Recreation as our camp is held there and the building is going to be almost twice the size of what we have now and the other one is still up and when inclement weather comes in, the campers will have a much better place to be.

ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Lepore,
Councilwoman Shershin, and Supervisor Tancredi
Nays: None **CARRIED: 7-0**

REQUEST FOR PROPOSAL ATTACHED TO FINAL BOOK COPY

04:15-09 AUTHORIZE

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

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. Set Date for Public Hearing | Storm Water Annual Report |
| 2. Authorize Supervisor to Sign | Intermunicipal Agreement with
The City |
| 3. Authorize | Consent to tax exemption-Holiday
Inn Exp. |
| 4. Notification | The following claim has been
Referred to Legal Department
1. Frosted Apple, LLC v. Town of
Poughkeepsie (22 IBM Road) |
| 5. Notification | Liquor License-Juan Murphy's
796 Main Street |

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: W Carlos/J. Conte

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

Nays: None

CARRIED: 7-0

**04:15-SC 1 SET DATE FOR
PUBLIC HEARING**

Storm Water Annual Report

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set May 6, 2015 at 7:00 PM, or as soon thereafter as the matter may come to be heard, in the Town Hall, Town of Poughkeepsie, One Overocker Road,

Poughkeepsie, New York as the date, time and place for a Public Hearing to accept public comment on a draft Storm Water Annual Report; and

BE IT FURTHER RESOLVED, the searchable draft Storm Water Annual Report, prepared by the Town Engineer, shall be filed in the Town Clerk's Office and posted on the Town's website for review by any interested party on May 1, 2015; and

BE IT FURTHER RESOLVED, that the Town Board will accept public comment on the draft Storm Water Annual Report commencing on May 6, 2015 and ending on May 15, 2015 at 4:00 PM; and

BE IT FURTHER RESOLVED, that the contact person for this report is Eric Hollman, Department of Planning, One Overocker Road, Poughkeepsie, New York, whose email is ehollman@townofpoughkeepsie-ny.gov; and

BE IT FURTHER RESOLVED, that the Town Clerk is authorized and directed to immediately publish a notice of the Public Hearing and the comment period; and

BE IT FURTHER RESOLVED, the Town Board does direct the Director of Municipal Development to review any comments on the draft Storm Water Annual Report and file the final report by May 29, 2015.

SO MOVED: J. Conte/J. Baisley

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

Nays: None

CARRIED: 7-0

**04:15-SC 2 AUTHORIZE
SUPERVISOR TO
SIGN**

**Intermunicipal Agreement With
The City**

RESOLUTION

WHEREAS, the O'Neill Group-Dutton is proposing to develop 10.82 riverfront acres located in the City of Poughkeepsie ("City") and the Town of Poughkeepsie ("Town"), and

WHEREAS, the development of this property includes a proposed 2.45 +/- acre, 1,400 foot linear park on the Hudson River that is located both in the City and the Town and

WHEREAS, the City has proposed that the Town and City enter into the annexed draft Intermunicipal Agreement relating to the transfer of the 2.45 acres by the applicant O'Neill Group-Dutton to the City for use as a park, its development

as shown on Exhibit A to the annexed draft Intermunicipal Agreement, the provision of police and emergency services, and the management of and responsibility for the proposed park, now therefore,

BE IT RESOLVED, the Supervisor or his designee is authorized to execute an Intermunicipal Agreement with the City of Poughkeepsie in substantially the form as proposed, but subject to such alterations as are required for public safety and planning and development purposes, those required to assure that the proposed park will be dedicated to passive uses, and that the improvement of the park will not impair the value of the property to the east of it in the Town of Poughkeepsie, all after consultation with the Chief of Police and the Development Director, and

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

SO MOVED: M. Cifone/J. Conte

Councilman Carlos: Riverfront property in the Town, we have very little of it that we can really allow the public to have access. By this intermunicipal agreement, we're giving a piece of very valuable property to the City of Poughkeepsie? Now, I do understand that's for the maintenance, law enforcement, fire, etc. I don't think that's a good enough reason. No. 2. Under police protection, there is a thing called the Criminal Procedure Law and it spells out exactly what a police officer can and can't do and we can't change or move the responsibility for the enforcement of the law by an intermunicipal agreement to any other agency and, fire protection, the City shall have fire protection, emergency medical service for the park. So, the park is in the City, but where the apartments are possibly going in the Town is going to be Fairview? Well, this doesn't make any sense from just a common sense point of view, not, let alone, the Criminal Procedure Law in response to the Police Department.

Supervisor Tancredi: I would have suggested you would've asked your questions prior, but do you want to try to clarify...

Town Attorney Nelson: I am aware of the issue regarding the geographic jurisdictional limitations of police (inaudible) and exceptions for hot pursuit. The reason that I worded this this way was so that the Supervisor could resume that conversation which was started, a while back, with the Chief and in particular, Captain Lecomte to see if it could be worked out.

Councilman Carlos: Well, I don't—Counselor, it's in the Criminal Procedure Law and we can not change or change the jurisdiction of our Police Department.

Supervisor Tancredi: I don't think that's what we are trying to do, Bill.

Councilman Carlos: Well, that's what this says. However, from time to time the City may require the assistance of the Town for matters not within the City's jurisdiction, including, but not limited, to arrests, other than felony arrests and enforcement of the Town's Local Ordinances. We can't do that. The Criminal Procedure Law says that the jurisdiction of law enforcement is in the Town, the Town Police Department. For example, all violations, vehicle and traffic, zoning and whatever, violations, can only be enforced by a Town officer. A felony or misdemeanor, an arrest can be made by any police officer from the State of New York for either a felony or misdemeanor whether committed in his presence or not. Who's making the decision and when, and how are we going to do it? And is this for the park, the blacktop macadam? This is not making any sense and I don't think we should authorize a signature on it until these questions have been absolutely resolved. I don't want to leave it up in the air.

Supervisor Tancredi: I don't mind holding it up at all, you work it out with Mr. Nelson to the satisfaction—

Councilman Carlos: As to the deeding of riverfront property in the Town of Poughkeepsie to another----

Supervisor Tancredi: The Town of Poughkeepsie is not giving property to anybody. This property is owned by New York State currently, so the Town is not giving any waterfront property to anyone.

Councilman Carlos: So, we are going to give responsibility for maintaining it, (Yes) police protection and fire protection to the City?

Supervisor Tancredi: Well, I think the thought process for the Police protection, many times down in this area, especially where there is a walkway, the type of Police protection I think you are going to need hopefully a vagrant or someone littering, so the thought process is, because of the location of this and the kind of not easily accessible by Town patrols is that the City will move someone along who needs to be moved along, but this clearly says, "The City may require the assistance of Town's police department for matters not within City's jurisdiction including but not limited to arrests other than felony arrests and enforcement of Town's local laws and ordinances." So, Jim, correct me if I'm wrong, but this says that if the City has to make an arrest, being it felony or otherwise, will have to call the Town, as you stated, to make that arrest, but for a matter of moving someone along or someone---

Neil Wilson; The IMA is about the waterfront property that the State owns and the conversations going back several years with the City Planning Board/between the City and Town Planning Boards, plus at the staff level, is that ---if you go back, the original proposal from O'Neill Dutton included development down to the water's edge and at some point, they woke up and realized that they didn't actually own the water's edge, even though it is clearly shown in all the subdivision plats going back to the mid 80's. The problem, when they pulled back their development, you ended

up with sort of an unsecured State owned strip of land, roughly 2 ½ acres, most of which is in the City of Poughkeepsie, a little piece up in the Town, which is really what this IMA is about, for our purposes. My reaction, staff reaction and Planning Board reaction to O'Neill Dutton was, "You, O'Neill Dutton, need to make provisions so that the shoreline is secured, because we have erosion problems down there as well, but more importantly, it's owned by the public, the State of New York, and we want to see this treated as a park. The City, in conversations going back at least a year and a half ago, agreed to accept the conveyance of the land from the State for purposes of accepting it as park land so that it would always be available for the public. The Town's position was, "We don't want to see the playgrounds and other vast improvements down there, we want to just see a walking path that matches up with the walking paths we have further up along Marist frontage along with the shore line stabilization. But, as long as the City was willing to accept all of it as a conveyance and there is this interim step where the State would convey it to O'Neill Dutton and O'Neill Dutton would get it into the hands of the City, accept it as dedicated park land, which is an important distinction, then otherwise the Town would be fine with that because the public would obtain access to the frontage, there would be a way to get down to the water with a little path, plus we've taken care of the erosion problems. That is the sort of the 50,000' view. So, the IMA was always something we had always discussed, because you now have the anomalous situation where the City would own all the 2 ½ acres, a portion of which is in the jurisdiction of the Town, it's an odd kind of thing and so, I'm not going to speak to questions of criminal procedure law and all that, but you do have the City which would have parkland located within the jurisdiction of the Town. They patrol their parks and I would think that there is kind of a concurrent jurisdiction question that arises in this context, but I'm not going to speak any further to how.... The IMA was intended to put the burden back on the City to be responsible ultimately as the first responder to the extent they could and as the Supervisor pointed out, the bulk of this project is in the City. It's largely a City project and the City seems to be supportive of it. There are elements for the Town's portion that aren't so great, but we are kind of, at some level, allowing the City to sort of lead the charge here, but, the IMA you have in front of you is something that is being presented to you. The City, through the Planning Board, has asked the Town to act on this, at some level. I think it might be a little odd that we are being asked to act on the IMA at this point because the City hasn't even granted approvals for this project and they don't meet until next Tuesday to do so. I would have expected to see the IMA as one of the conditions of the City's approvals, but the IMA that you are presented with is roughly the agreement I would have expected in any event.

Supervisor Tancredi: This walkway, Neil, is envisioned one day to extend the length of the entire shoreline from Marist College down by the walkway—

Neil Wilson: We have pedestrian access easements across the Vassar property, they are not defined as they are up in Marist. There was something extracted from Vassar some years ago as part of the Boathouse project and they were not thrilled with the idea, but we do have them. My hope is that at some point reach agreement

to be able to extend a formal walkway to connect with the concrete paths that we have at Marist, which are lovely.

Councilman Carlos: I don't have a problem with the walkway, I'm concerned that they would try to not pay their recreation fees by what Mr. Kaufman said in front of this Board, that we would do the walkway and that would replace the fees, but I have specific concerns about the way this is, in terms of the overall concept of what should happen down there, that makes sense. This doesn't, and technically, we can't do this, so, either A, we table this, or we somehow put this off until such time as this could be done. There is no way we can give jurisdiction to another department. We are not giving it to a superior jurisdiction, the Sheriff's office or State Police, we are giving it to the same level of law enforcement where there are sections of the Criminal Procedure Law which specifically says what can and can not be done by a police officer in his "geographical area of employment" which are the words in the law.

Discussion continued for several minutes. Supervisor Tancredi expressed his view that shared services & municipal cooperation were things that needed to happen.

Supervisor Tancredi: Ok, I make a motion to Table Special Consent #SC 2 until indefinite time in the future. Seconded by Councilman Carlos

Councilman Baisley: But Neil, to be sure that there is no way they can try to supersede and hide from the Recreation fees in this at all. They know that and they will try any game they can because I don't think it's the most trustworthy group that we've ever dealt with. There is no way they are going to claim this park land as any free ride to the Recreation fees.

Neil Wilson: No way. Its public land today, it will be public land tomorrow.

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
TABLED TO A FUTURE DATE**

04:15-03 AUTHORIZES

**Consent To Tax Exemption –
Holiday Inn Express**

RESOLUTION

WHEREAS, GMS Hotel Corp. (the "Owner") operates a Holiday Inn Express at the corner of Sharon Drive and Route 9 in the Town of Poughkeepsie, and it is planning major renovations to the hotel, and

WHEREAS, the Owner has advised that it will seek a Dutchess County IDA exemption from sales tax on the materials which will be purchased and incorporated into the hotel as part of the renovations, and

WHEREAS, it appears that the total benefit to the Town to be derived from the renovations of the Holiday Inn Express at Sharon Drive will exceed the loss of sales tax revenue to the Town from that project, now therefore

BE IT RESOLVED, that the Supervisor or his designee is authorized to document the fact that the Town of Poughkeepsie has no objection to the Owner receiving a Dutchess County IDA sales tax exemption for the proposed renovations to the Holiday Inn Express at Route 9 and Sharon Drive.

SO MOVED: J. Lepore/W. Carlos

Councilman Lepore: Is IDA managing the sales tax and all the receipt for the material of the construction or is the Town of Poughkeepsie?

Supervisor Tancredi: Sorry, I don't have an answer to that question. What the hotel has asked the IDA to consider is an exemption from sales tax for the improvements, carpet, tile, etc. So, what IDA has asked us for is a letter basically saying that we have no opposition to the hotel, Holiday Inn Express, seeking this exemption. I don't know whether they will approve it or not, but beyond that, we won't be involved in that process. They will still have to come to the Town for any building permits they need for the renovations or anything like that, it doesn't alleviate them from that.

Councilman Lepore: So IDA has not made any commitments?

Supervisor Tancredi: Not that I'm aware of.

Councilman Cifone: I think this is the direction they should go, because a lot of times they make all these deals and they get money and nothing gets done, these guys don't get a dime unless they spend money. Which is better, the more they spend, the better break they get. They should do more things like this.....

Supervisor Tancredi: I agree, and from our point of view, it's in our interest to make sure they keep the flagship name, we don't want it to become a no name hotel and it's in our best interest to make sure it's a name brand and we do feel we will get more from Building Permits, etc. from the renovations than we would in sales tax.

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

Nays: None

CARRIED: 7-0

04:15-SC 4 NOTIFICATION

The Following Claim Has Been Referred To Legal Department
1. Frosted Apple, LLC V. Town
(22 IBM Road)

REFERRED TO LEGAL DEPARTMENT

04:15-SC 5 NOTIFICATION

Liquor License – Juan Murphy’s
796 Main Street

NOTED BY THE TOWN BOARD

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

CARRIED: 7-0

Problems with Spring Road traffic due to the road closure were discussed by residents & Town Board members. Lack of adequate signage resulting in heavy & speeding traffic in residential neighborhoods was the main concern.

Residents of New Hamburg gave an update on the barge and truck traffic, along with their other concerns in regard to Bottini Fuel’s operations in New Hamburg. Councilman Baisley assured them that a solution to their problem was actively being pursued by the Town Board and other Departments.

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

CARRIED: 7-0

LETTER ATTACHED TO FINAL BOOK COPY

Councilman Baisley: 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. Personnel Matters, to wit: a meeting to discuss the hiring, firing, promotion, demotion and employment history of the particular individuals who need not be identified at this time.**
- 2. Confidential Communication between the attorney and his client, the Town Board, based on the attorney/client privilege.**

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

SO MOVED: J. Baisley/J. Conte

CARRIED: 7-0

TOWN BOARD ADJOURNED TO EXECUTIVE SESSION AT 8:23 PM

TOWN BOARD RETURNED FROM EXECUTIVE SESSION AT 9:01 PM

**04:15 SPECIAL SC 1 - EXECUTE
(LEGAL)**

Letters to Two Town Employees

WHEREAS, the Town Board having at 9:01 PM resumed public session following an Executive and Attorney Client Session, it was moved by Supervisor Tancredi and seconded by Councilman Conte that the Supervisor execute the two employee letters discussed in Executive and Attorney Client Session tonight and forward them to Town employees identified as numbers 210 and 037.

SO MOVED: Supervisor Tancredi/J. Conte

THE BOARD THEN ADJOURNED AT 9:03 PM

FS:lk