

**MINUTES OF REGULAR TOWN BOARD MEETING
HELD ON JUNE 3, 2015 AT 7:00 PM
AT TOWN HALL, ONE OVEROCKER ROAD
POUGHKEEPSIE, NEW YORK**

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

ABSENT: Councilman Cifone

- **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 open Public Hearing #1: Supervisor Tancredi/J. Conte

CARRIED: 6-0

A presentation was given by Wayne Cichon, Deputy Building Inspector. Many photos were shown of the unsafe property at 798-802 Dutchess Turnpike. Bldg. Insp. Cichon explained the timeline and deterioration of the property. The major concerns were the dangerous deep hole filled with water, the possibility of the building and pavement collapsing due to erosion of the soil around the hole, and the fact that the property has not been properly fenced in and secured. Some discussion followed.

Motion made to close the Public Hearing: Supervisor Tancredi/Councilman Conte

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

Nays: None

CARRIED: 6-0

06:03-01 PUBLIC HEARING

**Property Maintenance/Unsafe
Building 798-802 Dutchess
Turnpike**

RESOLUTION

PUBLIC HEARINGS: Unsafe Building and Property Maintenance

WHEREAS, by Resolution 5:20-#4 of 2015, adopted on May 20, 2015 the Town Board of the Town of Poughkeepsie determined that the Building and Premises located at 798-802 Dutchess Turnpike, Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6262-04-571014 (the "Premises"), owned by MALABAR REALTY, LLC is dangerous, unsafe and dilapidated, and an imminent threat to the general public in violation of Town Code Chapter 71; and

WHEREAS, the Town Board adopted a Report of the Building Department regarding the Premises and directed the issuance of an Order and Notice requiring that it be made safe and secure and the setting of a Public Hearing regarding the Order and Notice; and

WHEREAS, an Order and Notice of Public Hearings has been served and posted, which Order included a direction that the required Chapter 71 work must be commenced not later than thirty (30) days from service of the Order and Notice and be completed no later than sixty (60) days thereafter, and gave further notice that on failure to timely comply the Town Board could authorize the Town to perform the work or contract for its performance and assess the expense thereof against the Premises as a special ad valorem levy under Town Law Article 15 and to institute a proceeding to collect the expenses of such work, and

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

WHEREAS, notices to remedy certain Town Code Chapter 159-5 violations at the Premises have been issued and not complied with, and notice having been given of a Public Hearing regarding authorizing the Town to cure or contract to cure, and continue to cure such violations, the cost of which work shall be a lien and charge on the Premises and collected in the same manner as other Town charges, and

WHEREAS, Legal Notice of the Public Hearings were posted on May 21, 2015 and published in the Poughkeepsie Journal on May 25, 2015; and

WHEREAS, said Public Hearings have been held this day, now therefore

BE IT RESOLVED, that in the event that the owner has not commenced or completed the Chapter 71 work to make the Premises safe and secure, the Town Board of the Town of Poughkeepsie authorizes and directs the Building Department to perform the work by Town employees or by the contractor making the lowest price proposal to the Town consistent with Town Code Section 71-10, and to thereafter assess against the Premises and levy and collect the expenses of same as

provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy, and

BE IT FURTHER RESOLVED, that the Town or its contractor may cure and continue to cure the Chapter 159 violations at the Premises, the cost of which shall constitute a lien and charge on the above real property until paid, satisfied or discharged, and shall be collected in the same manner as other Town charges.

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

SO MOVED: J. Baisley/W. Carlos

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

CARRIED: 6-0

Motion made to Open Public Hearing #2: Supervisor Tancredi/W. Carlos

CARRIED: 6-0

NO SPEAKERS CAME FORWARD

Motion made to close Public Hearing: Supervisor Tancredi/W. Carlos

CARRIED: 6-0

06:03-02 PUBLIC HEARING

**Historic Preservation
Town Code Amendment**

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 3rd day of June, 2015 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overcker Road, Poughkeepsie, NY, does hereby amend Town Code, Chapter 126, entitled "Historic Preservation:", specifically Section 126-7, and

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

BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie has determined that this action is a Type II Action requiring no environmental review; and

BE IT FURTHER ENACTED, that the Legal Notice of Public Hearing was posted on May 21, 2015 and published in the Poughkeepsie Journal on May 25, 2015; and

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

SO MOVED: W. Carlos/J. Conte

Councilwoman Shershin: I would just like to say that Jim Nelson did a very nice job streamlining this Town Code, because before it was very confusing to actually work your way through the process to name property as a Town Historical Landmark and also removing, there were two sets of certified mailings to all the property owners within three hundred feet of a property, which turned out to be a significant number and a certified mailing is \$6.50 now. So, this is a significant savings to the Town.

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

Nays: None

CARRIED: 6-0

**CHAPTER 126 HISTORIC PRESERVATION ATTACHED
TO FINAL BOOK COPY**

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

CARRIED: 6-0

Doreen Tignanelli: I have a question on item #8: Inter-Municipal agreement with the Town of Fishkill. I see that it is to give some help to the Comptroller's Office. This is new, right? Is there a particular reason?

Supervisor Tancredi: Yes, we have an employee who is out ill and it's going to be a long term illness, it's been a couple of months already and so, this employee comes in to help us with payroll every other week and she has been working out well. This intermunicipal agreement to legalize the help we are sharing with the Town of Fishkill.

Doreen Tignanelli: Ok, and my other question is on Agenda Item #6, the Tax Cert. It looks like it's for U-Haul. That's a pretty sizeable reduction in the assessment,

like \$828,500.00 and so the Town's portion to be refunded is \$7,381.00 and then I see it's listed like the Arlington Fire Department is like almost \$4600 so, how does this work? The Town Board approves it and then all the rest of these districts don't get their own vote on it? How does it work? Also the School Board, do they handle theirs differently?

Supervisor Tancredi: The School Board has an opportunity to take part when the challenge comes out to the assessment. Typically we find that they forego that ability to take part because I think they, for the most part, don't want to have the legal expenses and so the Town takes over that responsibility and then they are held to whatever our agreement is. The Fire Department and the County don't have a choice, we do speak on their behalf.

Doreen Tignanelli: Ok, so that's where like the Fire District Budget, let's say is \$5.00 per thousand, which it isn't, but then it gets added to the per thousand dollars by the Assessor's office. Is that how that works, too?

Supervisor Tancredi: If you look at it as a pie and this U-haul is pieces of this slice, when that is reduced, the other pieces of pie pick up a little bigger share.

Doreen Tignanelli: Ok, so that's when the Assessors office adds on the amount to whatever the approved budget would be for like the Fire District?

Supervisor Tancredi: I can just tell you the way we do it. We have a budget item for Tax Certs and it used to be five years ago, about \$150,000, three years ago we increased it to three, last year or the year before, we reduced that to 2, but we have a budget line that is \$200,000 for these refunds and we've discussed it among ourselves, publicly we could fight these tax certs, but when these companies come in, they come in with lawyers, we come in with our lawyers, they come with their appraisers, we often consult our appraisers and try to find somewhere we can agree without a prolonged legal battle. It's a rolling of the dice, if we want to go to court, we could, and potentially fight it, but the trade off is, the possibility of losing and having it cost us umpteen dollars in legal fees and still pay the refund and so it's a sometimes a bit of give and take, but that's the way we do it.

Doreen Tignanelli; So, the bottom line is, the school district has the opportunity if they want it, but the rest of those special districts do not? (Right)

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

CARRIED: 6-0

**06:03-03 SET DATE FOR
PUBLIC HEARING**

**Energy Facilities – Town Code
Amendment**

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 July 8, 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 Clerks of the surrounding municipalities of the public hearing pursuant to GML 239-nn.

SO MOVED: J. Conte/J. Baisley

Motion was made to amend Meeting Date from July 1st to July 8th by Councilman Carlos/ Seconded by Councilman Conte (Resolution read July 1st.)

CARRIED: 6-0

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

Nays: None

CARRIED: 6-0

CHAPTER 210-67.1 ATTACHED TO FINAL BOOK COPY

**06:03-04 AUTHORIZE
SUPERVISOR
TO SIGN**

**Police/Court Roof Repairs –
Contract**

RESOLUTION

WHEREAS, the Building Department has requested and received proposals for the roof repairs at the Police and Court Building; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor, after consultation with the Attorney to the Town, to execute a contract for roof repairs at the Police and Court Building to Preferred Roof Contracting, LLC at a cost not to exceed its proposal price of \$23,000; and

BE IT FURTHER RESOLVED, that the Town Board finds that it would not be in the best interest of the Town to seek formal bids for this work, and

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

SO MOVED: J. Lepore/J. Conte

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

Nays: None

CARRIED: 6-0

06:03-05 AUTHORIZE

**Dutchess Golf Club-Fireworks
To Be Held Sunday, July 5, 2015
At 9:00 PM**

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Dutchess Golf & Country Club to include a fireworks display at their Independence Day Celebration to be held on Sunday, July 5, 2015 at 9:00 PM; 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 Sunday, July 5, 2015 at 9:00 PM, at the Dutchess Golf & Country Club, Route 9, Poughkeepsie, NY.

SO MOVED: A. Shershin/J. Baisley

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

Nays: None

CARRIED: 6-0

06:03-06 AUTHORIZE

**Tax Certiorari Settlement –
US Bank National Association**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the settlement of the tax certiorari proceedings instituted by U.S. Bank National Association, Trustee, the tax assessment roll of 2013, as shown on the attached Consent Judgment; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize Todd N. Tancredi, Supervisor, Kyle Barnett, Esq. of Van DeWater & Van DeWater, LLP and Kathleen Taber, Town Assessor, to sign such papers as are necessary to effectuate said settlement.

SO MOVED: Supervisor Tancred/J. Conte

Councilwoman Shershin: Is this the new storage unit location or is this their old—down by Bonefish Grill? I can't imagine the old one has a valuation of three million dollars.

Supervisor Tancredi: It's a new one. The Town's refund on this is almost seventy four hundred.

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

Nays: None

CARRIED: 6-0

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

06:03-07 WAIVE

**Garage Sale Permit Fees –
New Hamburg Association**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the fees required for the New Hamburg Neighborhood Association and the Riverview Neighborhood Association to conduct garage sales throughout New Hamburg, Town of Poughkeepsie, on June 6, 2015 or an adjourned rain date, provided that they submit the required certificate of insurance and apply for and receive the required permits.

SO MOVED: J. Baisley/W. Carlos

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

Nays: None

CARRIED: 6-0

**06:03-08 AUTHORIZE
SUPERVISOR**

**Intermunicipal Agreement
With Town Of Fishkill**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute an Intermunicipal Agreement with the Town of Fishkill for accounting assistance, in substantially the form presented, and

BE IT FURTHER RESOLVED, that execution of said Intermunicipal Agreement is part of the ongoing administration of the Town's affairs.

SO MOVED: W. Carlos/J. Conte

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

Nays: None

CARRIED: 6-0

**INTERMUNICIPAL AGREEMENT ATTACHED TO FINAL
BOOK COPY**

District-Board of Directors

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Police Chief Ron Spero to the Arlington Business Improvement District Board of Directors, which appointment is for the period July 1, 2015 through June 30, 2016; and

BE IT FURTHER RESOLVED, that the Town Board does acknowledge the Supervisor's appointment of Councilwoman Ann Shershin to said Board, which appointment is for the period July 1, 2015 through June 30, 2016, and the Comptroller's re-appointment of himself to said Board, which appointment is for the period July 1, 2015 through June 30, 2016.

SO MOVED: A. Shershin/J. Baisley

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

Nays: None

CARRIED: 6-0

06:03-SC 2 APPOINT/AMEND

Emergency Chain Of Command

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby amend Resolution 1: 7 - #13 of 2015 regarding the appointment of the Town's Emergency Chain of Command for the year 2015, and

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

- 1. Todd Tancredi;**
- 2. Marc Pfeifer; and**
- 3. Ron Spero**

SO MOVED: Supervisor Tancredi/J. Conte

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

Nays: None

CARRIED: 6-0

06:03-SC 3 APPOINT

**Water Department – Michael
Naccarato**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Michael Naccarato to the position of Laborer – Full Time Temporary with the Water Department at \$16.00 per hour, which appointment will become effective June 8, 2015 and which appointment is subject to a probationary period of not less than 8 nor more than 26 weeks per Civil Service Law; and

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

SO MOVED: J. Baisley/W. Carlos

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

Nays: None

CARRIED: 6-0

**Motion made to suspend the rules for Public comments: Supervisor
Tancredi/J.Conte**

CARRIED: 6-0

Susan Barbaresi spoke on behalf of the New Hamburg Neighborhood Association.

Councilwoman Shershin: I have two quick things I would like to mention. Tomorrow starting Thursday, the Arlington Farmers Market is open again for another season on the lawn on Raymond Avenue on the Vassar Alumnae lawn from 3 to 7 every Thursday from now until the last Thursday in October and then on Saturday is Law Enforcement Day, which is in the same place on the Alumnae Lawn on Raymond Avenue. It's from 11 to 3 and it's a great time for the kids and our Police Department sets up, it is very interesting, we learn about law enforcements, get to see a car, do ID kits and there are other not-for-profit groups there and things that deal with children. Also, free cotton candy.

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. 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.**

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

SO MOVED: J. Baisley/W. Carlos

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

Nays: None

CARRIED: 6-0

TOWN BOARD WENT INTO EXECUTIVE SESSION AT 8:04 PM

TOWN BOARD RETURNED FROM EXECUTIVE SESSION AT 8:25 PM

TOWN BOARD MEETING CLOSED AT 8:26 PM

FS:lkm