

**MINUTES OF COMMITTEE OF THE WHOLE / TOWN BOARD MEETING
HELD ON DECEMBER 2, 2015 AT 7:00 PM
AT TOWN HALL, ONE OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

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

ABSENT: Councilman Lepore

- **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

Supervisor Tancredi asks Town Recreation Director Tom Meyering to come forward to help him honor Genevieve Johnson as well as some town athletes from the Cal Ripken Baseball League before the start of tonight's meeting.

Genevieve Johnson was honored for her 12 years of service for AARP as a teacher of Defensive Driving at our Senior Center and is now retiring from that position. The Town thanked her for her years of service and presented her with a Town Proclamation for her services.

PROCLAMATION

WHEREAS, the Town Board of the Town of Poughkeepsie, on behalf of all residents of the Town of Poughkeepsie, does hereby salute Genevieve Johnson on her twelve years of service to the AARP Smart Driver Senior Program, and

WHEREAS, these years of volunteerism have been marked by exemplary commitment to our community and to the safety of our residents.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie is proud to honor Genevieve Johnson who gives her expertise, talent and energy to serve her community and be it further resolved, that an originally

Signed proclamation be forwarded under the great seal of the Town of Poughkeepsie, Dutchess County, State of New York, to Genevieve Johnson.

Supervisor Tancredi: Thank you Genevieve for your years of service.

Supervisor Tancredi: We now also have some of our young athletes here tonight from the Cal Ripken Little League. We've had a number of our youth sports teams do very well in this year's tournament. So, what I thought I would do, is start with the manager of each team and I'm going to ask the Manager to read each certificate recognition for their players. Some players were not able to come due to conflicts and so I will let the Manager handle the list of who is here and who is not.

Names were read off in each group and pictures were taken.

Supervisor Tancredi: We just want to thank those of you who were able to come out tonight. The ball players did a great job and deserve a lot of credit for committing their time and their dedication and also more importantly, let's thank the coaches and parents for their commitments and time involved to make a big difference in the lives of your children.

COMMITTEE OF THE WHOLE MEETING

12:02-COW 01 PRESENTATION

**By Kirchhoff – MacDonnell
Heights Town Center On Route 44**

SPEAKERS: Joseph Kirchhoff, Jeff Kane, Steve Saland

The project, MacDonnell Heights Town Center, will be in the area of the Frank Brothers Farm on Rte. 44 in the Town of Poughkeepsie, basically in front of Lutheran Care, and the Town Board was presented with backup for the Power Point Presentation, which is also available in the Town Clerk's Office. The project will be asking the Town Board to approve a PILOT before they go forward with their plans for development. For a full view of the presentation please visit the Town of Poughkeepsie's YouTube Channel located on our website.

After the presentation the Supervisor suggested doing the Committee Reports before going into the Town Board Meeting.

COMMITTEE REPORTS

1. FINANCE

Councilman Baisley: No Report

2. FIRE ADVISORY

Councilman Conte: No Report

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|--------------------------------------|---|
| 3. GOVERNMENT OPERATIONS | Councilwoman Shershin: No Report |
| 4. LAND USE & PLANNING | Councilman Lepore: No Report
(Absent – on Business Trip) |
| 5. PERSONNEL | Councilman Cifone: No Report |
| 6. RECREATION | Councilman Baisley: Met with Cal Ripkin
(Discussed the Cal Ripkin Champions)
and next Saturday the 19th, Senior
Center Santa coming at 9AM – Sign up
for Breakfast at Recreation Dept.
485-3628 |
| 7. SENIOR CITIZENS | Councilman Baisley: No Report |
| 8. TECHNOLOGY & EQUIPMENT | Councilman Carlos: No Report |
| 9. WATER, SEWER, HIGHWAY | Councilman Carlos: No Report |

TOWN BOARD MEETING

Todd Tancredi read thru the agenda items and made a motion to suspend the rules for Public Speaking on Agenda Items: Supervisor Tancredi/A. Shershin

CARRIED: 6-0

Jim Barretta: Since you didn't ask for comments on an agenda item, for the Committee of the Whole Meeting, can I make a comment on that? So, you all know I'm a Commissioner in the Arlington Fire Department and this project that Mr. Kirchhoff presented is in the Arlington Fire District. I would ask the Board to consider the Fire District when thinking about this pilot. These pilots don't do us any favors at all. One example, we just got a first year payment for Neptune Plaza. I don't know if anyone knows what that payment amounted to for the Arlington Fire District, but I'll tell you. It's \$1,325.25. That doesn't even come close to covering one EMS call. That equates to what a resident would pay in a house that is assessed at \$225,000 and that's for a whole plaza with businesses and that plaza, depending on what kind of businesses you put in there, different things generate different amounts of EMS calls and, just for example, Neptune Plaza, we get automatic fire alarms and they happen to have a business in there called "BOUNCE" and if you don't know what that is, that is a trampoline center and any time you have athletics, you have injuries and the Arlington Fire District is getting \$1,325.25. You all know that the Fire District taxes are extremely high. Commissioners that are in there are working hard now to try and bring those taxes

down. I'm on the Finance Committee and we are trying to change the curb on the expense of the Arlington Fire District, but all we can control are the expenses. We don't have revenue sources. All of our money comes from taxes and when you have something like this asking for twenty years, you are basically providing EMS service for FREE for a good number of years. From the Fire District's standpoint, all we can do other than try to manage expenses when something like this is put on us, we are going to be forced to just pass this through and so I really ask you to think about this! (He also discussed the bill for Senior Citizen injuries, etc.) We, the fire department, don't get enough revenue for these things for 20 years. So, that goes directly on the residents in the district. I just ask you to think about what this project will do to the fire district. \$1,325.25 for one year does not cover ONE EMS call. Please take this under consideration. He went on for several more minutes.

Supervisor Tancredi asked Mr. Barretta what the actual cost is for one EMS Call.

Jim Barretta: I calculate it to be somewhere around \$3,000 and sometimes a little more than that. We get a little more than 5,000 calls a year, and 70% are EMS calls and I divided it by that and to me, that's what it comes out to be.

Supervisor Tancredi: How many of them are false alarms, do you know?

Jim Barretta: I don't know that number. We do, however, get a fair amount. Fortunately, through fire prevention and codes and things like that, there are very few structure fires, which is great. But, the trucks are running all the time.

Councilman Carlos: Did you see the print out that they gave out on the screen?

Jim Barretta: I saw it, I tried to see some of the numbers, but I couldn't catch it all.

Councilman Carlos: If I'm reading this correctly, the build out is five years, 20% a year and so, at the end of the first year, you would have 20% of 230 units in there, they are showing here, total taxes with the pilot, is \$23,790 at the end of the first year. So, what's in my mind is, it should be at least covering what we could reasonably expect the calls would be.

Jim Barretta: I don't think so, \$23,000.

Councilman Carlos: Well, is there a way, as close as you can, to project, and you get a reasonable number of how much that costs. Do you see what I'm saying? Yes

This discussion continued for some time longer, and Joe Armstrong also spoke on the matter about Fire District concerns and traffic concerns. Todd will get a print out of project for Mr. Barretta.

Supervisor Tancredi: I make a motion to resume the rules. Seconded by J. Conte

CARRIED: 6-0

**12:02-01 AUTHORIZE
SUPERVISOR TO SIGN**

Tax Certiorari Settlement – Target

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 Target #1856, for the tax assessment rolls for 2014 and 2015, as shown on the attached Consent Order and Judgment; and

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

SO MOVED: J. Baisley/W. Carlos

Supervisor Tancredi: The Town’s refund on this is \$13,845. New Hamburg Fire District refund is \$235.

Councilman Baisley: All these businesses do their business and I’ve had this discussion with our Assessor a number of times, we don’t have people come here to shop and in different ways and different things, this is what happens. You bring people into your localities to boost business. If they do, they bring the hotels, restaurants as well.

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

CARRIED: 5-1

**CONSENT ORDER AND JUDGEMENT ATTACHED
TO FINAL BOOK COPY**

12:02-02 – ACCEPT

**Certificate Of Attendance – Benedetto
Paganelli**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Certificate of Attendance for Benedetto Paganelli from the Dutchess County Planning Federation, for the course entitled “The Ins and Outs of the SEQRA Sort Environmental Assessment Form”, a copy of which is attached.

SO MOVED: W. Carlos/J. Conte

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

CARRIED: 6-0

FORM ATTACHED TO FINAL BOOK COPY

12:02-03 REAPPOINT

**Andrea Balga – Board Of Assessment
Review**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reappoint Andrea Balga as Chairman to the Town of Poughkeepsie Board of Assessment review for a five (5) year term from October 1, 2015 through September 30, 2020.

SO MOVED: J. Conte/W. Carlos

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

CARRIED: 6-0

**12:02-04 SET DATE FOR
PUBLIC HEARING**

**Texas Roadhouse – Zoning
Map Amendment**

RESOLUTION

WHEREAS, the Town Board has received a communication from the Director of Municipal Development recommending a change to the zoning designation of 2323 South Road, tax parcel number 6161-03-111047, from the O-R (Office Research) District to the B-H (Highway Business) District, for a project known as One Page Park/Texas Roadhouse; and

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

WHEREAS, on November 19, 2015 the Planning Board, as the designated lead agency, issued a Negative Declaration for the proposed One Page Park/Texas Roadhouse project; and

WHEREAS, on November 20, 2015 the Town Board received a communication from the Planning Board recommending approval of the zoning map amendment; 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

WHEREAS, amending the Zoning map requires a public hearing;

NOW THEREFORE BE IT RESOLVED THAT:

- 1. The Town Board hereby sets a public hearing on the proposed amendment for January 20, 2016, at 7:00 PM, or as soon thereafter as the matter may come to be heard, in the Town Hall, One Overocker Road, Poughkeepsie, New York; and**
- 2. The Town Board refers this matter to the Dutchess County Department of Planning and Economic Development for a recommendation pursuant to GML 239-m; and**
- 3. The Town Board directs the Town Clerk to notify the surrounding towns of the public hearing pursuant to GML 239-nn.**

SO MOVED: M. Cifone/J. Conte

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

CARRIED: 6-0

12:02-05 AUTHORIZE Budget Modification – Sewer Department

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the 2015 Budget, pursuant to the attached Budgetary Transfer Request Form submitted by the Comptroller, to allow for the Sewer Department to meet New York State Consent Order demands, as follows:

INCREASE:

S	909	Sewer-Appropriated Fund Balance	\$212,175.00
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INCREASE:

S 8120-0481 Contracted Services \$212,175.00

SO MOVED: A. Shershin/M. Cifone

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

CARRIED: 6-0

Supervisor Tancredi: As I've stated, this is for the work that we approved for TV inspections for some lines and manhole inspections, sewer meter purchase and rental and what we are doing is taking money from our fund balance, basically a savings account we have in our Sewer Fund to move to pay for this work.

**12:02-06 AUTHORIZE Foam And Wash Agreement
SUPERVISOR TO SIGN**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a Vehicle Cleaning Agreement with Baright Enterprises, Inc., d/b/a Foam & Wash Car Wash, for the entire Town Police Department fleet as required by the Town of Poughkeepsie Police Department, for the period of January 1, 2016 through December 31, 2016, a copy of Chief Spero's memo along with a proposal is attached; and

BE IT FURTHER RESOLVED, that Baright Enterprises, Inc., d/b/a Foam & Wash Car Wash has proposed to continue to provide services at the rate of \$700.00 per month, and the Town Board of the Town of Poughkeepsie finds that the solicitation of alternative proposals for these services would not be in the best interest of the Town.

SO MOVED: Supervisor Tancredi/J. Baisley

Supervisor Tancredi: This is in an amount of \$8400 per year. It's contained in the Police Budget for 2016 and it represents a \$50 increase per month, which is the first increase since 2012 and Foam & Wash works well for the Town and PD because they do have two locations on each end of Town. One in Arlington and one on South Road.

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

CARRIED: 6-0

12:02-07 ACCEPT

Resignation of Karen Croom

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the resignation of Karen Croom from her part time position as a Police Assistant (Dispatcher) with the Town of Poughkeepsie Police Department, effective immediately.

SO MOVED: J. Baisley/W. Carlos

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

CARRIED: 6-0

12:02-08 AUTHORIZE

**30- Day Waiver Liquor License
Barnes & Noble Café, LLC**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Danow, McMullan & Panoff, P.C. on behalf of Barnes & Noble Café, LLC, 2518 South Road, Poughkeepsie, NY, for a waiver of the 30 day review period for a liquor license application; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the Town Clerk's forwarding of a waiver and consent, pursuant to the attached request.

SO MOVED: W. Carlos/J. Conte

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

CARRIED: 6-0

12:02-09 APPOINT

Heather Duddy – Assessor's Aide

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Heather Duddy to the permanent part time position of Assessor's Aide in the Town Assessor's Office at \$17.27 per hour, effective November 30, 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. Conte/W. Carlos

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

Nays: None

CARRIED: 6-0

12:02-10 AUTHORIZE

Special Consents SC 1, SC 2

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. Retain** **Wallace & Wallace, LLP – Stengel, Aguirre, Mack and Greaves v. Town ZBA, Arlington Farms and Malabar**
- 2. Notification** **The following Notice of Claim has been Referred to Legal Department**
 - 1. Salvatore v. Town of Poughkeepsie**

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: M. Cifone/J. Conte

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

Nays: None

CARRIED: 6-0

12:02-SC1 RETAIN

Wallace & Wallace, LLP – Stengel, Aguirre, Mack And Greaves V. Town ZBA, Arlington Farms And Malabar

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby retain Wallace & Wallace, LLP at the hourly rate of \$165.00 for Partners, \$155.00 for Associates and \$65.00 for Paralegals, to represent the Town's interest in a proceeding known as *Roy A. Stengel, Matias Aguirre, Amy L. Aguirre, Peter P. Mack, Linda L. Mack and Marie Greaves vs. Town of Poughkeepsie Zoning Board of Appeals, Arlington Farms, Inc. and Malabar Realty, LLC.*

SO MOVED: A. Shershin/M. Cifone

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

CARRIED: 6-0

Supervisor Tancredi: Jim as our usual stance, would you make sure that Wallace and Wallace understands that we want the applicants Attorney to do the line sure of the defense of this as we have in other cases like this?

Town Attorney Nelson: Yes, I will.

Supervisor Tancredi: Our last item is a notice of claim

12:02-SC 2 NOTIFICATION

The Following Notice Of Claim Has Been Referred To Legal Department

1. Salvatore v. Town of Poughkeepsie

THIS CLAIM WAS REFERRED TO LEGAL DEPARTMENT

Motion made to suspend the rules for public speaking on Town issues. Supervisor Tancredi/A. Shershin

CARRIED: 6-0

Doreen Tignanelli: For Special Consent Item #1. The lawsuit. Is there any maximum you are setting for an amount to be spent?

No, we didn't have any. We had an hourly rate, but no max.

Town Attorney Nelson: It's very difficult to set maximums because of historically what things have cost. You just can't tell where these things will go.

Doreen Tignanelli: Regarding the development project of Mr. Kirchoff's. It used to be that a pilot was for tax exempt only. Now, it seems to be very common and they said that you are going to be getting more and more taxes and if it was empty,

but again, empty property requires no services and also, the one thing that was, I found a little disturbing was when Mr. Saland said that when an unfortunate scenario may occur if they don't get the pilot, that reminds me a lot of when, for the Dutton project, when Mr. Kaufman told, at the time it was Councilman Seminara, that if he didn't like his proposed use, well then they could bring some barges and store some garbage on them, so, that sort of sounded like a little bit of a threat to me and an unfortunate scenario that didn't sit well. And, then my only other comment, Todd back in October, Bob Casement asked me about that property on the corner of Main and Raymond. Is there any update on that? (Yes)

Supervisor Tancredi: That was before the Planning Board about a month or so ago and what they are trying to do is to keep that moving forward and so they gave an extension which was requested for the Building Permit, but they only granted it for 90 days and they also asked for monthly updates from the Building Department as to how progress was proceeding and so they gave an extension, but kept it pretty short and they are trying to really keep the property owner focused.

Doreen Tignanelli: Yes, it doesn't seem like progress is moving very quickly. Ok, now one last thing, again, when developers come before the Town Board, basically they tell you what they think you want to hear. I know that was said before, I can remember the person from the landing saying, "We don't really get many EMS calls." 25 EMS calls in a two month period! When they are not, I don't believe at 100 percent occupancy, is a lot of calls and you really need to take into account and with a grain of salt, what people tell you when they are sitting here and want you to vote on their project. Thank you.

Dan Salvatore: Back in October, I think it was, we had a discussion here about Van Wagner Road, the section of Van Wagner Road, between Taft, I was under the impression we were going to be getting something down at the south end of the road near Dutchess Overhead Doors, but I see that they installed a sign at the other end and on the north end it says "No Through Traffic" it's about ten feet high and most people don't even see it. I'm just wondering if that is the final solution to the plan?

Supervisor Tancredi: No, the plan is to eventually dead end that Van Wagner Road. I don't think there is a time frame at this point. But, no, that's not the solution. I didn't even know that went up. I'm not sure why, but---

Dan Salvatore: That's good, because when you drive by you won't see it, it's way too high.

Supervisor Tancredi: Even if they did get to the end, do you know the sign that's there? It says no right turn, there isn't going to be any thru traffic sign.

Dan Salvatore: I'm just more concerned right now because I'm sure you all know now, that the Planning Board had a request last week from Verizon who wants 100

more workers to be working up at the Van Wagner Road facility because they are closing the Perishing Avenue facility and that's going to have a lot more traffic over there.

Supervisor Tancredi: Well, again, hopefully Verizon will be obeying the traffic law. When you get to the end of Van Wagner extension, they should not be violating the sign that says "No Right Turn".

Dan Salvatore: It's not so much the Verizon vehicles as the Verizon employees when they are on their way home.

Supervisor Tancredi: The intention is to dead end that street. It's probably not going to happen this year because the plants going to be closing, but that is the intent. The Town Board has already given that the thumbs up, it's just a matter of getting there and doing the work.

Councilwoman Shershin: I need to tell everyone that the Arlington Business Improvement District is doing a tree lighting this Saturday at 4 PM. The tree is on the Vassar Alumni lawn on the corner of Fulton and Raymond. Free hot chocolate with musical performances. Tom Meyering e-mailed it out on our web site.

TOWN BOARD MEETING ADJOURNED AT 8:50 PM