

**MINUTES OF REGULAR TOWN BOARD MEETING
HELD ON AUGUST 17, 2016 AT 7:00 PM
AT TOWN HALL, ONE OVEROCKER ROAD
POUGHKEEPSIE, NEW YORK**

PRESENT: Deputy Supervisor Baisley
Councilman Carlos
Councilman Conte
Councilman Lepore
Councilwoman Shershin
Town Attorney Odierna
Town Clerk Salvatore

ABSENT: Councilman Cifone

**Motion made to suspend the rules for public comment on Public Hearing #1:
Deputy Supervisor Baisley/J. Conte**

CARRIED: 5-0

08:17:01 PUBLIC HEARING

**Zoning Amendment – One
Dutchess Avenue**

Lou Kaufman: I am here with the owner/developer, the O’Neil Dutton Group, and Michael McCormick (Architect):

Lou Kaufman: I just have a few words for those of you who were not here for the previous presentations. This was a Brownfield and it was vacant that was previously used as a lumber yard and then a pressure treatment lumber plant where they used arsenic and chromium and things that then got into the ground and contaminated the sight. We had a full inspection of it. We were approved by a mediation plan by DEC and we have completed the development portion of the property and that is now clean to the specs of DEC and we have a certificate of completion for that under the Brownfields program. It’s now clean. We then proceeded to the approval process for a site plan. During the SEQRA process, the City Council was designated the Lead Agency. Two thirds of the land is within the City and the Town. They went through the process and then approved for SEQRA purposes, had a finding that there was a permissible 384 units with parking and all the necessary engineering for that. And that was in 2012. Over the course of the next year, we met with a variety of members of both the City and from the Town, Neil Wilson & Jon Weisman, to further drill down on some of the aspects of the site plan so that it was more acceptable to both the municipalities. We arrived at basically the plan that you see in front of you now. The City, having the larger portion of the land, and having the primary access off of Dutchess Avenue, they stepped up and we pursued their approval so we would know how we could get into the Town and how it would lay out. We presented this plan, but that is what the City approved and this portion was the Town approval. We sat with members of

the Town to create a Zoning Ordinance, WHOD, which we essentially would comply with. Mr. Wilson wrote up the Ordinance and the Town reviewed the Ordinance and sent it over to the Planning Board and they recommended that the Ordinance be accepted. Now, we have gone through multiple reviews and had consultants from the Town and the Planning Board for the Town look at the sight plan and the Planning Board has recommended that this is in fact, worthy of a rezone and we are here for your acceptance of that.

Mr. McCormack, Architect and designer of the buildings gave some details of the site plan. He stated that the City has given their approval and there is a signed map to the affect for 380 units of housing for the site itself. (He described the scope of the overall project which is available on the internet if you so desire to see the presentation/discussion in full).

Motion made to adjourn this Public Hearing to October 19, 2016. Deputy Supervisor Baisley/ Seconded by Councilman Conte. CARRIED: 5-0

Town Clerk Salvatore: I want to mention that I did receive some public comments on this and they are attached to this meeting. Copy was also given to Mr. Kaufman.

DOREEN TIGNANELLI'S COMMENTS ATTACHED TO FINAL BOOK COPY

Motion made to open Public Hearing #2: Deputy Supervisor Baisley/Councilwoman Shershin. CARRIED: 5-0

08:17:02 PUBLIC HEARING

Four Year Term-Office Of Town Clerk

Town Clerk Salvatore: I just wanted to say that the idea behind it for me is that, the fact that I think it's physically responsible to change it to a four year term from a two year term. There are roughly 20 Towns in Dutchess County, 15 of those are already a four year term. There are four with a two year term and two that are looking into being a four year term, Poughkeepsie (us) and Amenia, and Rhinebeck is appointed. The Highway Superintendent is a four year term and the Tax Receiver is as well and it just makes sense, of course it has to be approved by the voters and by your approving this Local law does really nothing but to give it a chance to pass or not pass and I think it's appropriate to put it on at this time because it really doesn't affect me as a person, but the office of the Town Clerk. So, it doesn't go into affect until January 2018 and whomever is running for the position at that time, would start with the four year term.

Deputy Supervisor Baisley: This has been an on and off discussion for a couple of years now, the voters would get to vote on it this year. It would then start the following year.

Town Clerk Salvatore: Quite a few towns have actually changed even the Board to a four year term. I just got a lot of e-mails, just this week around budget time, all the Town Clerks contact each other about different things and a lot of them were asking about whether our Supervisor would be looking into a four year term. It's just more cost effectively, actually.

Motion made to resume the rules: Deputy Supervisor Baisley/A. Shershin

**ROLL CALL: Ayes: Councilmen Carlos, Conte, Lepore, Councilwoman Shershin
And Deputy Supervisor Baisley**

Nays: None

CARRIED: 5-0

RESOLUTION

BE IT ENACTED, by the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 17th day of August, 2016 at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, New York at 7:00 PM, that the Town Board does adopt the annexed Local Law which provides a four year term for the elective office of the Town Clerk, Town of Poughkeepsie, such four year term to commence January 1, 2018, which annexed Local Law as adopted is subject to voter approval on November 8, 2016 and will become effective immediately upon the filing in the Office of the Secretary of State after approval by a majority of the electors voting thereon in accordance with the requirements of Section 27 of the Municipal Home Rule Law, and

BE IT FURTHER ENACTED, that the Legal Notice of Public Hearing was posted on August 4, 2016 and published in the Poughkeepsie Journal on August 6, 2016; and

BE IT FURTHER ENACTED, that the Town Clerk of the Town of Poughkeepsie shall file a Certified Copy of this local law in the Office of the Town Clerk and three (3) Certified Copies in the Office of the Secretary of State of the State of New York, each such Certified Copy to have attached thereto any required Certificate executed by the Attorney to the Town of Poughkeepsie that it contains the correct text and that all proper proceedings have been had or taken for the enactment of this Local Law, once the approval of the qualified voters has been obtained at the general Town Election on November 8, 2016, and

BE IT FURTHER ENACTED, that the adoption of this Local Law is a Type II Action requiring no SEQRA review.

The foregoing resolution was voted upon with all Board members voting as follows:

**ROLL CALL: Ayes: Councilmen Carlos, Conte, Lepore, Councilwoman Shershin
And Deputy Supervisor Baisley**

Nays: None

CARRIED: 5-0

PROPOSED LOCAL LAW ATTACHED TO FINAL BOOK COPY

**Motion made to suspend the rules for Public Comments on Public Hearing #3:
Deputy Supervisor Baisley/J. Conte**

CARRIED: 5-0

NO SPEAKERS CAME FORWARD

Motion made to close Public Hearing #3: Deputy Supervisor Baisley/A. Shershin

CARRIED: 5-0

08:17:03 PUBLIC HEARING

Amend Chapter 195-47- Crosswalks

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 17th day of August, 2016 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend Town Code, Chapter 195 entitled “Vehicles and Traffic”, specifically Section 195-47. Schedule XII, entitled “Crosswalks”, which amendment would read as follows:

ADD: Section 195-47, Schedule XII

NAME OF STREET	LOCATION
Hagan Drive	At Intersection with Spackenkill Road
Schoolhouse Lane	At Intersection with Croft Road

AND BE IT FURTHER ENACTED, that the Legal Notice of Public Hearing was posted on August 4, 2016 and published in the Poughkeepsie Journal on August 6, 2016; and

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

SO MOVED: J. Conte/W. Carlos

Councilman Lepore: I got lots of good comments on this and is a long coming and everyone is happy with it.

Deputy Supervisor Baisley: This was addressed initially at Spackenskill School. The students after school were walking from the High School to the Jr. High on a daily basis and we are just trying to make it a little safer. We addressed a few issues and are now working with the school board to move forward on this. This is just the beginning and we hope this will make the walk back and forth a little safer.

Councilman Lepore: Sg. Alburg did a great job, because in that area, there seems to be more families who have moved in and there are more kids going to school from there.

**ROLL CALL: Ayes: Councilmen Carlos, Conte, Lepore, Councilwoman Shershin
And Deputy Supervisor Baisley**

Nays: None

CARRIED: 5-0

Jay Baisley read through the agenda and opened the floor for public comment on Agenda items- seeing no one, the meeting continued.

08:17:04 CONCUR/RATIFY

**Determination Of Emergency -
Fairview Pump Station**

RESOLUTION

WHEREAS, Water Superintendent Ballard advises that there are two ultrasonic flow meters at the Fairview Pump Station, and that their proper operation is critical to the Town's ability to monitor the output from the Station, and he has further advised that one of the meters requires significant repairs, cannot be recalibrated, is inoperable, and must be replaced, and

WHEREAS, Armani Engineering Corp. has solicited competitive quotations for the metering equipment which is required, and

WHEREAS, the Deputy Supervisor has determined that the absence of a second functioning meter constitutes an emergency situation, and he has authorized Armani Engineering Corp. to proceed with the replacement of both meters at an estimated cost of \$12,940.00, and

WHEREAS, the maintenance and repair of equipment is exempt from the New York State Environmental Quality Review Act, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie finds that it would not be in the best interest of the Town to seek bids or RFPs, and it

concurs with and ratifies the Deputy Supervisor's determination that this is an emergency situation, and his authorization of the retention of Armani Engineering Corp.

SO MOVED: J. Lepore/J. Conte

Councilman Conte: Keith, this says "Estimated Cost of \$12,940.00, that's for both of them or is it—(for Installation)

Councilman Carlos: If there is a problem, why are we doing both, if ONE has a problem?

Keith: Because they don't make those anymore.

Jay explains further why this must be done

**ROLL CALL: Ayes: Councilmen Carlos, Conte, Lepore, Councilwoman Shershin
And Deputy Supervisor Baisley**

Nays: None

CARRIED: 5-0

**08:17:05 AUTHORIZE DEPUTY
SUPERVISOR TO SIGN**

**Friendly Honda/Easy Street
Documents**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Drainage Easement and Stormwater Management Facility Inspection and Maintenance Easement, and Amended Declaration of Cross Easements in regard to the project known as Friendly Honda Inventory Parking Lot; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Deputy Supervisor to sign the Stormwater Management Facility Inspection and Maintenance Agreement and any supporting recording documents in regard to the Friendly Honda Inventory Parking Lot project, in substantially the form attached; and

BE IT FURTHER RESOLVED, that such acceptance and authorization by the Town Board of the Town of Poughkeepsie is subject to the approval of all final documents by the Town Attorney, Planning Board Attorney, Town Engineer and the Director of Municipal Development for the Town of Poughkeepsie.

SO MOVED: A. Shershin/J. Conte

**ROLL CALL: Ayes: Councilmen Carlos, Conte, Lepore, Councilwoman Shershin
And Deputy Supervisor Baisley**

Nays: None

CARRIED: 5-0

**DRAINAGE EASEMENT AND STORMWATER MANAGEMENT
FACILITY INSPECTION AND MAINTENANCE EASEMENT
ATTACHED TO FINAL BOOK COPY**

08:17-06 AUTHROIZE

The White House Sale

RESOLUTION

WHEREAS, the Town of Poughkeepsie owns a parcel of land with a building on it (“The White House”) located at 1 Overocker Road, and

WHEREAS, The White House is in need of repair, and has not been used for Town purposes for several years, and

WHEREAS, the Town Board has consulted with a real estate appraiser regarding the value of the White House property, now, therefore, it is

RESOLVED, that The White House and property is declared to be surplus property, and

BE IT FURTHER RESOLVED, that the Deputy Supervisor is authorized to sign all papers necessary and proper to effectuate a transfer of title to said surplus property to Danielle DiCarlo for office use, the conveyance to be in “as-is” condition for cash consideration of \$180,000, with the Town providing a shared driveway easement for access to Overocker Road, provided that the Town’s obligation under the contract shall be contingent upon the advertisement for and expiration of any required term for the filing of a permissive referendum without the filing of a referendum petition, 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/J. Conte

Councilwoman Shershin: I’ve spoken with our Town Historian, John Pinna, and he is also in favor of the sale of the house. We really would like to see it put back into use and also restored. The house is from 1890 and we went through the deeds to see if we could more history on it, but it appears that it was, at one point, part of Abel Adams Farm. We weren’t able to actually pinpoint who actually built the house.

**ROLL CALL: Ayes: Councilmen Conte, Lepore, Councilwoman Shershin
And Deputy Supervisor Baisley**

Nays: Councilman Carlos

CARRIED: 4-1

08:17-07 APPOINT

Taryn Riley – Comptroller’s Office Part Time

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the appointment of Taryn Riley to the position of Permanent Part Time Payroll Clerk at the salary of \$22.00 per hour for a maximum of 24 hours a week, which appointment will be effective immediately 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 Deputy Supervisor or his designee is authorized to execute and file all documentation required by the Dutchess County Department of Human Resources in connection with this appointment.

SO MOVED: W. Carlos/J. Conte

**ROLL CALL: Ayes: Councilmen Carlos, Conte, Lepore, Councilwoman Shershin
And Deputy Supervisor Baisley**

Nays: None

CARRIED: 5-0

08:17-08 APPOINT

Brian Powers – Alternate Planning Board

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Brian Powers to the current vacant position on the Town of Poughkeepsie Planning Board as an alternate for a four (4) year term, which appointment expires on December 31, 2019.

SO MOVED: J. Conte/W. Carlos

**ROLL CALL: Ayes: Councilmen Carlos, Conte, Lepore, Councilwoman Shershin
And Deputy Supervisor Baisley**

Nays: None

CARRIED: 5-0

**08:17-09 TAX CERTIORARI
PROCEEDINGS**

**Notice Of Petitions For Review Of
Tax Assessments**

Atom Holdings, Ltd	133201	6162-16-942485-0000
Bacchi Partnership LP	134602	6160-01-235760-0000
Bright Horizons Childrens Center	134602	6160-03-160127-0000
Camelot Village NY LLC	135601	6159-03-247420-0000

Camelot Village NY LLC +8 lease accts	135601	6159-03-175445-0000
Carrols Corporation #288	135601	6158-01-410946-0000
Carrols Corporation #289	135601	6158-01-406865-0000
Cview Associates LLC	134601	6161-12-853668-0000
Cview Associates LLC	134601	6161-12-846670-0000
Danielle Associates LLC	134602	6163-03-132019-0000
Elgen Associates LLC	134602	6160-03-100001-0000
GA North Rd LLC	133201	6162-09-004642-0000
GA North Rd LLC	133201	6162-09-016620-0000
GA North Rd LLC	133201	6162-09-022621-0000
GA North Rd LLC	133201	6162-09-020637-0000
GasLand Petroleum	134601	6262-04-607040-0000
IKV Realty, LLC	133201	6162-09-025626-0000
IKV Realty, LLC	133201	6162-09-014647-0000
Kennedy, Raymond & Debra A Rock	135601	6158-14-320415-0000
LIXI Poughkeepsie	134602	6160-03-057135-0000
Macv's Retail Holdings	135601	6159-03-270349-0000
MCRJ Realty Corp	134602	6159-01-249880-0000
Poughkeepsie Plaza LLC	135601	6159-03-394112-0000
Poughkeepsie Plaza LLC	135601	6159-03-393085-0000
Poughkeepsie Shopping Center, Inc.	134602	6160-01-057740-0000
Royal Strawberry Hill Farm LLC	133201	6262-01-255750-0000
Royal Strawberry Hill Farm LLC	133201	6262-01-350640-0000
Royal Strawberry Hill Farm LLC	133201	6262-01-390710-0000
Sears Roebuck #1333	135601	6159-03-219298-0000
St. Francis Hospital c/o HTA-Poughk.	133201	6162-09-072632-0002
Stop & Shop Companies, Inc.	134602	6160-01-075610-0000
Stop & Shop Companies, Inc.	134602	6160-01-047553-0000
Stop & Shop Companies, Inc.	134602	6160-01-025534-0000
Stop & Shop Companies, Inc.	134602	6160-01-041616-0000
Stop & Shop Companies, Inc.	134602	6160-01-029640-0000
Stop & Shop Companies, Inc.	134602	6160-01-027668-0000
Tucker Drive LLC	134601	6262-03-144210-0000

**08:17:10 TAX CERTIORARI
PROCEEDINGS**

**Notice Of Petitions For Review Of Tax
Assessments-Small Claims**

Brown, Stephan	134601	6161-08-937986-0000
Ghnam, Amjad	134601	6162-20-792158-0000
Menking, Kirsten	134601	6261-03-273378-0000
Seco, Jose	135601	6259-01-043652-0000
Starzyk, Brandi	134601	6261-02-530965-0000

NOTED BY TOWN BOARD

08:17-11 AUTHORIZE

Special Consents SC1 & SC 2

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby grant Special Consent to the following items; to wit:

- 1. Approve Permanent Appointment – Jessica Bascone**
- 2. Approve Crunch 5K**

AND BE IT FURTHER RESOLVED, that upon the objection of any member of the Town Board, an item may be removed from the list and voted on separately.

SO MOVED: J. Lepore/J. Conte

**ROLL CALL: Ayes: Councilmen Carlos, Conte, Lepore, Councilwoman Shershin
And Deputy Supervisor Baisley**

Nays: None

CARRIED: 5-0

08:17-SC 1 APPROVE

**Permanent Appointment – Jessica
Bascone**

RESOLUTION

WHEREAS, Jessica Bascone has served as an Accountant for the Comptroller's Office since December 1, 2015, now therefore

BE IT RESOLVED, that based on the notice from Dutchess County Department of Human Resources of her successful results on the Civil Service exam, the Town Board of the Town of Poughkeepsie does hereby confirm the appointment of Jessica Bascone as permanent full time Accountant in the Comptroller's Office, subject to a probationary period of not less than eight (8) nor more than twenty-six (26) weeks per Civil Service Law, commencing with the date of her Civil Service Eligibility date of July 8, 2016.

SO MOVED: A. Shershin/W. Carlos

**ROLL CALL: Ayes: Councilmen Carlos, Conte, Lepore, Councilwoman Shershin
And Deputy Supervisor Baisley**

Nays: None

CARRIED: 5-0

08:17-SC 2 APPROVE

Crunch 5K

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application of Ashley Caferro of Crunch Fitness to hold “Crunch 5K” to benefit Anderson Center for Autism on Saturday, October 15, 2016, location of which run is from Crunch Fitness to Crown Heights; and

BE IT FURHTER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application for said Annual Run as submitted pending approval from the Town of Poughkeepsie Police Department and receipt of a Certificate of Liability Insurance naming the Town of Poughkeepsie as an additional insured.

SO MOVED: J. Baisley/B. Carlos

**ROLL CALL: Ayes: Councilmen Carlos, Conte, Lepore, Councilwoman Shershin
And Deputy Supervisor Baisley**

Nays: None

CARRIED: 5-0

Motion made to suspend the rules for public comment on any Town subject: Deputy Supervisor Baisley/W. Carlos

CARRIED: 5-0

Jason Pagnanella: Spoke about Cemetery behind the South Gate Deli on South Gate Drive. Property is owned by a Mr. Stenger who is working on a failed project next to the Bone Fish Grill on Route 9 South. The cemetery is a family cemetery that contains remains from the Fort Family who had a large farm on that property in the 1700’s and Mr. Fort was also a Major in the Revolutionary War during 1778. The Fort family also served Poughkeepsie as the Town Assessor and other public offices throughout many generations. In 2014 the Girlscouts restored that cemetery to a degree and more recently a group of some neighbors and myself have come to this Town Council to have it placed on the Historical Landmark.

Councilwoman Shershin: It is already.

Jason Pagnanella: I’ve had a lot of neighbors come to my home asking me –there is a head stone at the entrance to the cemetery – and the head stone has fallen down the embankment and is currently laying on the side of the embankment and a lot of the neighbors believe that I own the property since the cemetery is embanked against it and they want to know why I can’t or don’t get it fixed. So, I just want to bring it to the Town’s attention that it is unsightly and a disgrace to the Fort Family and our aria’s history in general. Mr. Stenger said he did not care about the cemetery or my property that butts against it when he was working on that project. He also did not make good on any of his promises to plant trees to suppress the noise from Route 9 when he was working on that project. He also stated he was going to put a fence. I feel the landowner should at least maintain the property as far as putting the head stone back in place. We are losing history in this area and we need

to preserve it for future generations as well as for respect to the Fort family in this area.

Councilwoman Shershin states she believes the property is owned by Mr. Domber and said she spoke to a couple of people about this herself and she knew of someone else who has restored another cemetery and was interested on doing this one. She stated she was going to give that person a call when the weather comes down.

Deputy Supervisor Baisley stated to give him a call and he would see if he could get someone to help get this stone put up. He was going to seek information on how to get the situation taken care of.

Motion made to adjourn the meeting at 7:45 P.M. : Deputy Supervisor Baisley/J. Conte

CARRIED: 5-0