

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

PRESENT: Acting Supervisor Baisley
Councilman Carlos
Councilman Conte
Councilman Cifone-arrived at 7:15 PM
Councilman Lepore
Councilwoman Shershin
Town Attorney Nelson
Town Clerk Salvatore

- **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 have a moment of silence for all of those who perished in Pearl Harbor seventy five years ago today and for all our service men and women that are protecting us overseas and in our country today.

A proclamation was given to Stuart Westly Vidal at his home on his 100th Birthday, in November and he is a World War II Vet. He was known for coming out each and every morning and hanging his flag and saluting the flag.

Bill Carlos: In our Country right now, there are some people who exercise their first amendment right and sometimes do it the wrong way. Here is a man who served in the Second World War as an aviation mechanic First Sgt. Army Air Corp. and every day he walks down his driveway and puts his flag up and he steps back and salutes it. As far as I'm concerned, that's an American Hero.

Jay Baisley: I was thrilled to see everyone there that day and it was a great turn out for him, God Bless

12:07-01 PUBLIC HEARING

HUDSON HERITAGE

Motion made to suspend the rules for Public Hearing on Hudson Heritage. William Carlos/J. Conte

ROLL CALL: Ayes: Deputy Supervisor Baisley, Councilman Carlos Conte, Lepore and Councilwoman Shershin

CARRIED: 5-0

To view the entire public hearing which was at least one hour in length, you may go to our YOU TUBE page located on our website.

Minutes of the public hearing were taken by stenographer, Barbara Ulbrich and will be attached when they are received. They will also be posted on the website in the near future.

12:07-02 CREATE

**Reserve Fund-
Employee Benefit Fund**

RESOLUTION

WHEREAS, the Town of Poughkeepsie employs individuals whose terms and conditions of employment are governed by a collective bargaining agreement, employment contract or the Town Employee Handbook (“The Designated Employees”), any or all of which provide for some entitlement to be paid the cash value of certain accrued but unliquidated paid time off upon termination of service with the Town, whether by retirement or otherwise, and

WHEREAS, prudent fiscal planning calls for the establishment of an Employee Benefit Accrued Liability Reserve Fund in accordance with Section 6-p of the General Municipal Law to fund these payments, now therefore

BE IT RESOLVED, that the Town of Poughkeepsie does hereby create a reserve fund to be known as the Employee Benefit Accrued Liability Reserve Fund, and the funds deposited in such fund shall be used to fund accrued employee benefit payments due to the Designated Employees upon termination of service, by retirement or otherwise, for the cash payment of the monetary value of accrued and accumulated or unused and unpaid sick leave, personal leave, holiday leave, vacation time, allowances granted in lieu of overtime compensation and any other forms of payment for accrued or unliquidated time earned by The Designated Employees and payable to them upon termination of service, whether by retirement or otherwise, as authorized by ordinance, local law, employment contract, retirement or otherwise, as authorized by ordinance, local law, employment contract, collective bargaining agreement, Town Employee Handbook or Section 6 of the Civil Service Law for which expenditures may be made pursuant to subdivision two of Section 6-p of the General Municipal Law, and

IT IS FURTHER RESOLVED that there may be paid into such fund:

- a. Such amounts as may be provided by budgetary appropriations; and
- b. Amounts from any other fund authorized by the General Municipal Law by resolution subject to permissive referendum; and
- c. Such other funds as may be legally appropriated; and

IT IS FURTHER RESOLVED that the monies in such funds shall be deposited and secured in the manner provided by Section 10 of the General Municipal Law. The Town Board may direct the investment of the monies in such fund in the manner provided by Section 11 of the General Municipal Law. Any interest earned or capital gain realized on the money so deposited or invested shall accrue to and become part of such fund, and

IT IS FURTHER RESOLVED that the Comptroller of the Town of Poughkeepsie shall account for this fund separate and apart from all other funds of the Town of Poughkeepsie. Such accounting shall show: The source, date and amount of each sum paid into the fund; the interest earned by such fund; capital gains or losses resulting from the sale of investments of this fund; the order, purpose thereof, date and amount of each payment from the fund; the assets of the fund, indicating cash balance and a schedule of investments. The Comptroller, within sixty days of the end of each fiscal year shall furnish a detailed report of the operation and condition of this fund to the Town Board. The Comptroller shall also keep a separate account for each kind of employee benefit accrued pursuant to subdivision two of Section 6 of the General Municipal Law which is payable to the Designated Employees, and

IT IS FURTHER RESOLVED that any action or claim for the accrued employee benefits shall be compromised or settled by the Town of Poughkeepsie Town Board in accordance with the authority established under Section 6-p of the General Municipal Law, and

IT IS FURTHER RESOLVED that expenditure may be made from the fund for the payment of all or part of the cost, including interest, of

- (a) the cash payment of the monetary value of accumulated or accrued leave and unused sick leave, holiday leave, vacation leave, time allowance granted in lieu of overtime compensation and other forms of payment for accrued leave time and benefits due to The Designated Employees upon termination of municipal employment and separation from service as required by ordinance, local law, collective bargaining agreement or Section 6 of the Civil Service Law.
- (b) the reasonable costs of the administration of the reserve fund.

(c) expert or professional services rendered in connection with the investigation, adjustment of settlement of claims, actions or judgments relating to claims for accrued employee benefits as defined in Section 6-p of the General Municipal Law, and

IT IS FURTHER RESOLVED that no member of the Town Board or the Town Comptroller shall:

- (a) authorize a withdrawal from this fund for any purpose except as provided in Section 6-p of the General Municipal Law; or
- (b) expend any money withdrawn from this fund for a purpose other than as provided in Section 6-p of the General Municipal Law.

The foregoing resolution was duly put to vote, and on roll call the vote was as follows:

SO MOVED : William Carlos/Conte

ROLL CALL: Ayes: Deputy Supervisor Baisley, Councilman Carlos, Conte, Cifone, Councilman Lepore and Councilwoman Shershin

CARRIED: 6-0

12:07-03 ADOPT

Workplace Violence Plan

AMENDED RESOLUTION

WHEREAS, the New York State Labor Law requires State and Local government employers to ensure that their employees are provided adequate protection from potential incidents of violence in the workplace, and conduct a risk assessment, provide training, and develop and implement a written workplace violence prevention program; and

WHEREAS, Town employees, offers and a consultant to the Town considered the foregoing requirements, it is hereby

RESOLVED, that the annexed Town of Poughkeepsie Workplace Violence Prevention Program be and the same is hereby adopted; and

IT IS FURTHER RESOLVED that the Town Supervisor is authorized to designate the five member Workplace Violence Reduction Team {to serve until the next biennial town organization meeting and to thereafter appoint five members} at each biennial organization meeting of the Town.

SO MOVED: J. Conte/M. Cifone

Councilman Carlos: If we are going to put this in place now, the bi-annual meeting is a year from now and do we have to say something special that the Supervisor appoint them now for January 1st?

Deputy Supervisor Baisley: We have to appoint them now to have the beginning appointment.

Town Attorney Nelson: That's a good point. Designate the five member workplace violence reduction team to serve until the next Organization Meeting and thereafter—

Councilman Carlos: Should we call it a change or an amendment?

Town Attorney Nelson; It's an amendment to the resolution.

Councilman Carlos: I make that motion as an amendment. Seconded by Councilwoman Shershin

ROLL CALL: Ayes: Deputy Supervisor Baisley, Councilman Carlos, Conte, Cifone, Councilman Lepore and Councilwoman Shershin

CARRIED: 6-0

Councilman Lepore: I also have a question. Does this policy get forward to the Insurance for liability purposes?

Councilman Carlos: I don't know if our insurance company is going to ask for it, but the State has already reviewed it. They went through every line of it.

Deputy Supervisor Baisley: We're going to the State and we went through the first day of training the other day. Everyone has to be trained in the next month. I want to thank Bill and Cheryl for their time and effort for putting this plan together and visiting all of the departments and they had to do a survey. It was very time consuming.

Councilman Carlos: One of the things that's really good about this is that every year we have to do a survey of our employees and if they bring up a concern in terms of safety and security, the team has to address it and it may come up to us to do something, I found it somewhat unusual that one of the major complaints is the lighting at night at all of our facilities. Then we had two weeks ago, the resolution on lighting for here and I said then that it is addressing a concern our employees have. It may be a good idea somewhere in the future to actually have someone study

the lighting of all our places where employees are. If 51% of our people are telling us there is a problem with the lighting, then we need to look at that. We've already done the survey.

ROLL CALL {As Amended} :

Ayes: Deputy Supervisor Baisley, Councilman Carlos, Conte, Cifone, Lepore and Councilwoman Shershin

CARRIED: 6-0

12:07-04 AUTHORIZE DEPUTY SUPERVISOR TO SIGN

Washington Hollow Rod/Gun Agreement

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Deputy Supervisor to execute a License Agreement with Washington Hollow Rod and Gun Club, Inc. for use by the Town of Poughkeepsie Police Department for target practice for an annual fee of 42,000.00, which agreement shall be in effect from January 2, 2017 through December 31, 2017.

SO MOVED: M. Cifone/J. Conte

ROLL CALL: Ayes: Deputy Supervisor Baisley, Councilman Carlos, Conte, Cifone, Councilman Lepore and Councilwoman Shershin

CARRIED: 6-0

LICENSED AGREEMENT ATTACHED TO FINAL BOOK COPY

12:07-05 BUDGET MODIFICATION

Police Department

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the 2016 Budget, pursuant to the attached Budgetary Transfer Request Form submitted by the Comptroller, to allow the purchase of four (4) Watch guard (4) RE/Vista In-Car Camera Systems, two (2) Ford Police Interceptor AWD SUV's and three (3) Pro-Guard Prisoner Transport System for the Police Department, as follows:

FROM:

B 3120-0461	Telephone	\$21,978.00
B 3120-0432	Gas & Oil	\$62,125.20
B 3310-0481	Contracted Services	\$ 7,433.00

TO:

B 3120-0211	Other Equipment	\$21,978.00
B 3120-0203	Motor Vehicles	\$62,125.20
B 3120-0441	Repairs & Maintenance, Auto	\$7,433.00

SO MOVED: J. LePore/M. Cifone

ROLL CALL: Ayes: Deputy Supervisor Baisley, Councilman Carlos, Conte, Cifone, Councilman Lepore and Councilwoman Shershin

CARRIED: 6-0

12:07-06 RATIFY

Deputy Supervisor Execution of IMA With County – Pilot Program/Snow Removal

RESOLUTION

WHEREAS, by Resolution 12:3-#8 of 2014, the Town Board of the Town of Poughkeepsie approved the execution of an Intermunicipal Agreement with the County of Dutchess to participate in the Regional County Highway Snow & Ice Control Program (the “Program”) within the boundaries of the Town, and

WHEREAS, the County has forwarded a new Intermunicipal Agreement Pilot Program for snow removal starting January 1, 2017 that would pay per mile and eliminate a significant amount of tedious paper work, now therefore

BE IT RESOLVED, that the Deputy Supervisor is authorized to execute an Intermunicipal Agreement (“IMA”) with the County for the Town’s participation in the Program, and the Highway Superintendent Pfeifer is hereby authorized to perform such work and to receive the materials and payments therefore as outlined in the annexed IMA during the winter season of 2017, and

BE IT FURTHER RESOLVED, that this is a Type II action requiring no SEQRA review.

SO MOVED: A. Shershin/J. Conte

ROLL CALL: Ayes: Deputy Supervisor Baisley, Councilman Carlos, Conte, Cifone, Councilman Lepore and Councilwoman Shershin

CARRIED: 6-0

INTERMUNICIPAL ATTACHED TO FINAL BOOK COPY

**12:07-07A LEAD AGENCY
PLANNING BOARD**

A. Hudson Valley Federal Credit Union

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby acknowledge that the Town of Poughkeepsie Planning Board is acting as SEQR Lead Agency (paper work can be found in the Town Clerk's Office) for the project known as Hudson Valley Federal Credit Union, 2373 South Road, Poughkeepsie, New York, A Tax Parcel No. 6160-03-048168 and 031173.

SO MOVED: J. Baisley/J. Conte

Councilwoman Shershin: This is right now Coppola's on the corner which is a significant historic structure which unfortunately has been severely cannibalized by the structures in there so that there is not much left of the original building that was in the 1750's and so it's a very old structure and we are really hoping that the developers and Credit Union pushes as hard as possible to build a unique branch there that reflects the true character and what the original appearance was. We are really encouraging them like we are encouraging Hudson Heritage too. Because people love historic houses, especially historic houses they don't have to pay to enter. There is a few things the Historic Preservation Committee is going to meet with them and talk to them about that we've asked for some changes and they said they didn't think they could incorporate but we are going to try to encourage them to try a little bit harder.

ROLL CALL: Ayes: Deputy Supervisor Baisley, Councilman Carlos, Conte, Cifone, Councilman Lepore and Councilwoman Shershin

CARRIED: 6-0

**HUDSON VALLEY FEDERAL CREDIT UNION NOTICE
OF AMENDED APPLICATION BY TOWN PLANNING BOARD (A)
ATTACHED TO FINAL BOOK COPY**

**12:07-07B LEAD AGENCY
PLANNING BOARD**

B. Spacken Partners

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby consent to the Town of Poughkeepsie Planning Board acting as SEQR Lead Agency (Notice of Intent paper work can be found in the Town Clerk's Office) for the project known as Spacken Partners, LLC – II, 56 Enterprise Drive (2467 South Road), Poughkeepsie, New York, Tax Parcel No. 6060-04-922413.

SO MOVED: W. Carlos/J. Conte

ROLL CALL: Ayes: Deputy Supervisor Baisley, Councilman Carlos, Conte, Cifone, Councilman Lepore and Councilwoman Shershin

CARRIED: 6-0

12:07-08A REAPPOINT

**Planning Board Members
A. John Weisman**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reappoint John Weisman to the Town of Poughkeepsie Planning Board for a seven year term from January 1, 2017 to December 31st, 2023.

SO MOVED: J. Conte/B. Carlos

ROLL CALL: Ayes: Deputy Supervisor Baisley, Councilman Carlos, Conte, Cifone, Councilman Lepore and Councilwoman Shershin

CARRIED: 6-0

12:07-08B REAPPOINT

**Planning Board Members
B. Rocco Romeo**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reappoint Rocco Romeo to the Town of Poughkeepsie Planning Board for a seven year term from January 1, 2017 to December 31st. 2023.

SO MOVED: M. Cifone/J. Conte

ROLL CALL: Ayes: Deputy Supervisor Baisley, Councilman Carlos, Conte, Cifone, Councilman Lepore and Councilwoman Shershin

CARRIED: 6-0

12:07-09 APPROVE

**2016 Minutes
October 19, 2016 Town Board
November 2, 2016 Town Board**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the minutes for the following Town Board Meetings, to wit:

**October 19, 2016-Regular Town Board Meeting
November 2, 2016- Regular Town Board Meeting**

SO MOVED: J. Lepore/J. Conte

ROLL CALL: Ayes: Deputy Supervisor Baisley, Councilman Carlos, Conte, Cifone, Councilman Lepore and Councilwoman Shershin

CARRIED: 6-0

12:07-10 ACCEPT

Resignation – Christine Argo

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does accept, with regret, the resignation of Christine Argo, effective immediately from the Historic Preservation Commission.

SO MOVED: A. Shershin/J. Conte

ROLL CALL: Ayes: Deputy Supervisor Baisley, Councilman Carlos, Conte, Cifone, Councilman Lepore and Councilwoman Shershin

CARRIED: 6-0

12:07-11A ACCEPT

**Certificate of Attendance
A. Carl H. Whitehead**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Certificate of Attendance for Carl H. Whitehead from Dutchess County Planning Federation for the course entitled “Designing for Density: Meeting Your Community’s Changing Land Use Needs”, held on October 26, 2016, a copy of which is attached.

SO MOVED: J. Baisley/W. Carlos

ROLL CALL: Ayes: Deputy Supervisor Baisley, Councilman Carlos, Conte, Cifone, Councilman Lepore and Councilwoman Shershin

CARRIED: 6-0

CERTIFICATE ATTACHED TO FINAL BOOK COPY

12:07-11B ACCEPT

**Certificate of Attendance
B. Ed LaPerche**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Certificate of Attendance for Ed LaPerche from Dutchess County Planning Federation for the course entitled “Designing for Density: Meeting Your Community’s Changing Land Use Needs”, held on October 26, 2016, a copy of which is attached.

SO MOVED: W. Carlos/Conte

ROLL CALL: Ayes: Deputy Supervisor Baisley, Councilman Carlos, Conte, Cifone, Councilman Lepore and Councilwoman Shershin

CARRIED: 6-0

CERTIFICATE ATTACHED TO FINAL BOOK COPY

12:07-12 SC RESOLUTION

SC1, SC2, & SC3

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. Ratify Chief Spero’s execution of a Stipulation of**

Settlement

2. Accept

Resignation of Brian Coons

3. Notification

The following claim has been referred to Legal:

1. Tully 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: J. Conte/W. Carlos

ROLL CALL: Ayes: Deputy Supervisor Baisley, Councilman Carlos, Conte, Cifone, Councilman Lepore and Councilwoman Shershin

CARRIED: 6-0

12:7-SC 1 RATIFY

Chief Spero's execution of a Stipulation of Settlement

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby ratify Chief Ron Spero's execution of a Stipulation of Settlement between the Town of Poughkeepsie and Police Officer Brian Mullen, a copy of which is attached hereto, regarding a GML 207-c claim filed by Police Officer Brian Mullen.

SO MOVED: M. Cifone/J. Conte

ROLL CALL: Ayes: Deputy Supervisor Baisley, Councilman Carlos, Conte, Cifone, Councilman Lepore and Councilwoman Shershin

CARRIED: 6-0

STIPULATION OF SETTLEMENT ON FILE IN TOWN CLERKS OFFICE

12:07-SC 2 ACCEPT

Resignation of Brian Coons

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the resignation of Brian Coons from the Town of Poughkeepsie Planning Department effective December 2, 2016.

SO MOVED: J. Lepore/J. Conte

Councilman Lepore: I just want to say thank you to Brian, he has been a very good employee to the Town, well respected with the communities and the developers and he will be missed.

Deputy Supervisor Baisley: Brian has been good to work with over the years, he is very helpful and acknowledgeable. Whenever I've given him a call and had a question, he took care of it and even came to the house with answers. He is a great employee and I'm sorry to see him leave, but I know he is moving on to bigger things. I wish him well in his new endeavor.

ROLL CALL: Ayes: Deputy Supervisor Baisley, Councilman Carlos, Conte, Cifone, Councilman Lepore and Councilwoman Shershin

CARRIED: 6-0

12:07-SC 3 NOTIFICATION

**The Following Claim has Been Referred
To the Legal Department**

Tully Vs. Town of Poughkeepsie

At the end of the meeting, Herb Stoller spoke about perhaps having a different procedure for the filling of different Town Vacancies and handed out a sheet on his suggestion for a proposed procedure which is attached to the book copy

TOWN BOARD MEETING ADJOURNED AT 8:53 P.M.