

MINUTES OF SPECIAL MEETING/COMMITTEE OF THE WHOLE MEETING  
HELD ON MARCH 8, 2017 AT 5:00 PM  
AT TOWN HALL, ONE OVEROCKER ROAD  
POUGHKEEPSIE, NEW YORK

CALL TO ORDER  
SALUTE TO THE FLAG  
ROLL CALL OF TOWN BOARD:

PRESENT: Supervisor Baisley  
Councilman Renihan  
Councilman Carlos  
Councilman Conte  
Councilman Cifone-Arrived at 7:03 PM  
Councilman Lepore  
Councilwoman Shershin  
Town Attorney Nelson  
Town Clerk Salvatore  
\*Attorney Danielle Strauch  
\*Attorney Joseph McKay

\*Please note all attachments to the Resolutions, along with a copy of the original Resolutions are attached to the full Summary copy available by clicking on the red underlined meeting date located in the Board Agenda section on our meetings page at [townofpoughkeepsie.com](http://townofpoughkeepsie.com)

A moment of silence was held after the pledge in honor of Planning Board member, Rich Davison, who recently passed away.

COMMITTEE OF THE WHOLE

COW01 PRESENTATION By James Challey – Arlington Pedestrian  
(COUNCILWOMAN Report  
SHERSHIN) **JIM CHALLEY AND BOB LEGACY SPOKE**  
**ABOUT THE ARLINGTON TOWN CENTER PEDESTRIAN PLAN AND PRESENTED THE BOARD WITH**  
**AN EXECUTIVE SUMMARY. YOU MAY VIEW THE PLAN AT:**  
[HTTP://WWW.DUTCHESSNY.GOV/COUNTYGOV/DEPARTMENTS/TRANSPORTATIONCOUNCIL/PLPD  
CTCPUBLICATIONS.HTM](http://www.dutchessny.gov/countygov/departments/transportationcouncil/plpdctcpublications.htm)

TOWN BOARD ENTERED INTO EXECUTIVE SESSION AT 7:08 P.M.

03:08 ADJOURN TO To Enter Executive Session To  
EXECUTIVE SESSION Consider Following Matters:

A. Confidential Communication  
Between Attorney And His Client,

TOWN BOARD RETURNED FROM EXECUTIVE SESSION AT 7:44 P.M.

**SPECIAL TOWN BOARD MEETING AGENDA ITEMS**

*21 residents spoke on the issue to be considered for vote as well as Attorney, Steven Barshov for the New Hamburg Neighborhood Association. Please listen to the audio at: <https://www.youtube.com/watch?v=X-26sKKpEEw> for a complete overview of the resident's comments and concerns.*

*Town Board takes a 5 minute break and will resume at 9:10*

**RESOLUTION**

3:8 - # 1 OF 2017

**CONSIDER/ POTENTIAL APPROVE  
SO ORDERED STIPULATION OF  
SETTLEMENT-BOTTINI V TOWN**

**WHEREAS, several residents of the New Hamburg area of the Town presented claims of excessive truck traffic and noise in the New Hamburg area of the Town to the Town Board, and their opinion that such truck traffic created safety and other hazards to persons and property, and**

**WHEREAS, the Town Board considered these claims, and also considered the position of the operators of the Bottini Fuel terminal in New Hamburg (New Hamburg Terminal Corporation, and Morgan Fuel and Heating Co., Inc.), which terminal had been in operation for several decades, and**

**WHEREAS, after considering the interests of all of those involved, on September 2, 2015, the Town Board adopted local laws #7 and #8 of 2015 limiting the hours during which trucks over certain weights and lengths could operate in the New Hamburg area, having before that determined that the adoption of these local laws would not result in any significant adverse environmental impacts and authorized the Supervisor to execute a SEQR Negative Declaration, and**

**WHEREAS, on October 16, 2015 the operators of the Bottini Fuel terminal sued the Town in the United States District Court for the Southern District of New York, alleging multiple federal and state claims relating to the Town's adoption of its truck length and truck weight local laws, and**

**WHEREAS, the Town responded to the Bottini lawsuit, maintaining that its adoption of the local laws was a legally proper and appropriate response under the circumstances, and**

**WHEREAS, after the denial of the Bottini terminal operator's application for a temporary injunction against the enforcement of the truck weight and length local laws by District Judge Vincent L. Briccetti, which denial was followed by the Bottini terminal operators filing an appeal of that denial to the United States Court of Appeals for the Second Circuit, the parties engaged in mediation sessions in July of 2016 and January of 2017, and**

**WHEREAS, those mediation sessions resulted in the negotiation by Town representatives of a "So Ordered Stipulation of Settlement and Discontinuance" (the "Stipulation of Settlement") for consideration by the Town Board and the operators of the Bottini Fuel terminal, which Stipulation of Settlement is now before this Board, and**

**WHEREAS, the Town Board, after considering the fact that the Stipulation of Settlement calls for it to be “So Ordered”, finds that it is not an action for SEQR purposes and is a Type II Action which is exempt from SEQR review, and**

**WHEREAS, each member of the Town Board having considered the positions initially and more recently presented to it by the several New Hamburg residents, the position of the operators of the Bottini Fuel terminal, and the interests of the residents of other areas of the Town, and having consulted with the Town’s appointed legal counsel and the Attorneys to the Town, considered the public comments made at this meeting, evaluated the potential benefits of proceeding with the litigation, as well as the risks of doing so, considered the benefits to the Town of adopting the Stipulation of Settlement, and having also discussed these several issues at this Town Board meeting, now therefore**

**BE IT RESOLVED, that pursuant to Town Law Section 68, the Supervisor and his designees are authorized to execute the “So Ordered Stipulation of Settlement and Discontinuance” as presented, and to prepare and execute such additional documents as are necessary to effect the settlement of this litigation and the submission of the Stipulation of Settlement to District Judge Vincent L. Briccetti to be “So Ordered”.**

*Jay asks attorney, Joseph McKay, to speak before discussion with the Town Board. Joseph basically goes thru the entire timeline bringing us to the Stipulation of Settlement before the Board tonight, (approximately 26 minutes). Jay then asks the Board if they would like to discuss or have anything to say. Each board member, starting with Jeff Renihan, spoke about their position on the issue. Both Jeff Renihan and William Carlos are not in favor of passing the stipulation, and William Carlos made a motion to adjourn the vote on this, which failed with no second. To listen to the entire discussion please watch the video on our YouTube Channel located on our meetings page.*

**So Moved: J. Baisley/ J. Conte**

**Roll Call: Ayes: Supervisor Baisley, Councilman Conte, Cifone, Lepore,  
Councilwoman Shershin  
Nays: Councilmen Renihan, Carlos  
Absent: None**

**CARRIED: 5- 2**

COW02 PRESENTATION LAM Development  
(SUPERVISOR REMOVED FROM AGENDA  
BAISLEY)

COW03 DISCUSSION Dutchess County Multi-Jurisdictional  
(SUPERVISOR Mitigation Plan which can be found at  
BAISLEY) [www.DutchessMitigation.net](http://www.DutchessMitigation.net) as well as in the  
Town Clerk’s Office

**JAY WENT OVER A BIT ABOUT THE MITIGATION PLAN AND EXPLAINED HOW IT WILL HELP THE TOWN IN THE FUTURE. THE TOWN OF POUGHKEEPSIE PORTION OF THE PLAN IS IN THE CLERK’S OFFICE AND I HAVE ALSO ATTACHED HERE.(BOOK COPY OF MINUTES) YOU CAN ALSO VIEW THE ENTIRE COUNTY PLAN BY CLINKING ON THE LINK ABOVE.**

**COMMITTEE REPORTS  
2017**

- |   |  |
|---|--|
| <b>1. FINANCE</b>   | <b>Lepore, Cifone, Conte<br/>NOTHING TO REPORT</b>   |
| <b>2. FIRE ADVISORY</b>   | <b>Renihan, Conte, Splain &amp;<br/>Fire Officials (Arlington, New<br/>Hamburg, Fairview)<br/>NOTHING TO REPORT</b>  |
| <b>3. GOVERNMENT OPERATIONS</b>   | <b>Shershin, Carlos, Cifone<br/>NOTHING TO REPORT</b>  |
| <b>4. LAND USE &amp; PLANNING<br/>(Including Cell Tower &amp; Comp. Plan)</b> | <b>Cifone, Shershin, Renihan<br/>NOTHING TO REPORT</b>   |
| <b>5. PERSONNEL</b>   | <b>Cifone, Conte, Renihan<br/>NOTHING TO REPORT</b>  |
| <b>6. RECREATION/ SENIOR CITIZENS<br/>(Including Town Day)</b>                | <b>Lepore, Shershin, Renihan<br/>JOE LEPORE MENTIONED THAT THE<br/>WEATHER IS GETTING NICER AND ON APRIL 8TH AT VASSAR COLLEGE WE WILL HAVE<br/>OUR EASTER EGG HUNT WITH A RAIN DATE OF APRIL 15<sup>TH</sup>. ALSO APRIL 1<sup>ST</sup> IS OPENING<br/>DAY FOR SOCCER, APRIL 22<sup>ND</sup> IS OPENING DAY FOR SOFTBALL AND THE 22<sup>ND</sup> IS<br/>OPENING DAY FOR CAL RIPKEN LITTLE LEAGUE. MIKE CIFONE MENTIONED THAT HE<br/>WOULD LIKE TO TALK ABOUT STARTING SOME KIND OF MENTORING PROGRAM FOR 14<br/>YEAR OLD YOUTHS AND JAY WANTED TO LET PEOPLE KNOW THAT IF ANYONE FROM<br/>THE BOARD WOULD LIKE TO VOLUNTEER TO SERVE, THERE IS A ST. PATRICK'S DAY<br/>LUNCHEON AT THE SENIOR CENTER ON THURSDAY, MARCH 16<sup>TH</sup> AT 12:00.</b> |
| <b>7. TECHNOLOGY &amp; EQUIPMENT</b>  | <b>Carlos, Cifone, Lepore<br/>NOTHING TO REPORT</b>  |
| <b>8. WATER, SEWER, HIGHWAY<br/>(INFRASTRUCTURE)</b>                          | <b>Carlos, Lepore, Shershin<br/>NOTHING TO REPORT</b>  |

**John Pinna, Historian, spoke about 3 interns that he has working with him from Marist College.**

**TOWN BOARD MEETING ADJOURNED AT 10:11 P.M.**