

MINUTES OF SPECIAL MEETING/TOWN BOARD MEETING
HELD ON MARCH 1, 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	ABSENT:	Councilman Conte (Left sick during Executive session)
	Councilman Renihan		
	Councilman Carlos		
	Councilman Cifone-Arrived at 7:00 PM		
	Councilman Lepore		
	Councilwoman Shershin		
	Town Attorney Nelson		
	Deputy Town Clerk Tremper		

*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

TOWN BOARD ENTERED INTO EXECUTIVE SESSION AT 5:02 P.M.

03:01-ES 1	ADJOURN TO EXECUTIVE SESSION	To Enter Executive Session Regarding Specific Litigation Issues And For An Attorney Client Conference
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TOWN BOARD RETURNED FROM EXECUTIVE SESSION AT 6:55 P.M.
NO ACTION TAKEN DURING EXECUTIVE SESSION

TOWN BOARD MEETING STARTED AT REGULAR TIME OF 7:00 P.M.

MOTION MADE TO OPEN PUBLIC HEARING #1 CARRIED: 6-0

Rebecca Valk, attorney for the applicant, spoke and mentioned that she submitted the affidavits of mailing to Deputy Clerk, Tremper. Neil Wilson says that the Public Hearing will be on the first meeting in April.

NO OTHER SPEAKERS FOR THIS PUBLIC HEARING

MOTION MADE TO ADJOURN THE PUBLIC HEARING: J. Baisley/ M. Cifone CARRIED: 6-0

RESOLUTION

3:1- # 1 OF 2017

PUBLIC HEARING 2628 SOUTH ROAD
REZONING –Adjourned to 4/5/2017

MOTION MADE TO OPEN PUBLIC HEARING #2: W. Carlos/ M. Cifone

CARRIED: 6-0

Before Doreen speaks, Jim Nelson asks Jay about the clause he was talking about adding to the resolution-Jay, said yes, about refunding any money that we have received at this time.. Jim read into the record about adding that “The Comptroller shall refund the monies on and to the applicants”

MOTION TO AMEND: J. Baisley/ M. Cifone

Roll Call: Ayes: Supervisor Baisley, Councilmen Renihan, Carlos, Cifone, Lepore,
Councilwoman Shershin

Nays: None

Absent: Councilman Conte

CARRIED: 6-0

Doreen Tignanelli mentions that she looked at the video and there was no discussion that took place as to why this was happening. She looked at section 146-4(c) trees and since you are removing the whole chapter, what happens with the trees that are improperly removed? Right now there is a \$500.00 fine, will that be moved to another section of the Town Code?

Neil Wilson responds that there is something in the Tree Preservation Chapter and also the normal site plan enforcement there are civil fines on occasion, collected and put in the General Fund.

Doreen also mentions that since removing the whole chapter the reference to it should also be removed from the Fee Chapter in our Code, 105-4 specifically Chapter 146

Jay makes a motion to include the removal of reference in 105-4 “Fees” in regard to Chapter 146

2ND AMENDMENT MOTION: J. Baisley/ M. Cifone

Roll Call: Ayes: Supervisor Baisley, Councilmen Renihan, Carlos, Cifone, Lepore,
Councilwoman Shershin

Nays: None

Absent: Councilman Conte

CARRIED: 6-0

NO OTHER SPEAKERS TO THIS PUBLIC HEARING

MOTION MADE TO CLOSE PUBLIC HEARING # 2 J. Baisley/ M. Cifone

CARRIED: 6-0

(AMENDED)
RESOLUTION

3:1 - # 2 OF 2017

**PUBLIC HEARING TO REPEAL
CHAPTER 146 ENTITLED "OPEN
SPACE" AND TO ALSO
AMEND CHAPTER 105-4 FEES**

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 1st day of March, 2017 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, at which time this Board by unanimous votes modified the proposed local law amendments to include the repeal of Code § 105-4(L) and a requirement that Open Space fees be refunded, does hereby amend the Town Code, Chapter 146, entitled "Open Space Preservation", and Town Code Chapter, 105-4 (L), entitled "Fees"

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 amendments 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 February 17, 2017 and published in the Poughkeepsie Journal on February 21, 2017; and

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

So Moved: J. Renihan/ W. Carlos

Jay mentions that his only comment is that over the years we have had this we have not expended any money on what we took in.

**Roll Call: Ayes: Supervisor Baisley, Councilmen Renihan, Carlos, Cifone, Lepore,
Councilwoman Shershin**

Nays: None

Absent: Councilman Conte

CARRIED: 6-0

Jay by accident makes a motion to open Public Hearing-not a Public Hearing, so William Carlos reads the Resolution.

RESOLUTION

3:1- # 3 OF 2017

**SET DATE FOR PUBLIC HEARING
2 MEADOW VIEW DRIVE**

WHEREAS, the Building Department of the Town of Poughkeepsie has pursuant to Town Code §71-5 submitted an Unsafe Building Investigation Report dated January 24, 2017 to the Town Board of the Town of Poughkeepsie regarding 2 Meadow View Drive, Town of Poughkeepsie, County of Dutchess, State of New York, Tax Grid No. 6160-04-701204 ("the Premises"), the owner of record being James J. Burns, Jr., 2 Meadow View Drive, Poughkeepsie, NY 12603 showing that the Premises and the building on it are dangerous and unsafe to the general public, open at the doorways and windows, infested with insects, accessible to and a haven for vagrants, trespassers,

crime suspects, and illegal activity, and that they are unsanitary and present a health, fire and public health hazard; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive a verbatim reading of attached Investigation Report and does hereby adopt said Report and directs that they be spread across the record as if they, in fact, had been read verbatim; and:

BE IT FURTHER RESOLVED, that a Public Hearing on the Order and Notice, including the recovery, levy and collection of Town expenses as an ad valorem levy will be held before the Town Board on April 5, 2017 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY.

So Moved: W. Carlos/ M. Cifone

Roll Call: Ayes: Supervisor Baisley, Councilmen Renihan, Carlos, Cifone, Lepore,
Councilwoman Shershin

Nays: None

Absent: Councilman Conte

CARRIED: 6-0

JAY NOW READS THROUGH THE AGENDA AND SUSPENDS THE RULES FOR PUBLIC COMMENT
ON AGENDA ITEMS: J. Baisley/ M. Cifone CARRIED: 6-0

Ms. Brennan (Not spoken into mike) speaks about something which is not an agenda item, but she does not want her tax dollars spent on.

Doreen asks Jay if he had a chance to check on why we hired a lawyer for Agenda item number 9- Tax Cert when it was such a small amount.

Jay answers her that it was something that went right to the court and it was taken care of quickly and did not cost us a lot of money. They were just filing

NO OTHER SPEAKERS CAME FORWARD

MOTION MADE TO RESUME THE RULES: J. Baisley/ M. Cifone

CARRIED: 6-0

RESOLUTION

3:1 - # 4 OF 2017

AUTHORIZE
5K RUN- CRUNCH FITNESS

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 Sunday, April 30, 2017, location of which run is from Crunch Fitness to Crown Heights; and

BE IT FURTHER 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: M. Cifone/ W. Carlos

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

CARRIED: 6-0

RESOLUTION

3:1 # 5 OF 2017

AUTHORIZE
PARKINSON'S AWARENESS

WHEREAS, Parkinson's disease is a progressive neurological movement disorder of the central nervous system, which has a unique impact on each patient; and

WHEREAS, according to the Parkinson's Action Network, the Parkinson's Disease Foundation, the American Parkinson's Disease Association and the National Institutes of Health, there are over one million Americans diagnosed with Parkinson's disease; and

WHEREAS, symptoms include slowness, tremor, difficulty with balance and speaking, rigidity, cognitive and memory problems; and

WHEREAS, although new medicines and therapies may enhance life for some time for people with Parkinson's, more work is needed for a cure; and

WHEREAS, increased education and research are needed to help find more effective treatments with fewer side effects and ultimately a cure for Parkinson's disease; and

WHEREAS, a multidisciplinary approach to Parkinson's disease care includes local wellness, support, and caregiver groups; and

WHEREAS, April has been proclaimed as World Wide Parkinson's Awareness Month for all to recognize the need for more research and help in dealing with the devastating effects of Parkinson's disease; now therefore,

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie proudly proclaims the month of April, 2017 as Parkinson's Awareness Month and encourages all municipal officials, citizens and visitors to participate in the scheduled activities to learn more about Parkinson's Disease.

So Moved: J. Baisley/ J. Renihan

(Jay read the Proclamation into the record and mentioned that this touches his family)

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

CARRIED: 6-0

RESOLUTION

3:1 - # 6 OF 2017

REAPPOINT PLUMBING BOARD
SCOTT CLEVELAND

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reappoint Scott Cleveland to the Plumbing Board of Examiners of the Town of Poughkeepsie, which term is effective January 1, 2017 through December 31, 2019.

So Moved: J. Lepore/ M. Cifone

**Roll Call: Ayes: Supervisor Baisley, Councilmen Renihan, Carlos, Cifone, Lepore,
Councilwoman Shershin
Nays: None
Absent: Councilman Conte** **CARRIED: 6-0**

RESOLUTION

3:1 - # 7 OF 2017

**AUTHORIZE SUPERVISOR TO SIGN
CHANGE ORDER #2 WWTP**

WHEREAS, in reference to the Arlington WWTP Rehabilitation Project, additional contract work in the amount of \$202,857.42 is required for rock excavation and abatement of existing transite piping, as described in the attached Change Order; now therefore,

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign Change Order Number 2 with Blue Heron Construction Company.

So Moved: A. Shershin/ M. Cifone

**Roll Call: Ayes: Supervisor Baisley, Councilmen Renihan, Carlos, Cifone, Lepore,
Councilwoman Shershin
Nays: None
Absent: Councilman Conte** **CARRIED: 6-0**

RESOLUTION

3:1 - # 8 OF 2017

**ACCEPT- RETIREMENT POLICE
DETECTIVE JOSEPH CHORBA**

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the retirement of Joseph V. Chorba, Detective with the Town of Poughkeepsie Police Department, effective end of business day March 24, 2017.

So Moved: J. Baisley/ M. Cifone

Bill Carlos mentions that sometimes the one paragraph is too small for all that these people do for us- Bill personally thanks Joe Chorba.

Jay mentions that Joe has been with the Town for many years and came from Newburgh.

Mike worked with him as a CO Officer and then of course when he came to the Town and everyone on the Board wishes him well in his retirement.

Roll Call: Ayes: Supervisor Baisley, Councilmen Renihan, Carlos, Cifone, Lepore,
Councilwoman Shershin
Nays: None
Absent: Councilman Conte CARRIED: 6-0

RESOLUTION

3:1 - # 9 OF 2017

AUTHORIZE-TAX CERTIORARI
TUCKER DRIVE,LLC

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the settlement of the tax certiorari proceedings instituted by Tucker Drive, LLC, for the tax assessment rolls for 2015 and 2016, as shown on the attached Consent Judgment; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor or his designee, Town Assessor and Kyle Barnett of Van DeWater & Van DeWater, LLP, to sign such papers as are necessary to effectuate said settlement.

So Moved: J. Renihan/ W. Carlos

Jay mentioned that this was a very small settlement and Doreen had bought it up and they spoke with Kathleen about it.

Roll Call: Ayes: Supervisor Baisley, Councilmen Renihan, Carlos, Cifone, Lepore,
Councilwoman Shershin
Nays: None
Absent: Councilman Conte CARRIED: 6-0

RESOLUTION

3:1 - # 10 OF 2017

AUTHORIZE SUPERVISOR TO SIGN
FIELD/CONCESSION USE
AGREEMENTS

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute Field License Agreements between the Town of Poughkeepsie and Town of Poughkeepsie Little League Girls Softball, Inc., Town of Poughkeepsie Soccer Club, Inc., Poughkeepsie Mid-Hudson Babe Ruth, Inc. and Town of Poughkeepsie Little League, Inc. in substantially the form presented, and

BE IT FURTHER RESOLVED, that executing these Agreements involves ongoing Town administration and is a Type II Action requiring no SEQR review.

So Moved: W. Carlos/ M Cifone

Roll Call: Ayes: Supervisor Baisley, Councilmen Renihan, Carlos, Cifone, Lepore,
Councilwoman Shershin
Nays: None
Absent: Councilman Conte CARRIED: 6-0

3:1-# 11 OF 2017

NOTIFICATION

The Following Claims Have

(TOWN CLERK
SALVATORE)

Been Referred To Legal:
1. O'Neill Group-Dutton v. Town
2. Haddad v. Town
CLAIMS REFERRED TO LEGAL

RESOLUTION

3:1 - #12 OF 2017

SPECIAL CONSENT 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. Set Date for Public Hearing
(Deputy Inspector Cichon) | Unsafe Building-245 Wilbur Boulevard |
| 2. Retain
(Legal) | VanDeWater & VanDeWater-Raymond
Avenue Project |

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. Renihan

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

CARRIED: 6-0

(SC 2 WAS READ BEFORE SC1)

RESOLUTION

3:1 – SC #2 OF 2017

**RETAIN
VAN DE WATER**

WHEREAS, the Town Board of the Town of Poughkeepsie has been presented with a proposal to redevelop the former Arthur S. May School property on Raymond Avenue and will require specialized legal counsel to properly conduct its review of the issues presented, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby retain Van DeWater & Van DeWater, LLP to represent the Town Board of the Town of Poughkeepsie in the above matter at the rates of \$165.00 per hour for partners, \$155.00 per hour for associates and \$100.00 per hour for paralegals, which fees will be paid for by the applicant's escrow.

So Moved: J. Lepore/ M. Cifone

Ann asks Neil if he could talk about the issues. Neil says that what they want to do is to have a legal team in place. They have not submitted any applications, but there has been some discussion and the applicant may want some changes to the code.

Ann states that it is really a key piece of property in the 6th ward and very important to Arlington. Neil agrees, he said that it is roughly 6 1/2 acres in Arlington so you could call it an anchor if you will and he believes it has the potential to spur redevelopment in other properties in that area.

Roll Call: Ayes: Supervisor Baisley, Councilmen Renihan, Carlos, Cifone, Lepore,
Councilwoman Shershin

Nays: None

Absent: Councilman Conte

CARRIED: 6-0

RESOLUTION

3:1- # SC 1 OF 2017

SET DATE FOR PUBLIC HEARING
UNSAFE BUILDING-245 WILBUR

WHEREAS, the Building Department of the Town of Poughkeepsie has pursuant to Town Code §71-5 submitted an Unsafe Building Investigation Report dated February 22, 2017 to the Town Board of the Town of Poughkeepsie regarding 245 Wilbur Boulevard, Town of Poughkeepsie, County of Dutchess, State of New York, Tax Grid No. 6160-01-295538 (“the Premises”), the owner of record being Stanley C. Millspaugh or his Successors, as Trustee of the Stanley C. Millspaugh Living Trust dated 4/20/1994 and Bernice B. Millspaugh, or her Successors, as Trustee of the Bernice B. Millspaugh Living Trust dated 4/20/1994, each as to an undivided one-half interest as tenants in common, showing, among other things, that the Premises and the building on it are dangerous and unsafe to the general public, open at the doorways and windows, infested with insects, accessible to and a haven for vagrants, trespassers, crime suspects, and illegal activity, and that they are unsanitary and present a health, fire and public health hazard; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive a verbatim reading of attached Investigation Report and does hereby adopt said Report and directs that they be spread across the record as if they, in fact, had been read verbatim; and:

BE IT FURTHER RESOLVED, that a Public Hearing on the Order and Notice, including the recovery, levy and collection of Town expenses as an ad valorem levy will be held before the Town Board on April 5, 2017 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY.

So Moved: A. Shershin/ M. Cifone

Roll Call: Ayes: Supervisor Baisley, Councilmen Renihan, Carlos, Cifone, Lepore,
Councilwoman Shershin

Nays: None

Absent: Councilman Conte

CARRIED: 6-0

MOTION MADE TO SUSPEND THE RULES FOR ANY TOWN ISSUES

Ed Sayago and Stacy Mesler from New Hamburg, spoke for a few minutes about the pending settlement with Bottini and read a few affidavits from Todd Tancredi and Traffic Sergeant Jicha. They also mentioned that they would fill Town Hall and that no one wants this settlement.

Virginia Buchele spoke about the repeal on the Open Space Chapter and suggested that the Town have a Master Plan review board. She thinks that there is an inordinate amount of rezoning happening within the Town and when rezoning and variances are common place, she believes it's time to review the Town Code and Master Plan.

Andrea Sayago speaks about the private mediation with the Town and Bottini and states nothing has changed for us. What has changed for all of you? Andrea spoke for over 7 minutes on this issue.

David Cullen asks when they can expect info on the mediation process. We know nothing and are concerned. Regulations were passed but never enforced. David spoke for several minutes.

Collin Cuite reads a letter from Mary Hornbeck at 7 Division Street Re: 5 Main Street and also a letter was read written by Daniel Fannon of 19 Conklin Street.

(Documents provided by New Hamburg residents will be attached to the book copy)

TOWN BOARD MEETING ADJOURNED AT 8:02 P.M.