

MINUTES OF TOWN BOARD MEETING  
HELD ON NOVEMBER 1, 2017 AT 7:00 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 7:09 PM  
Councilman Lepore  
Councilwoman Shershin  
Town Attorney Nelson  
Town Clerk Salvatore

\*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)

MOTION TO OPEN PUBLIC HEARING # 1: J. Baisley/ J. Conte

6-0

*Dan Koehler and Michael Berta are present and again give a short overview on the project which they are looking to rezone from (B-N) to (R-M). Dan Koehler starts out by mentioning that the project is proposing 31- 1 Bedroom Garden Apartments with a single entrance from Creek Road. They will have water and sewer connection to existing Town Utilities and screening for the neighbors. At this time he turns over to Michael Berta, Architect, for the project who mentions that all natural materials will be used and the colors will be earth tone to match the surrounding area. The units will also have exterior terraces and the 1st floor units are handicap assessable or can be made so. They are looking for startup professionals, not college students so they will be a little bit more upscale. Utilities will all be separate. At this time Felicia Salvatore, Town Clerk, mentioned that she did receive a letter from a resident which will be included in the record (book copy of minutes) who could not be here tonight- Mr. Paul Sala who owns property at 46 Creek Road*

*Councilman Lepore asks how far away are you and what are you going to do as far as the property?  
Michael Berta: We will have staggered evergreen screening and below the parking lot is a storm water management feature with vegetation as well. They are also working with the planning board to maintain more of the existing vegetation between the two properties, also only 1 or 2 of the units will have windows which will face that direction.*

*Joe Lepore.: Just make sure before you start the building that all is good.*

*Dan Koehler: what we are zoned for now is the same as the Plaza and we feel that there is more of a need in the Town for Apartments*

*Bill Carlos: So you don't see a negative impact?*

**Michael Berta: No, His operation is during the day and maybe he works on Saturday, but most likely not on Sunday-**

**Both Dan and Michael do not see this as a problem. Bill said he question was answered. Joe Conte asks why they are going with only 1 Bedroom Units, and they reply that the density on the project is what is driving that and the Client they believe, although he is not here to speak on this, prefers to have young professionals at the complex, which they stated will be nice in size. Again the owner is not here tonight but after much thought and research this is what he wants to use the property for. Jeff Renihan asks about passive recreation and they point out that the dark green is where they are not destroying any current trees and vegetation and the elevation goes down there. There will also be lawn which could be used for barbequing. Jeff also asks the height of the project which Michael Berta states is 45'. Jeff also asks about access for Fire Apparatus and Michael Berta states that yes they can get trucks around all three sides. Dan also mentions that all the buildings will be equipped with sprinklers and that Fairview Fire has ok'd this.**

**Joe Lepore asks about the water for the sprinklers and Michael states that a flow test will be done but that the water department has looked at this project and had no issues- Jeff doesn't think it will be that much.**

**Mike Cifone arrives and wants to make sure the letter from the resident was mentioned- Jay states that it was and Mike said he has no other questions.**

**Jay asks if anyone else would like to speak:**

**Mr. Louis Sala: I border this project directly on the South side and I believe that this is too big- three stories is too high! There is too much traffic on the road right now. I can't cross the road now and at the college it is 20mph, but by us its 30mph and people travel at 60 mph- I tried to do this back 7 years ago and I was told by the board that it would cause too much traffic. I just don't understand this project. They aren't even talking about putting up a fence. People will be walking on my property to get to the Plaza and once that goes through it will be another 200 cars. Too many cars- it should not be permitted.**

**Joe Conte asks if they have done a traffic study. Do you think a fence is possible?**

**Dan Koehler mentions that they will be staggering white pines and also there are sidewalks in front and will be new ones along Creek Road and he believes the pedestrians will use the clearer of the two paths. He also said he mentioned this to his client and his client is on the fence about the fence but he will bring it up again.**

**Mike Cifone now answers Mr. Sala about when he wanted to do his project back seven years ago- and states that at the time the roundabouts near Smith Street were not done, which have just been completed and also the fact that there was a strip club right next door to the property at that time and the board did not think it was right to have apartments right by a strip club.**

**Mr. Sala states he has been there for 77 years and with Pendell Commons and the fact that they have doubled and tripled the parking at Duchess Community College there will be a lot more cars on that road, and they wouldn't let me do this 7 years ago.**

**Again Mike tells Mr. Sala that at no fault of his own the circumstances weren't right at the time. The Town didn't want residents near a strip club, it was not a good idea or a good fit at that time and the roundabout at Smith Street wasn't done at that time - things have now changed. Mr. Sala begins to**

*bring up some problems with the Golf Plaza that have been going on for like three years that Mike said he has spoken to Mr. Hollman about and mentioned that we are trying to rectify them.*

*Doreen Tignanelli: First of all you really have to laugh about the traffic, one of the few things that Councilman Krakower and I ever agreed upon was the fact that have you ever seen a traffic study done by anybody in the Town that says that the traffic is going to be a problem? She talks about needing housing, but what is the price? People need affordable housing here for the constituents. Mr. Sala can't have a fence when he has lived here all these years? Well, traffic is never a problem- there is never a problem with anything..What are the rates of these apartments?*

*Mike says that they will most likely be market rate once building is done. Location in the area has to be comparable with across the street-*

*Doreen asks Jay if he has a number-*

*Michael and Dan say they don't want to speak for their client but they believe it will be 1400-1700.*

*Doreen states that she doesn't know what everyone makes but that is high for a one bedroom for a lot of people. We need apartments but we need affordable housing, you should really keep this in mind for your residents.*

MOTION TO CLOSE PUBLIC HEARING # 1: J. Baisley/ J. Conte

7-0

#### RESOLUTION

11:1 - # 1 OF 2017

PUBLIC HEARING REZONING  
84-92 CREEK ROAD

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, held duly noticed public hearings on October 18, 2017 and November 1, 2017 at 7:00 p.m. at Town of Poughkeepsie Town Hall, One Overocker Road, Poughkeepsie, New York to amend the Town Code, which amendment proposes to change the zoning designation of 84-92 Creek Road, Poughkeepsie, NY, tax parcel number 6162-02-735705, as outlined in the attached amendment, from Business Neighborhood (B-N) District to Residence Multifamily (R-M) District.; and

BE IT FURTHER ENACTED, that the Planning Board, as the designated Lead Agency, issued a Negative Declaration in regard to the project on June 15, 2017; and

BE IT FURTHER ENACTED, that a written recommendation dated October 6, 2017 was received from the Dutchess County Department of Planning and Development and that said recommendation stated that the adoption of the herein zoning amendment is a matter of local concern with comments; and

BE IT FURTHER ENACTED, that on June 15, 2017 the Town Planning Board issued a recommendation to approve the proposed project; and

BE IT FURTHER ENACTED, that the Town Clerk notified the Clerks of the surrounding municipalities of the public hearing pursuant to GML 239-nn; and

BE IT FURTHER ENACTED, the Legal Notice of Public Hearing was posted on October 3, 2017 and published in the Poughkeepsie Journal on October 5, 2017; and

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



WHEREAS, the Town Board of the Town of Poughkeepsie adopted its Preliminary Budget for the year 2018 on October 18, 2017; and

WHEREAS, that the Legal Notice of Public Hearing was posted on October 20, 2017 and published in the Poughkeepsie Journal on October 25, 2017, and

WHEREAS, a public hearing was held on November 1, 2017 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby close the public hearing in regard to the adoption of the Preliminary Budget, as amended, adopts the budget modifications to the Preliminary Budget presented by the Comptroller and does adopt the Preliminary Budget as so modified as the Town's 2018 Budget.

So Moved: W. Carlos/ J. Conte

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

NAY: -0-

ABSTAIN: -0-

ABSENT: -0-

CARRIED 7-0

MOTION MADE TO OPEN PUBLIC HEARING # 3: J. Baisley/ J. Renihan CARRIED 7-0

NO SPEAKERS CAME FORWARD

MOTION MADE TO CLOSE PUBLIC HEARING # 3: J. Baisley/ J. Conte CARRIED 7-0

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 1<sup>st</sup> day of November, 2017 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby adopt a local law annexed at Exhibits A and B amending Town of Poughkeepsie Town Code Chapter 195-35 regarding fines for certain traffic infractions, and adding Town Code Chapter 195-35A, a schedule of late penalties to be imposed upon the failure of a person or owner of a motor vehicle to appear, answer a summons or appearance ticket, or timely pay a fine for the traffic infractions listed in Town Code Section 195-35B and C, and

BE IT FURTHER ENACTED, that the Town Board does hereby waive a verbatim reading of the local law at Exhibits A and B on which the underscored language is to be added, and does direct that said amendments be spread across the record as if they in fact had been read verbatim; and

BE IT FURTHER ENACTED, that the Legal Notice of Public Hearing was posted on October 20, 2017 and published in the Poughkeepsie Journal on October 25, 2017; and



So Moved: M. Cifone/ J. Renihan

*Jay thanks the Chief for his work on this*

Roll Call: AYE: Councilmen Renihan, Carlos, Conte, Cifone, Lepore, Supervisor Baisley,  
Councilwoman Shershin  
NAY: -0-  
ABSTAIN: -0-  
ABSENT: -0- CARRIED 7-0

**RESOLUTION**

11:1 - # 5 OF 2017

**AUTHORIZE SUPERVISOR TO SIGN  
TROY AND BANKS CABLE AUDIT**

WHEREAS, the Town Board of the Town of Poughkeepsie, after considering its procurement policy and the experience of other municipalities, contracted by Resolution 10:15 - #1 of 2014 with Troy & Banks, Inc. to conduct an audit of the Town's street lighting systems, which contract provided that audits of other services would require Town Board authorization, and which street light audit produced beneficial results for the Town, now therefore

BE IT RESOLVED, after considering the market for audit services, the Supervisor is authorized to execute a cable services audit contract with Troy & Banks, Inc. in substantially the same form as the annexed street light audit contract, the execution of such contract without further procurement being in the best interest of the Town, and

BE IT FURTHER RESOLVED that the Town Board does hereby determine that this is a Type II Action requiring no environmental review.

So Moved: J. Lepore/ J. Conte

*Bill Carlos had a few questions on this and Jay and he discussed it for a few minutes*

Roll Call: AYE: Councilmen Renihan, Carlos, Conte, Cifone, Lepore, Supervisor Baisley,  
Councilwoman Shershin  
NAY: -0-  
ABSTAIN: -0-  
ABSENT: -0- CARRIED 7-0

**RESOLUTION**

11:1 - # 6 OF 2017

**SET DATE FOR PUBLIC HEARING  
CHAPTER 105 FEES/ SOLAR ENERGY**

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 15<sup>th</sup> day of November, 2017 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and place of a public hearing to consider amendments by local law to the Town Code Chapter 105, entitled "Fees"; and

BE IT FURTHER RESOLVED, that the proposed amendments are attached hereto and incorporated herein, with the language to be added underscored and the language to be deleted

~~stricken~~, and the Town Board does hereby waive a verbatim reading of said amendments and does direct said proposed amendments be spread across the record as if it, in fact, had been read verbatim; and

BE IT FURTHER RESOLVED, that the aforesaid action is a Type II Action requiring no SEQRA review; and

BE IT FURTHER RESOLVED, that said amendments, if adopted, will take effect immediately upon filing with the Secretary of State.

So Moved: A. Shershin/ M. Cifone

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

NAY: -0-

ABSTAIN: -0-

ABSENT: -0-

CARRIED

7-0

#### RESOLUTION

11:1 - # 7 of 2017

SET DATE FOR PUBLIC HEARING  
AMENDMENT TO CHAPTER 177  
SUBDIVISION OF LANDS-PARKS &  
PLAYGROUNDS

WHEREAS, the Town Board has received a communication from the Director of Municipal Development regarding the amendment by local law of Article IV, Section 177-24, of the Town Code; and

WHEREAS, a copy of the proposed amendment, with the language to be added underscored and the language to be deleted ~~stricken~~, 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, the amendment would modify the existing language in regard to parks and playgrounds; and

WHEREAS, the action to amend the Subdivision Law is an Unlisted Action under the New York State Environmental Quality Review Act; and

WHEREAS, the amendment requires a public hearing.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby states that because only the Town Board can consider and adopt changes to the Town Code that it is the only involved agency, and the Board hereby declares that it is the Lead Agency for purposes of coordinating the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law; and
2. The Town Board hereby sets a public hearing on the proposed amendment for December 6, 2017, 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
3. The Town Board directs the Town Clerk to notify the Clerks of the surrounding municipalities of the public hearing pursuant to GML 239-nn.

So Moved: J. Baisley/ J. Conte



Roll Call: AYE: Councilmen Renihan, Carlos, Conte, Cifone, Lepore, Supervisor Baisley,  
Councilwoman Shershin  
NAY: -0-  
ABSTAIN: -0-  
ABSENT: -0- CARRIED 7-0

RESOLUTION

11:1 - # 8A OF 2017 ACCEPT  
CERTIFICATES OF ATTENDANCE

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 "Agricultural Districts: Balancing Farmers Needs and Local Concerns", a copy of which is attached to the book copy

So Moved: J. Renihan/ W. Carlos

Roll Call: AYE: Councilmen Renihan, Carlos, Conte, Cifone, Lepore, Supervisor Baisley,  
Councilwoman Shershin  
NAY: -0-  
ABSTAIN: -0-  
ABSENT: -0- CARRIED 7-0

RESOLUTION

11:1 - # 8B OF 2017 ACCEPT  
CERTIFICATES OF ATTENDANCE

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Certificate of Attendance for Peter Fanelli from Dutchess County Planning Federation, for the course entitled "Form-Based Zoning", a copy of which is attached to the book copy

So Moved: W. Carlos/ J. Conte

Roll Call: AYE: Councilmen Renihan, Carlos, Conte, Cifone, Lepore, Supervisor Baisley,  
Councilwoman Shershin  
NAY: -0-  
ABSTAIN: -0-  
ABSENT: -0- CARRIED 7-0

RESOLUTION

11:1 - # 9 OF 2017 ACCEPT TOWN BAORD MINUTES

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the minutes for the following 2017 Town Board Meetings, to wit:

August 9, 2017 - Regular Town Board Meeting  
August 23, 2017 – Committee of the Whole/Regular Town Board Meeting

September 6, 2017- Regular Town Board Meeting  
September 20, 2017- Regular Town Board Meeting

So Moved: J. Conte/ W. Carlos

Roll Call: AYE: Councilmen Renihan, Carlos, Conte, Cifone, Lepore, Supervisor Baisley,  
Councilwoman Shershin  
NAY: -0-  
ABSTAIN: -0-  
ABSENT: -0- CARRIED 7-0

MOTION TO SUSPEND THE RULES ON ANY TOWN ISSUES: J. Baisley/J. Conte 7-0

*Doreen comments again about the \$250 fee to cover planning Board costs and states that the Planning Board recently held a Special Meeting, and there was only one agenda item on it and she said she believes it happens more often than you know, she also states that the meeting was held at 8:00 AM this morning, I don't know how many people could attend this at 8:00 in the morning so as far as access to the public I think it was wrong. I personally think an 8:00 meeting in the morning during a work week is not in the best interest of the public. She also asks Jay about two intern positions that were listed on the Town's website- Jay mentions they are both filled. They are being trained, and both are at no cost to the taxpayers. The ones in the Engineering department will be here for a few years and we are trying to get a Grant for that one so maybe someone can get paid for that at some point- The Media intern, if taping a meeting, would possibly get \$40, which Doreen mentions would be cheaper than having an employee cover-*

MOTION TO RESUME THE RULES: J. Baisley/ M. Cifone CARRIED 7-0

*Jay mentions that we finally this week got the next step of the SAM Grant, \$250,000 dollars- and we will using the money for a leaf and bucket truck and also the doors at the senior center will be fixed. We have been waiting a long time for this, almost a year-*

TOWN BOARD ENTERED ONTO EXECUTIVE SESSION AT 7:58 P.M.

11:01-ES ADJOURN TO EXECUTIVE SESSION To Enter Executive Session To Consider Following Matters:  
A. Confidential Communication Between Attorney And His Client, The Town Board, Based On Attorney/Client Privilege  
B. Matters Leading To The Appointment, Employment, Dismissal Or Removal Of A Person, Firm Or Corporation

And Be It Further Resolved, There Will Be No Action Taken Appropriating Money

TOWN BOARD RETURNED FROM EXECUTIVE SESSION AT 8:34 P.M.

TOWN BOARD MEETING ADJOURNED AT 8:35 P.M.