

**TOWN OF POUGHKEEPSIE  
SPECIAL TOWN BOARD MEETING/ COMMITTEE OF THE WHOLE  
SEPTEMBER 13, 2023  
SUMMARY**

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

**PRESENT: Supervisor Baisley  
Councilman Renihan  
Councilman Carlos  
Councilwoman Burger  
Councilman Cifone  
Councilman Krakower  
Councilwoman Shershin  
Town Clerk Salvatore  
Town Attorney Nelson**

**SPECIAL TOWN BOARD MEETING**

**TOWN BOARD ENTERED INTO EXECUTIVE SESSION AT 7:06 P.M.**

<b>09:13-ES</b>	<b>ADJOURN TO EXECUTIVE SESSION</b>	<b>To Enter Executive Session To Consider Following Matters:</b>
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- 1. To discuss matters which are exempt under the Open Meetings Law including**
  - a. Matters subject to the Attorney/Client privilege.**

**AND BE IT FURHTER RESOLVED, that no action appropriating money will be taken  
CARRIED 7-0**

**TOWN BOARD RETURNED FROM EXECUTIVE SESSION AT 7:30 P.M.**

<b>09:13-01</b>	<b>Appeal (Legal/Police)</b>	<b>FOIL CARRIED</b>	<b>7-0</b>
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**COMMITTEE OF THE WHOLE**

<b>09:13-COW1</b>	<b>Presentation (Councilwoman)</b>	<b>By Ready Coffee, Robert Wachtel and Jed Bonnem re a Ready Coffee on Fairmont</b>
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	Shershin)	Avenue. <b>Presentation may be viewed on our you tube channel</b>
09:13-COW2	Presentation (Director Welti)	Update on CAPI Dutchess: the Dutchess County Climate Action Planning Institute – the Town of Poughkeepsie’s Government Operations Greenhouse Gas Inventory <b>Presentation may be viewed on our you tube channel and will later be available on our website</b>
09:13-COW3	Presentation (Councilwoman Burger)	By the Conservation Advisory Commission (CAC) and Ron Schulhof (Village of Scarsdale Food Scrap Recycling Committee) - Food Scrap Recycling <b>Presentation may be viewed on our you tube channel- This happened toward the end of the meeting after the below Committee reports</b>

**COMMITTEE REPORTS\*\* May view you tube of meeting for full Reports  
2023**

- |    |   |  |
|----|---|--|
| 1. | <b>FINANCE</b>  | <b>Krakower, Burger, Cifone<br/>NOTHING TO REPORT</b>  |
| 2. | <b>TECHNOLOGY**</b>   | <b>Shershin, Cifone, Burger<br/><i>Ann Shershin gives a report</i></b>                                 |
| 3. | <b>RECREATION/ SENIOR CITIZENS**<br/>(Including Town Day)</b> | <b>Renihan, Krakower, Cifone<br/><i>Jeff Renihan gives a report</i></b>                                |
| 4. | <b>FIRE ADVISORY</b>  | <b>Renihan, Shershin &amp; Fire Officials (Arlington, New Hamburg, Fairview)<br/>NOTHING TO REPORT</b> |
| 5. | <b>INFRASTRUCTURE/ LAND USE</b>                               | <b>Carlos, Shershin, Renihan<br/>NOTHING TO REPORT</b>   |
| 6. | <b>PERSONNEL</b>  | <b>Cifone, Carlos, Burger<br/>NOTHING TO REPORT</b>  |

7. **BUILDING CONSOLIDATION\*\*** Bill Carlos, Stephan Krakower  
*Jay mentions that the working group is just about finished and will soon be giving us a date to*  
(Team working together on this for time to be determined)

8. **SUPERVISORS REPORT\*\*** Jon Jay Baisley  
*Jay mentions that the Special District Budget Notices are in the process of being mailed out and the information has been given to the Town Clerk. He mentions we are working on a very tight budget*

**TOWN BOARD ENTERED INTO EXECUTIVE SESSION AT 9:10 P.M.**

09:13-ES **ADJOURN TO EXECUTIVE SESSION** To Enter Executive Session To Consider Following Matters:

1. Discussions regarding proposed pending or current litigation- NYS Department of Labor
2. The proposed acquisition sale or lease of real property when publicity would substantially affect the value thereof;
3. To discuss matters which are exempt under the Open Meetings Law including
  - a. Matters subject to the Attorney/Client privilege.

**AND BE IT FURHTER RESOLVED**, that no action appropriating money will be taken in executive session

**CARRIED**

**7-0**

**TOWN BOARD RETURNED FROM EXECUTIVE SESSION AT 10:00 P.M.**

09:13-ESR1- Authorize Supervisor Resolve NYS Department of Labor Assessment

**Town Board Meeting Adjourned at 10:03 P.M.**

**Special Town Board Meeting  
RESOLUTION 9:13- #1 OF 2023**

WHEREAS, Asher Stockler presented a FOIL request to the Town of Poughkeepsie Police Department for “All police reports for stolen or missing cash, or of defrauding an elderly individual of cash, made within the last three months”, a copy of which is annexed at Exhibit A; and

WHEREAS, Mr. Stockler has appealed the Police Department’s denial of his FOIL request, copies of which denial and appeal are also annexed at Exhibit A hereto; and

WHEREAS, the Town Board of the Town of Poughkeepsie having on September 13, 2023, at a Special Meeting of the Town Board, been then advised by Police Chief Cavaliere regarding his review of certain materials relevant to the request at Exhibit A, which review was independent of the Police Department FOIL Officer’s review, and has submitted his report thereon annexed hereto as Exhibit B and dated September 13, 2023, and

WHEREAS, the Chief further advises that a search is ongoing for other responsive non-exempt materials; now therefore

BE IT RESOLVED, that because the documents referred to by Chief Cavaliere were created for law enforcement purposes, and also include inter and intra agency FOIL exempt materials, such that the public disclosure at this time of any substantive portion of them, including those which might identify the involved agencies, would invade personal privacy and interfere with law enforcement investigations, judicial proceedings and/or potential prosecutions, Mr. Stockler’s FOIL Appeal be and the same is hereby denied as to the certain specific documents referred to above by the Chief, and the Legal

Department shall transmit a copy of this resolution to him and to the New York State Committee on Open Government, and the Police Department will make available to Mr. Stockler any non-exempt and responsive documents if and when they are located.

Dated: September 13, 2023

Moved: Councilman Cifone

Seconded: Councilman Renihan

Motion passes/ fails: Ayes 7 Nays 0

JEN/mem  
t-9/13/2023  
m-9/13/2023

		AYE	NAY	ABSTAIN
PRESENT/ABSENT	Councilman Renihan	XX__	_____	_____
PRESENT/ABSENT	Councilman Carlos	XX__	_____	_____
PRESENT/ABSENT	Councilwoman Burger	XX__	_____	_____
PRESENT/ABSENT	Councilman Cifone	XX__	_____	_____
PRESENT/ABSENT	Councilman Krakower	XX__	_____	_____
PRESENT/ABSENT	Councilwoman Shershin	XX__	_____	_____
PRESENT/ABSENT	Supervisor Baisley	XX__	_____	_____

**Michelle Juanilla**

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**From:** Stockler, Asher <AStockler@lohud.com>  
**Sent:** Friday, September 1, 2023 11:20 AM  
**To:** Michelle Juanilla  
**Subject:** FOIL Request

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good afternoon Ms. Juanilla,

Pursuant to Article 6 of the Public Officers Law, the Freedom of Information Law, I hereby request copies of the following Police Department records:

- All police reports for stolen or missing cash, or of defrauding an elderly individual of cash, made within the last three months.

For the purpose of limiting responsive records, the report in question involves approximately \$10,000-\$20,000 in cash and may also involve an Uber driver. However, should these details not identify a single, specific report, they should not be used to limit records generally responsive to my FOIL request.

I look forward to your response,

Asher Stockler  
Reporter  
The Journal News

**lohud**®

o: (914) 694-5060  
c: (914) 267-7050  
[@quasiasher](https://www.instagram.com/quasiasher)

*Exhibit A*



# TOWN OF POUGHKEEPSIE POLICE DEPARTMENT

19 TUCKER DRIVE  
POUGHKEEPSIE, NEW YORK 12603

Joseph Cavaliere  
Chief of Police  
845-485-3660

Michael O'Dowd  
Captain  
Support Services Bureau  
845-485-3670

Ralph Cropley  
Captain  
Operations Bureau  
845-485-3660

Date: 9/6/2023

Re: Inspection of Records

Asher Stockler  
Reporter  
The Journal News

- THE RECORDS YOU HAVE REQUESTED WILL NOT BE RELEASED DUE TO AN ONGOING INVESTIGATION AND/OR A COURT DISPOSITION IS PENDING.
- THE RECORDS YOU HAVE REQUESTED CANNOT BE ACCESSED AS REQUESTED AND WOULD REQUIRE A LEGAL JUDICIAL SO ORDERED SUBPOENA SIGNED BY A SITTING JUDGE.
- THE RECORDS YOU HAVE REQUESTED DO NOT EXIST.
- THERE ARE NO RECORDS ON FILE.
- ENCLOSED ARE THE RECORDS YOU HAVE REQUESTED.
- ENCLOSED ARE RECORDS THAT CAN BE RELEASED. ADDITIONAL RECORDS WOULD REQUIRE A LEGAL JUDICIAL, SO ORDERED SUBPOENA SIGNED BY A SITTING JUDGE.
- THE RECORDS YOU HAVE REQUESTED ARE UNDER REVIEW. RESPONSE TO FOLLOW IN 20 DAYS.
- THE REQUEST YOU MADE HAS BEEN DENIED.
- SEE NOTES ON REQUEST.

Request for judgment/sentencing order must be made to the Town of Poughkeepsie Justice Court. You may appeal this decision by submitting an appeal in writing to the Town Clerk within 30 days of receipt of this letter and the matter will be reviewed by the Town Board.

Sincerely,

*Michelle Juanilla*

Michelle Juanilla, Traffic Clerk

New York State  Accredited Agency

[www.townpolice.net](http://www.townpolice.net)

**From:** Stockler, Asher [mailto:AStockler@lohud.com]

**Sent:** Friday, September 8, 2023 11:42 AM

**To:** Jay Baisley; Jeff Renihan; [bill.carlos@aol.com](mailto:bill.carlos@aol.com); Anne Burger; [Michaelcifone@aol.com](mailto:Michaelcifone@aol.com); Stephan Krakower; Ann Shershin Yahoo

**Cc:** Felicia Salvatore; [mclemente@vandewaterlaw.com](mailto:mclemente@vandewaterlaw.com)

**Subject:** FOIL Appeal

Good morning,

As FOIL appeal officers for the Town of Poughkeepsie, pursuant to Section 89 of the Freedom of Information Law, I submit the below appeal of the denial of my FOIL request. Both my initial request and the Poughkeepsie Police Department's (the "Department") denial are attached for your reference.

My request sought a police report in the Department's custody. The Department summarily denied my request, citing Public Officers Law § 87 (2) (e), commonly known as the Law Enforcement Exemption. However, the Department erred in its invocation of the Law Enforcement Exemption.

An agency seeking to invoke the Law Enforcement Exemption must identify the "risks posed by disclosure" of responsive records (*Leshner v Hynes*, 19 NY3d 57, 67 [2012]). The Department has not done so. Further, an agency seeking the cloak of the Law Enforcement Exemption must "articulate a factual basis for the exemption" (*id.*). Nor has the Department done this.

The only legwork the Department has done in furtherance of its FOIL obligations is to summarily check a box reciting the text of the Law Enforcement Exemption. Despite the courts' clear admonition that an "agency's response must not 'merely parrot [ ]' the statutory language of the FOIL exemptions," that is *exactly* what the Department has done (*Matter of Moody's Corp. & Subsidiaries v New York State Dept. of Taxation & Fin.*, 141 AD3d 997, 999 [3d Dept 2016], quoting *Matter of West Harlem Bus. Group v Empire State Dev. Corp.*, 13 NY3d 882, 884 [2009]).



It is indisputable that the Department has not satisfied its obligations under the FOIL. The Department must make a "factual showing as to how disclosure would have interfered" with its investigation (*Matter of Dioso Faustino Freedom of Info. Law Request v City of New York*, 191 AD3d 504, 506 [2021]). Presumably, the reason why the Department has not done so is because it *cannot* credibly claim that release of all information in the police report would actually interfere with the investigation. Certain investigatory information may be withheld, but it cannot be argued that every jot and tittle of the report, if released, would actually cause interference with the investigation. The appropriate course of action would be to review the report in its entirety and redact certain, sensitive information that could credibly be said to interfere with the investigation if disclosed.

I look forward to your response. If the Department's denial is upheld in whole or part, I reserve the right to pursue any and all available remedies at law.

Best,

Asher Stockler

Reporter

The USA Today Network

**lohud.**

o: (914) 694-5060

c: (914) 267-7050

[@quasiasher](#)



# TOWN OF POUGHKEEPSIE POLICE DEPARTMENT

19 TUCKER DRIVE  
POUGHKEEPSIE, NEW YORK 12603

**Joseph Cavaliere**  
*Chief of Police*  
845-485-3660

**Michael O'Dowd**  
*Captain*  
*Support Services Bureau*  
845-485-3670

**Ralph Cropley**  
*Captain*  
*Operations Bureau*  
845-485-3660

DATE: September 13, 2023  
TO: Town Supervisor Jay Baisley  
Town Board Members  
Town Attorney James Nelson  
  
FROM: Chief Joseph Cavaliere  
SUBJECT: FOIL request from Asher Stockler

In response to this FOIL request please be advised we are still in the process of reviewing 253 cases to see if there are any cases that can be release. If we find any we will forward them to Mr. Stockler.

We believe the specific case that Mr. Stockler is looking for is a current ongoing, complicated, multifaceted and multijurisdictional Investigation. There are still subpoena's we are waiting for the return of to continue our investigation. Additionally there are other jurisdictions that are relying on information from our investigation to assist them in charging and prosecuting criminal charges in their jurisdictions.

Exhibit B

September 13, 2023  
Page 2 of 2

The release of our reports to Mr. Stockler on this specific case will reveal confidential information, invade the personal privacy of the victim, reveal non routine investigative techniques, interfere with a law enforcement investigation and most importantly interfere with judicial proceedings and the prosecution of those to be charged.

I am extremely proud and impressed with the way my officers conducted themselves and the work they completed on this investigation. I would love to be able to bring public attention and praise to these officers for the difficult and hard work they did in this investigation, but this is **NOT** the time.

If this information is released now it could destroy their hard work and ruin a very important case that still needs to be completed and prosecuted.

**Special Town Board Meeting**  
**RESOLUTION 9:13-~~ESR~~1 OF 2023**

WHEREAS, the Town Board of the Town of Poughkeepsie having returned from Executive and Attorney/Client Session at 10:00 p.m. on September 13, 2023, now therefore

BE IT RESOLVED, that the Supervisor is authorized to resolve the New York State Department of Labor's assessment of \$37,008 against the Town of Poughkeepsie for \$9,252.

Dated: September 13, 2023

Moved: Councilman Renihan

Seconded: Councilman Burger

Motion passes/ fails: Ayes 6 Nays 1

JEN/mem  
t-9/13/2023  
m-9/13/2023

		AYE	NAY	ABSTAIN
PRESENT/ABSENT	Councilman Renihan	XX__	____	____
PRESENT/ABSENT	Councilman Carlos	XX__	____	____
PRESENT/ABSENT	Councilwoman Burger	XX__	____	____
PRESENT/ABSENT	Councilman Cifone	XX__	____	____
PRESENT/ABSENT	Councilman Krakower	____	XX__	____
PRESENT/ABSENT	Councilwoman Shershin	XX__	____	____
PRESENT/ABSENT	Supervisor Baisley	XX__	____	____

		AYE	NAY	ABSTAIN
PRESENT/ABSENT	Councilman Renihan	XX__	____	____
PRESENT/ABSENT	Councilman Carlos	XX__	____	____
PRESENT/ABSENT	Councilwoman Burger	XX__	____	____
PRESENT/ABSENT	Councilman Cifone	XX__	____	____
PRESENT/ABSENT	Councilman Krakower	XX__	____	____
PRESENT/ABSENT	Councilwoman Shershin	XX__	____	____
PRESENT/ABSENT	Supervisor Baisley	XX__	____	____

OFFICE OF THE SUPERVISOR  
*Town of Poughkeepsie*

JON JAY BAISLEY  
SUPERVISOR



ONE OVEROCKER ROAD  
POUGHKEEPSIE, N.Y. 12603

(845) 485-3607  
FAX (845) 485-3701

September 12, 2023

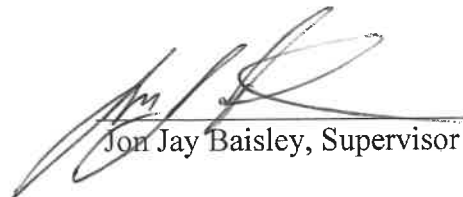
TO: Jeffrey D. Renihan, 1<sup>st</sup> Ward Councilman  
William Carlos, 2<sup>nd</sup> Ward Councilman  
Anne Burger, 3<sup>rd</sup> Ward Councilman  
Michael Cifone, 4<sup>th</sup> Ward Councilman  
Stephan Krakower, 5<sup>th</sup> Ward  
Ann Shershin, 6<sup>th</sup> Ward Councilman  
Felicia Salvatore, Town Clerk  
James Nelson, Attorney to the Town

FROM: Jon Jay Baisley, Supervisor

I, Jon Jay Baisley, do hereby call a Special Meeting of the Town Board of the Town of Poughkeepsie on Wednesday, September 13, 2023 preceding the Committee of the Whole, at Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, New York, for the following:

1. FOIL.
2. Possible contract to prevent access to certain real property.
3. Any other matters that may legally come before the Board.

Dated: Poughkeepsie, NY  
September 12, 2023

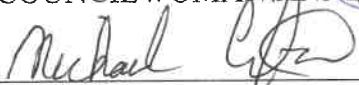


Jon Jay Baisley, Supervisor

WAIVER OF NOTICE

We, the undersigned do hereby specifically and expressly waive all notice provisions set forth in the Town Law and set forth in the rules of the Town Board of the Town of Poughkeepsie for a Special Meeting that has been called by Jon Jay Baisley, Supervisor of the Town of Poughkeepsie, on request of two Town Board Members, to be held on Wednesday, September 13, 2023, preceding the Committee of the Whole, at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, New York, or as soon thereafter as the following matters can be heard:

1. FOIL.
2. Possible contract to prevent access to certain real property.
3. Any other matters that may legally come before the Board

  
\_\_\_\_\_  
SUPERVISOR JON JAY BAISLEY  
\_\_\_\_\_  
COUNCILMAN JEFFREY RENIHAN  
\_\_\_\_\_  
COUNCILMAN BILL CARLOS  
\_\_\_\_\_  
COUNCILWOMAN ANNE BURGER  
\_\_\_\_\_  
COUNCILMAN MICHAEL CIFONE  
\_\_\_\_\_  
COUNCILMAN STEPHAN KRAKOWER  
\_\_\_\_\_  
COUNCILWOMAN ANN SHERSHIN