

## LEGAL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that the Town Board of the Town of Poughkeepsie does hereby set the 20<sup>th</sup> day of October, 2021 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie as and for the time, date and place of a public hearing to adopt by Local Law Chapter 169, entitled “Smoking, Vaping, E-Cigarettes and Other Tobacco Products”

ALSO TAKE NOTICE, that the proposed amendments are available in the Town Clerk’s Office between the hours of 8:00AM-4:00PM Monday through Friday and also on our website look for the public hearings on the home page.

\*\*Given the global COVID-19 pandemic, Town Hall is open to the public, but with very limited space and with special requirements (masks, social distancing) for public attendance. However, the Town Board meeting, inclusive of this public hearing, will also be accessible to the public through the media platform called Zoom in order to proceed with Town business and safely maintain social distancing requirements. Town Board Members will be present but members of the community can access the Town Board meeting through Zoom information below.

Zoom direct link:

<https://us06web.zoom.us/j/87445967779?pwd=Z0tjMGhVTVpoMlJubzdjbFZ0WEsxZz09>

Via the Zoom website or application (“app”):

Meeting ID 874 4596 7779  
Password: 346099

Through Zoom members of the community will be able to participate in the Town Board meeting via computer or phone audio.

Members of the community can also simply call into the meeting using the following phone number: 1-929-205-6099 and the meeting ID and meeting password above.

The meeting is also broadcast live on Cablevision Channel 22 and Verizon Fios Channel 38.

Felicia Salvatore, Town Clerk  
Town of Poughkeepsie  
October 5, 2021

**RESOLUTION 9:29 - #SC 1 OF 2021**

**BE IT RESOLVED**, that the Town Board of the Town of Poughkeepsie does hereby set the 20th day of October, 2021 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, New York, as and for the time, date and place of a public hearing to adopt by Local Law Town Code Chapter 169, entitled "Smoking, Vaping, E-Cigarettes and Other Tobacco Products,"

**BE IT FURTHER RESOLVED**, that the proposed Local Law is attached hereto as Exhibit A and incorporated herein, and the Town Board does hereby waive a verbatim reading of said proposed law and does direct that it be spread across the record as if it, in fact, had been read verbatim, and

**BE IT FURTHER RESOLVED**, that after reviewing the proposed Local Law and the annexed Environmental Assessment Form, this Board determines that the adoption of this local law is an Unlisted Action under SEQRA, that there are no other Involved Agencies, and that it will conduct an uncoordinated SEQRA review of this Local Law, and

**BE IT FURTHER RESOLVED**, that said Local Law, if adopted, shall take effect immediately upon filing with the Secretary of State.

Dated: September 29<sup>th</sup> 2021

Moved: Jon Jay Baisley

Seconded: Stephan Krakowen

Motion passes/ fails: Ayes 7 Nays 0

JEN/tm  
t-9/28/2021  
m-9/29/2021

via zoom

		AYE	NAY	ABSTAIN
<u>PRESENT/ABSENT</u>	Councilman Renihan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT/ABSENT</u>	Councilman Carlos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT/ABSENT</u>	Councilwoman Lopez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT/ABSENT</u>	Councilman Cifone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT/ABSENT</u>	Councilman Krakower	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> <u>PRESENT/ABSENT</u>	Councilwoman Shershin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT/ABSENT</u>	Supervisor Baisley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## CHAPTER 169

### Smoking, Vaping, E-Cigarettes and Other Tobacco Products

#### §169-1. TITLE

This Local Law shall be titled “Smoking, Vaping, E-Cigarettes and Other Tobacco Products,” and is intended to prohibit those activities in Town buildings and on all Town property including parks, recreation areas, and playgrounds.

#### §169-2. LEGISLATIVE INTENT

The Town Board of the Town of Poughkeepsie finds that the smoking of tobacco and marijuana, as well as vaping and the use of electronic cigarettes and other tobacco products in Town of Poughkeepsie buildings and on Town property has the potential to create a serious health hazard for the employees of the Town, the citizens of the Town, and those who visit and utilize Town property.

The Town Board hereby determines that in order to protect and promote the public health, safety and welfare of the Town’s employees, citizens, and visitors, it is necessary to prohibit the smoking of tobacco and marijuana, vaping, and the use of tobacco products in and on Town property, and this Town Board declares that all Town buildings and property are “Tobacco and Marijuana Free Zones.”

#### §169-3. DEFINITIONS

As used in this Chapter, the following terms shall have the meanings indicated:

##### A. Town Property

Any building, structure, or enclosed outdoor area owned, leased, licensed, used or operated by the Town of Poughkeepsie or any of its departments for the conduct of public business, including but not limited to the Town Hall, the Highway, Sewer, Water and other Department buildings, the Police-Court Facility, and all Town parks, recreation areas, playgrounds and other land and properties owned, leased, licensed, used or operated by the Town of Poughkeepsie.

##### B. Other Tobacco Products

Smokeless tobacco, chewing tobacco, plug, snuff, dip and other tobacco products intended to be held in the mouth or chewed.

**C. Smoking**

Means the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or cannabis as defined in Section 222.00 of the Penal Law, or cannabinoid hemp as defined in Section three of the Cannabis Law

**D. Marijuana**

Means “marihuana” or “concentrated cannabis” as those terms are defined in §3300(2) of the New York State Public Health Law.

**F. Electronic Cigarette**

“Electronic cigarette” or “e-cigarette” means an electronic device that delivers vapor which is inhaled by an individual user, and shall include any refill, cartridge and any other component of such a device.

**G. Vaping**

Means the use of an Electronic Cigarette.

**§169-4. PROHIBITIONS AND PENALTIES**

A. The Smoking of Tobacco and Marijuana, Vaping, and the use of Other Tobacco Products on or in any Town Property as herein defined is unlawful.

SER – look at the use of the words vapor products and Vaping to see if they are properly integrated in the LL.

B. Any person convicted of a violation of any provision of this Chapter shall be subject to a fine not to exceed \$200 per violation.

**§169-5. SIGNAGE**

“Vaping, Smoking of Tobacco and Marijuana, and the use Other Tobacco Products are prohibited,” or signs with equivalent language, shall be clearly and conspicuously posted at each entrance to all Town Properties. In addition, the international “no smoking” symbol (a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall also be posted in all Town Buildings.

**§169-6. ENFORCMENT**

This Chapter may be enforced by the Zoning Administrator and Building Inspector of the Town of Poughkeepsie and their deputies and by any police agency having jurisdiction in the Town of Poughkeepsie including, but not limited to, the Town of Poughkeepsie Police Department, the New York State Police and the Dutchess County Sheriff.

**§169-7. EFFECTIVENESS**

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State and the Office of the Clerk of the Town of Poughkeepsie.

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

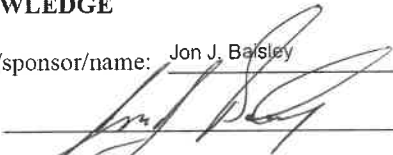
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Smoking, Vaping, E-Cigarettes and Other Tobacco Products Local Law			
Project Location (describe, and attach a location map): Town of Poughkeepsie			
Brief Description of Proposed Action: A local law regulating smoking, vaping, and the use of e-cigarettes and other tobacco products on all property owned by the Town of Poughkeepsie.			
Name of Applicant or Sponsor: Town Board of the Town of Poughkeepsie		Telephone: (845) 485-3600	
		E-Mail:	
Address: 1 Overocker Road			
City/PO: Poughkeepsie		State: New York	Zip Code: 12603
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

<p>5. Is the proposed action,</p> <p>a. A permitted use under the zoning regulations?</p> <p>b. Consistent with the adopted comprehensive plan?</p>	<p>NO</p> <input type="checkbox"/>  <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/>  <input type="checkbox"/>	<p>N/A</p> <input type="checkbox"/>  <input type="checkbox"/>
<p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>	<p>NO</p> <input type="checkbox"/>		<p>YES</p> <input type="checkbox"/>
<p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</p> <p>If Yes, identify: _____</p>	<p>NO</p> <input type="checkbox"/>		<p>YES</p> <input type="checkbox"/>
<p>8. a. Will the proposed action result in a substantial increase in traffic above present levels?</p> <p>b. Are public transportation services available at or near the site of the proposed action?</p> <p>c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?</p>	<p>NO</p> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		<p>YES</p> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<p>9. Does the proposed action meet or exceed the state energy code requirements?</p> <p>If the proposed action will exceed requirements, describe design features and technologies:</p> <p>_____</p> <p>_____</p>	<p>NO</p> <input type="checkbox"/>		<p>YES</p> <input type="checkbox"/>
<p>10. Will the proposed action connect to an existing public/private water supply?</p> <p>If No, describe method for providing potable water: _____</p> <p>_____</p>	<p>NO</p> <input type="checkbox"/>		<p>YES</p> <input type="checkbox"/>
<p>11. Will the proposed action connect to existing wastewater utilities?</p> <p>If No, describe method for providing wastewater treatment: _____</p> <p>_____</p>	<p>NO</p> <input type="checkbox"/>		<p>YES</p> <input type="checkbox"/>
<p>12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?</p> <p>b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?</p>	<p>NO</p> <input type="checkbox"/> <input type="checkbox"/>		<p>YES</p> <input type="checkbox"/> <input type="checkbox"/>
<p>13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?</p> <p>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?</p> <p>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <input type="checkbox"/> <input type="checkbox"/>		<p>YES</p> <input type="checkbox"/> <input type="checkbox"/>



14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input type="checkbox"/>	YES <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO <input type="checkbox"/>	YES <input type="checkbox"/>
_____		
_____		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO <input type="checkbox"/>	YES <input type="checkbox"/>
_____		
_____		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO <input type="checkbox"/>	YES <input type="checkbox"/>
_____		
_____		
<p><b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor/name: <u>Jon J. Baisley</u> Date: <u>09/29/2021</u></p> <p>Signature:  Title: <u>Town Supervisor</u></p>		

Project: Date: 

***Short Environmental Assessment Form  
Part 2 - Impact Assessment***

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project:

Date:

### *Short Environmental Assessment Form Part 3 Determination of Significance*

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

N/A

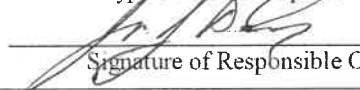
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town Board of the Town of Poughkeepsie

\_\_\_\_\_  
Name of Lead Agency

Jon J. Baisley

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

  
\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Date

Town Supervisor

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Preparer (if different from Responsible Officer)

## **Local Law Narrative – SEAF Part 2**

The Town Board of the Town of Poughkeepsie has found that the smoking of tobacco and marijuana, as well as vaping and the use of electronic cigarettes and other tobacco products in Town of Poughkeepsie buildings and on Town property has the potential to create a serious health hazard for the employees of the Town, the citizens of the Town, and those who visit and utilize Town property.

The Town Board also determined that in order to protect and promote the public health, safety and welfare of the Town’s employees, citizens, and visitors, it is necessary to prohibit the smoking of tobacco and marijuana, vaping, and the use of tobacco products in and on Town property, and this Town Board declares that all Town buildings and property are “Tobacco and Marijuana Free Zones.”

This local law will be enacted to effect the Town’s desire to protect and promote the health, safety, and welfare of the public by prohibiting smoking, vaping, and the use of e-cigarettes and other tobacco products.