

**MINUTES OF SPECIAL TOWN BOARD MEETING HELD  
ON MARCH 11, 2009 AT 5:00 PM AND COMMITTEE OF THE WHOLE  
MEETING HELD AT 7:00 PM AT TOWN HALL, ONE  
OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

**PRESENT :** Supervisor Myers  
Councilman Baisley  
Councilman Seminara  
Councilman Conte  
Councilman Cifone  
Councilman Tancredi  
Town Attorney Mahar  
Town Clerk Miller

**ABSENT:** Councilman Krakower

**\*NOTE: Attachments pertaining to a particular Town Board Meeting will be found after the minutes of that meeting, which are kept in the official minute books held in Town Clerk's Office.**

**Public comments made during a Board Meeting may be heard on the audiotape of that particular meeting, which is kept in the Town Clerk's Office**

**{ } designates corrections**

**5:00 PM**

**CALL TO ORDER**

**SALUTE THE FLAG**

**RESOLUTION**

BE IT RESOLVED, The Town Board of the Town of Poughkeepsie does hereby adjourn to Executive Session concerning the following matters, to wit:

1. Litigation
2. Confidential Communication between Attorney and his Client/The Town Board based on Attorney/Client privileges

SO MOVED: J. Baisley/M. Cifone

CARRIED: 6-0

INTO EXECUTIVE SESSION AT 5:15 PM

NEIL WILSON WAS INVITED INTO EXECUTIVE SESSION

BACK FROM EXECUTIVE SESSION AT 7:00 PM

SPECIAL TOWN BOARD MEETING CLOSED AT 7:01 PM

**COMMITTEE OF THE WHOLE COUNCIL MEETING**

**PRESENT:** Supervisor Myers  
Councilman Baisley  
Councilman Seminara  
Councilman Conte  
Councilman Cifone  
Councilman Krakower  
Councilman Tancredi  
Town Attorney Mahar  
Town Clerk Miller

0311-COW 1 DISCUSSION

Public Information Session For  
Application of Abilities FirsT, Inc., at  
13 Sterling Place (In First Ward), For  
Individual Residential Alternative For

## People With Developmental Disabilities

John Thoman, Executive Director of Abilities First, Inc.: This program has been in progress since the early 60's. It's a private not-for-profit 5013C organization governed by a Board of Directors made up of various community members and parents of individuals they serve. They serve about 2,000 individuals with disabilities throughout Dutchess County and they employ about 500 employees. They offer residential and day programs. They are seeking to relocate 5 female residents to 13 Sterling Place

**Residential Program:** They serve about 100 individuals in various residential settings. If the residents are living in apartments, they stop in about once a week or once a month, there is up to see how they are doing. The type of program they are offering at Sterling Place is a program that would be 24 hours, 7 days a week supervision. The staff would be 2. They want to relocate 5 female residents from Vassar Road residence. Then they want to backfill the Vassar home with 4 individuals. The reason for looking for another home is the size. The size is not large enough at Vassar at this time. The individuals need support, assistance in performing various daily living activities such as cooking, doing laundry, medication, shopping, banking, etc. During the day they would go to our shelter workshop program just up the road on Overlook. A bus will pick them up about 8 AM and return them at about 3:30 pm. Residential homes are kept up with landscaping, lawn care and weeding, etc. Mr. Thoman certified that only mentally disabled persons will be residents of the home, no drug rehabilitation or alcohol rehabilitation.

Council members all agreed that there has really never been any trouble or issue with any of the homes presently located in the Town of Poughkeepsie and are happy to have them as residents of the Town.

### PROGRAM BRIEF ATTACHED TO FINAL BOOK COPY

Supervisor Myers asked if there was anyone who wished to speak on this issue:

Victor Gennodie: Spoke about a home on Sheafe Road where the men there are very friendly. His concern is parking on the lawns by individual traffic that arrives at the home.

The lawns get trashed and the one on Sheafe Road has a dumpster in front of it. Sterling Place is an exclusive area and would hate to see this there. Also, having a large amount of people in a home, you should find a home with Town sewer and not a septic. The home on Sheafe Road has had a new septic system four times in fifteen years.

Mr. Thoman stated that any problems that arise of that nature should be directed to him and it would be immediately alleviated. There should be no more than 2 cars and a mini-van there.

Virginia Buechele: Is the report from the Abilities First, Inc. public information? Also, thank you, Dominic, for asking how many of these homes are in the Town. When you get that list, could you break it down into Wards? She would like a copy of that information. Just want to see that these homes are equally distributed throughout the Town. She was just interested in the Saturation Law. She didn't know if it has ever been looked into, but think it should be something the Town should look at.

Supervisor Myers: As far as I know.

Michael Schaefer: Concerned that there was no alternative locations were given tonight. Also, the houses in that neighborhood are all covered under the Declaration of Restrictions which are carried in their deeds. The deed restriction is that the occupants should be no businesses at the location. They may be not-for-profit, but they are a business. This type of business is not permitted in this development according to the deeds.

Mr. Thoman: This is not a commercial business.

Councilman Seminara: We, as a Town, don't have the ability to give them or not give them permission. It is the State and they already have permission by NY State Padowin Law. The law is on the side of these people being able to live there.

Jayne Guesemon: She said she thought she spoke for the whole neighborhood, We have nothing against disabled people. It is not a one story home, it is a two story home. It is on a cul-de-sac. Having a group home on the street would make it difficult for us to sell our homes if we wanted to. We are concerned about that.

Councilman Krakower: They do have a very good track record in the Town of Poughkeepsie for keeping up their property and no issues.

Dennis Feduke: What controls are in place that would prevent them from moving other people in besides the 5 people or people from substance abuses?

Mr. Thoman: I do not serve that population. The only site we are allowed to treat that type of a problem is on 103 Inwood Avenue.

Mary Tasnady: She is a Century 21 licensed broker and when a couple found out that there was a group home at the end of a cul-de-sac street. A home is people's most expensive investment and she think there are better locations for them to buy. It will lessen the buyer pool.

Steve Lenard: Who owns the home if you go out of business? Does the State take it over? What kind of rights do we have if the State wants to put in some other group home?

Councilman Krakower: The property would have to go for not-for-profit purposes. If the business failed, I would imagine that the house would be sold and the proceeds would go into some sort of not-for-profit purpose.

Donald Wall: The only thing that really bothers me is the one about economy. We live in a tough economy and we see here that they are going to buy a very expensive home that most people who live in this Town of Poughkeepsie can't afford. I'm sure John is going to take care of that property well, but he is going to take care of it with OUR taxes forever. Why not buy in an appropriate place with an appropriate price tag. He could have done it with a lot less money by getting a piece of property for a lot less.

Councilman Cifone: I think they made a wise decision with this house because it is in good shape and they didn't have to buy a house and put money into it.

The main complaint from residents is that they feel it is going to destroy the value of their homes on the street.

Doreen Tignanelli: It really is a shame we have to go through this every time we want to put a group home in the Town of Poughkeepsie. When you buy a house, it's like investing in a stock market. You don't know what is going to happen when you put your money into a house. I bought my house 27 years ago and there were a lot of middle class IBM's in that neighborhood, that's not the case now. There was a person who moved in a while ago down the street that was electronic monitoring. I had no say in who moved there. There was another guy who moved in down the street and he ripped all the siding off his house and we figured he was going to fix it up, he just left it with the siding ripped off. So, I couldn't approve my neighbors ahead of time and had no say. It really is a shame.

Supervisor Myers: The EPA has sent us a notice that the Hudson River PCB Super Fund Sight is having a public information session on Wednesday, March 25<sup>th</sup> from 6 to 8 PM at the Community Room at the Police Station. This is about the dredging process that is going to proceed in the upper Hudson and what potential affect it could have on us. I just think people should be aware of that.

Roger Karcher: I would like to relate a safety and security issue that exists on the east end of Underhill Road caused by the lack of adequate street lighting. I am asking for your assistance to resolve this problem. In the recent past there has been numerous incidents at the intersection of North Grand Avenue and on the east end of Underhill Road. These incidents have included two high speed police chases that resulted in crashed vehicles in the woods and swamp areas, and thrown contraband. The police apprehended these criminals and had to search for the thrown items. I reported two incidents of vandalism at my residents and a break in at 85 Underhill Road. Proper street lighting in this area would be a deterrent to these activities, provide a safer environment and assist the police in their duties. The streetlight at the intersection of North Grand Avenue and Underhill Road was upgraded to a brighter source and then moved towards North Grand Avenue by a Town Board resolution on April 20, 2007 and this resulted in a net loss of lighting on the east end of Underhill Road. Another resolution by the Board resulted in an additional streetlight being installed on the west end of Underhill Road adjacent to a "No dumping" sign where dumping has been occurring. The upgraded street light has proven to be unreliable with four outages occurring since November of 2008. These outages last 3 to 5 days with no lighting at all and the intersection is very dangerous. There is adequate street lighting along North Grand Avenue and the west end of Underhill Road where most poles have street lights where there are no residents. I am asking this Board for a resolution to install an additional street light on the east end of Underhill Road in front of 88 Underhill Road to give us the lighting we need for a more safe and secure environment.

Councilman Seminara: Is there a telephone pole at that location?

Roger Karcher: Yes, there is.

Councilman Cifone: When you called previously, you requested a light at the intersection.

Roger Karcher: I don't know where the information came from, but I never called about the pole or light at the intersection.

Supervisor Myers: Ok, we can send engineering out there and have him assess the situation and he would know better than any of us what to do there.

Roy Feroli, Executive Vice-President of Marist College: We were here about 2 ½ years ago and gave a briefing on our campus master plan and the comment was "We give you an A+ except for one omission, Route 9 crossing. We were asked to come back with a specific solution. Subsequent to that meeting, there was a comprehensive land use and transportation study done by the Poughkeepsie/Dutchess County Transportation Counsel on Route 9. The Town participated in it. One of the key conclusions of that study was that Marist was asked to work with DOT and come up with a recommendation on the Route 9 crossing. We have been doing that for the last year and ½ and we are here to present that recommendation. The DOT is serving as the Lead Agency for this project.

Bill Gorton, Regional Design Engineer: (Slide Presentation) We are talking about Route 9 in front of Fulton Avenue which has been a hot spot over the years. We go back to about 2003 when we initiated a study on pedestrian safety for the students of Marist College. We identified a series of improvements that should be undertaken in the area. It was broken down at the time into short term, mid-term and long term. The short-term solutions were focused on things that needed to be done immediately to enhance pedestrian safety in the area, including a lot of activity at Fulton Street such as an all red phase, a diagonal cross walk, and some pedestrian activation in the other intersections. They were all completed. The mid-term phase was to get a signalized (inaudible) crossing recognizing that that was a high crossing location. The signal went in, but had

little affect on the traffic, and it didn't affect the long-term and the long-term was to work toward a grade separated solution. That's where we are today and we have been working with Marist over the past 1 ½ years on the feasibility and location studies to determine if, where and how a crossing could be in that would be functional. One of the concerns we have is the vehicle capacity and delay on Route 9 in addition to the heavy pedestrian crossing of a State Highway. Between 3,000 to 4,000 pedestrians a day, cross that section of Route 9. What we've been working on is, through a consultant hired by Marist, to look at the Planning scoping level to improve pedestrian safety and traffic operations. The consultants talked about where to put it that it would be best used. You have to make it very functional for the area. We believe that a location up near Fulton is the logical location. It came down to two locations Location A, A little further to the South of Fulton Avenue and Location B was a little closer to Fulton Avenue. We threw an underpass option in to see how it fit in. We decided that the preferred location is the little further south location from Fulton Avenue (A). Our estimated use is about 3,600 pedestrian students. There will have to be some fencing controls along the parking lot to prevent people from bleeding out to the edges a little bit and the other concern was accessing the shopping plaza and we were planning on improving some sidewalk connections along Beck Place. The recommended project alternative is to go with the underpass. There will be camera's in the underpass for security. Project will be scheduled for completion in the 2010-2011 time frames depending on the State DOT funds and when they are available.

Town Board was elated and impressed with the plans.

03:11-COW 4 DISCUSSION

NYCOMCO

WITHDRAWN

03:11-COW 5 DISCUSSION

Dutchess County Rail Trail

Joe Kelly, Dutchess County Department of Public Works, Project Manager for Rail Trail Project: Currently we began the construction on the stage of the rail trail that runs from Overocker Road to Morgan Lake. The project started late last year and is scheduled to complete about June 30<sup>th</sup> this year. That section is 2.4 miles and will consist of the parking lot at Overocker Road, it's an 18 car parking lot and the trail head at Morgan Lake. With regard to the maintenance agreement. The Towns of East Fishkill, Wappingers and LaGrange and the City of Poughkeepsie we have agreements with them and have been signed and the Town of Poughkeepsie is the last one we are looking at now and are anxious to come to an agreement and to be able to be ready in time for the completion of the project.

Councilman Tancredi: I think the trail is going to be a real asset to the Town residents. I know down in Fishkill there are always cars there and people there. I think our total commitment here is capped at \$7500 a year, if I'm reading this correctly, \$3500 being repairs. Is that correct Tom?

Town Attorney Mahar: Yes, that's my understanding.

Joe Kelly: Right, I believe the Town is not responsible for any costs exceeding \$7500.

Supervisor Myers: Does that include manpower?

Joe Kelly: That includes everything.

Councilman Seminara: If there is an issue with graffiti, for instance, and we have exceeded our \$7500, is the County going to take care of the graffiti?

Joe Kelly: By the agreement, you would not be responsible for it, we would have to address it.

Supervisor Myers: See, this is a County Park and this is my whole problem with this, we have another County Park in the Town and it is called Bowdoin. We do not clear any vegetation or mow any lawns, plow any parking lots or do any maintenance in the County Park. It is paid for by County tax dollars. Dutchess Rail Trail is a County Park. I think that it is a responsibility of the County, which has far more personnel than the Town does to maintain this park.

Joe Kelly: Our vision of a sharing of the maintenance responsibilities as a community asset and community resource that we would as a County and Towns, work together to accomplish what we need to accomplish and that has been very successful at the Harlem Valley Rail Trail and we envisioned it to continue in the same fashion with this rail trail and I think we've been fairly clear on how we envisioned maintenance to be handled from the onset and that's probably different than what we envisioned at Bowdoin Park when we built that park.

Town Attorney Mahar: The Town's position has been very clear also in your meetings that this is a County Park and that the County should pay for it.

Councilmen Seminara: Why is it with other County Parks, the County pays for it and with this one it is being shifted to the Towns? It seems like if the County is going down the rail trail with its employees and cleaning it up and mowing it, it is more efficient than having each separate Town do it.

Joe Kelly: Typically, the way that the Harlem Valley Rail Trail works is because of the linear nature of the park and the expanse of the park, our County Highway Department does the majority of the maintenance for the County. The large Highway Equipment Mowers, etc. and not our individual parks because if our County Parks Personnel need to do something at the Harlem Valley Rail Trail there, we bring them from Wilcox Park and bring them over to there. So, the nature of the maintenance we have and the best ability to address for the rail trail is similar to what we address on a highway, which is a different level of maintenance in terms of the larger maintenance and repair work and most expensive work in terms of the grass cutting, in the Town of Poughkeepsie it will be about 3.8 miles, the County would still do that major mowing, or doing things with the larger equipment and then the smaller things and lighter duty work is what we would ask the Town to do.

Councilman Krakower: But, what happens, we have the Route 9 medians where the State put all the plantings in and everything else, and the Town of Poughkeepsie from Marist College, it is maintained beautifully because Marist College does it, the rest of the Town stretch, I think we've done a pretty good job of maintaining it, but it's not cheap. When you get to other municipalities further south, there is not the same level of maintenance if any maintenance at all, so, what happens when you have the rail trail when the Town of Poughkeepsie is keeping their end of the bargain and somewhere down the line, they are not. It just seems more difficult to maintain it having every municipality along the way doing a little piece vs. just having the County going through and doing the whole thing. The money is coming out of all the same pocket effectively. It just makes sense that the County does it because it is a big project and you don't want one Town doing a good job and the other County doing a lousy job on the Rail Trail and if you look at Route 9 with the plantings, that's the prime example where that has happened. Some stretches are ok and other stretches it is overgrown. That's my concern with the Rail Trail, you're going to have that hodge podge of maintenance, where it's good, bad and nothing at all maintenance.

Joe Kelly: I understand your point. The decision to approach the maintenance in this fashion is based on the experience the County has had on the Harlem Valley Rail Trail and we felt that that solution worked and there is a sense of ownership for each individual community as well as the County and we felt it was a successful venture in partnership and we would like to continue the same here.

Joe Kelly and the Town Board hashed out the agreement of the Rail Trail at this point.

Councilman Cifone: I would rather give you a dollar amount instead of stressing our Town resources too thin. I think I would rather give you a stipend up to \$5,000 and let the County take care of it.

Supervisor Myers: That was made during negotiations and firmly rejected by the County. Part of this issue is manpower we don't have.

Councilman Cifone: I would rather give them the \$7,500 and be done with it. Our problem is it comes down to manpower we don't have.

Supervisor Myers: We really don't have the money either.

Councilman Tancredi: I think all the Towns should just give the County a dollar amount up front and then the County hire a man to do it.

Supervisor Myers: That was offered to the County and they rejected it.

Town Board shares the opinion that the County should take care of the entire maintenance of the Rail Trail. The Town Board is of the opinion that this is not going to be approved by this Board and should just drop it.

Councilman Seminara: My opinion is that we should just drop it, it will make the other Towns think about it and it will be reverted right back to the County to take care of, where it belongs.

03:11-COW 6 DISCUSSION

Going Out of Business Sales

Town Attorney Mahar: (Inaudible)

Councilman Krakower: My biggest issue, no matter what we do with the Town Ordinance, the problem is, the Bankruptcy Court seems to issue an order to just completely circumventing Town Safety, Zoning and everything else in one clean shot and my concern is that we could put together a real good ordinance and some Bankruptcy Judge in Delaware could say, "Circuit City can do what ever they want, in what ever municipality that they are closing, put people in the streets, hang banners over the sides of the buildings and it doesn't impact it."

Town Attorney Mahar: That's only one aspect of it. The legislation put in place for the Town Clerk, should be able to regulate because there were certain companies going out of business every other week and there were certain companies saying we are going to sell X, Y, and Z and we get to the stores and it's A, B, and C.

(Last two or three tapes go in and out of recording and a terrible humming)

Councilman Krakower: I can see no reason why a Bankruptcy Judge should be circumventing public safety and local zoning ordinances for the purpose of a liquidation sale. To me that's ridiculous and Circuit City had sign walkers standing in snow drifts on Route 9 and that was dangerous and Circuit City could care less.

Councilman Seminara: How do we get notified and challenge the next one as soon as possible because I don't think you want to wait until three months after the court order. I think we should challenge it, how do we go about doing that?

Town Attorney Mahar: (Inaudible)

Councilman Krakower: I think we should definitely update the law. Let's keep it simple and a law that is easily enforced. Just to what it needs to be.

(COPY OF CURRENT LOCAL LAW ATTACHED TO FINAL BOOK COPY)

03:11-7 GRANT

Special Consent SC 1

RESOLUTION



Councilman Krakower: This is an Overlay District, it would apply to the whole Arlington Town Center or would it apply only when the Town Board says it applies to that piece of property?

Neil Wilson: The way this is written, it would apply only to those properties that the Town Board said it should apply to and only to those properties located on Main Street.

Councilman Krakower: With that being said, my question is, could this be done Town wide where we pull out the drive-thru use in all the Zones and do it as an Overlay District so that we have the ability to do that on a Town Board level?

Neil Wilson: My inclination would be to say, "Yes". But, I would want to dig into that particular question. This is a very narrowly focused amendment. The Main Street area, to my mind, is different character from Raymond Avenue and I think it needs a little bit of help. I would like a chance to kind of dig into it and get back to you on this.

#### DRAFT OF LOCAL LAW ATTACHED TO FINAL BOOK COPY

#### COMMITTEE REPORTS

- |                           |                                |
|---------------------------|--------------------------------|
| 1. FINANCE                | Councilman Baisley: No Report  |
| 2. FIRE ADVISORY          | Councilman Baisley: No Report  |
| 3. GOVERNMENT OPERATIONS  | Councilman Conte: No Report    |
| 4. LAND USE & PLANNING    | Councilman Seminara: No Report |
| 5. PERSONNEL              | Councilman Cifone: No Report   |
| 6. RECREATION             | Councilman Tancredi: No Report |
| 7. SENIOR CITIZENS        | Councilman Krakower: No Report |
| 8. TECHNOLOGY & EQUIPMENT | Councilman Krakower: No Report |
| 9. WATER, SEWER, HIGHWAY  | Councilman Seminara: No Report |

Motion made to suspend the rules for public speaking: Supervisor Myers/T. Tancredi

CARRIED: 7-0

Doreen Tignanelli: I just wanted to announce for the record that one of the residents that were here tonight that opposed the group home, on her way out, stopped and told me that she should hit me because I spoke in favor of it. I may even be contacting the Police Department tomorrow and if that resident is watching at home, I would like her and any other residents to know that I would not hesitate to press charges to take legal action and I would think twice about trying to threaten me again.

Victor Gennodie: About the Rail Trail, if you plow the thing 10 times and have to salt three miles, you will spend \$5,000 right there.

(Inaudible)

Victor Gennodie: What happens if it is all ice?

Supervisor Myers: They say leave it natural.

Victor Gennodi: Everyone knows what took place with the Planning Board and the school system being close to the quarry. Everybody can look out the window and see Burger King. That's the distance the plant will be from the school. So, no one can tell

me that you can put an asphalt plant there at Burger King and you won't smell it at the school. Keep that in your mind.

Motion made to resume the rules: Supervisor Myers/M. Cifone

CARRIED: 7-0

Motion made to close the meeting: Supervisor Myers/T. Tancredi

CARRIED: 7-0

MEETING CLOSED AT 11:02 PM

SJM: lkm