

**MINUTES OF COMMITTEE OF THE WHOLE TOWN BOARD  
MEETING HELD ON SEPTEMBER 19, 2012 AT 7:00 PM  
AT TOWN HALL, ONE OVEROCKER ROAD  
POUGHKEEPSIE, NEW YORK**

**PRESENT:** Supervisor Tancredi  
Councilman Baisley  
Councilman Eagleton  
Councilman Conte – (left at 8:37 due to pain from surgery)  
Councilman Cifone  
Councilman Krakower  
Councilwoman Shershin  
Town Attorney Nelson  
Town Clerk Miller

- **NOTE:** attachments pertaining to a particular Town Board Meeting will be Found after the final 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 or amendments to

**7:00 PM**

**CALL TO ORDER**

**SALUTE THE FLAG**

Motion made to suspend the rules for public speaking on agenda items: Supervisor Tancredi/J. Baisley

Rob Rubin: With this new audio-visual system, are the new assisted hearing devices available yet for the hearing impaired?

Supervisor Tancredi: I don't think they are yet, they are still working on the sound system for this audio system, so they are not complete yet.

Rob Rubin: Any idea when that will be available?

Supervisor Tancredi: I think they should be wrapping up fairly soon.

Rob Rubin: I would also like to additionally thank Sue Miller and Kathy Tabor for their senior interface with information for the Wappingers School District. I have a question on Item # 3, the waiving of the Building Permit Fee and my question is why do we have a Building Permit Fee extensively for everyone when it seems like on a frequent basis we have requests for waivers of those Building Permit Fees?

Councilman Krakower: I think the waivers are generally for not-for-profit. As far as any waivers for individuals, as in this instance, this person has already paid the Building Department fee, but wasn't able to complete the project within a two year time period and that's come up a couple time. I don't know that we've actually waived it for someone at the outset unless it's been for a not-for-profit.

Rob Rubin: Ok, then if that be the case, I would request that when doing so, it be brought to the forefront so that if any one who is listening to the discussion would know what the decision was granted. I have a question on Special Consent # 1. Is there any kind of fee or proposal put out on why this was rewarded in this respect?

Supervisor Tancredi: McCallister Moving and Storage is a long time tenant of the Town of Poughkeepsie, they've been there for years and they approached the Town, me actually in general, and their lease was expired for a number of years and they approached the previous Supervisor to no avail and so they were in there without a lease although they are still paying their rent, and there is a new two-year lease with somewhat different terms because they are a long time tenant.

Drew Deveron: I talked to you this afternoon. I'm concerned about the number of unrelated people that can live in a single family dwelling. I was wondering why are you taking the number off. That is the issue of last week's discussion.

Supervisor Tancredi: Last week the issue was Tabled to a future meeting. Councilman Cifone has put together a committee to further investigate and explore this issue and while he is doing that with the committee we need to set this definition for family so that we can better enforce some of the ordinances as long as we have them in place so, we need to get this in while Councilman Cifone continues to work with his committee to further investigate and pursue avenues to address the issue of the number of occupants.

Drew Deveron: So, to clarify, you plan to put a number on in a future date?

Supervisor Tancredi: Possibly. It could stay the same, it could be reduced.

Drew Deveron: Don't you think by taking the number off the landlords can now just pack the houses?

Supervisor Tancredi: No, right now the ordinance is set at 5 and we want to be able to enforce that current ordinance and this redefinition of family will help us better do that.

Councilman Krakower: The way the Ordinance is currently worded, our Zoning Department is not comfortable that they'd be able to enforce it in the court and so correcting the definition allows them to enforce it. We are not taking the number out completely. The current number in the code is 5 and so it will stay in there while the committee is reviewing what possible option is there, this will allow the Zoning

Department to enforce the law that is on the books by strengthening the definition so that if there are more than 5 living in a house, currently, they can now enforce that.

Drew Deveron: Well, I can tell you there are violations of that code, because two from house on Woodlawn, I work off hours and when I come home in the morning and everyone is sleeping, I've stopped in front of that house and count the cars and there is never any less than 6 cars there. I was also curious as to if anyone every goes and checks to how many people are actually living in these houses?

Councilman Krakower: Even if you told us there are 7 or 10 kids in there, we could not do anything until the definition of the law has been changed. That's why it is important to get it defined. It is loosely worded and could be fought and lost in court. That's why we need to tighten it now.

Gentleman gave no name: I also have a problem with this permit waiving. It seems to me like there is some kind of special compensation here and I don't fully understand. I would like to comment on the Library situation. In my opinion, I think the building that they are going to put up is excessive. It looks like they will have to find ways to use this building for the size at the taxpayer's expense. I would like to know how many people use and at what percentage they think people will use it and how many of that percentage are the same people or different individuals. I would like to know what it costs to furnish this building once it's built. I doubt that it's involving the 6 ½ million dollars they want to float. I hope they won't go over that budget. There is any kind of way to guarantee that it won't have an override of what they think it's going to cost, because any major project I've ever seen ever comes in under budget, or very seldom. I would like to check on last week's meeting and the family number. One of the women that came up made the statement that the rental of these homes, she mentioned non-profit. I guess what she is trying to say is that many of them are illegal because they are making a profit renting to all these people. I don't know if that's true or legal, or I don't know where she got the information from, but has anyone tried to look into that?

Councilman Cifone: I think what she meant was, there were so many people occupying these homes, that they are making a profit on them.

Councilman Krakower: I think she was misinterpreting what she was reading.

Supervisor Tancredi: There is absolutely nothing wrong in making a profit.

Gentleman: No, of course not, but if there is some kind of law, then under the circumstances, then it should be investigated.

Councilwoman Shershin: No, what she is referring to is under family being any number of persons occupying a single non-profit not exceeding 5 adults, that's what she was referring to and it is unclear why non-profit is being used in there.

Gentleman: My only other thing is these free-standing signs. My only comment about these signs is it is getting ridiculous the number of signs that are being posted close to the roads, especially the major highways and they are making them bigger and bigger. I'm surprised there are not more accidents where people are trying to read all these signs. It's getting as bad as New Jersey. I'm getting too old to read all these and drive too.

Councilman Krakower: I was down in South Carolina a few weeks ago and it was the direct opposite. There is almost no signage and everything has to be a natural color of white, green or beige and it's almost impossible to find anything down there for lack of signs and so if there is a happy medium somewhere in between, I agree with you.

Motion made to resume the rules: Supervisor Tancredi/J. Conte

09:19-01 PUBLIC HEARING	CARRIED: 7-0 Amend Chapter 210, Entitled "Zoning", Specifically Definitions Of "Family" In Article II, Section 210-9 Entitled "Definitions"
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#### RESOLUTION

WHEREAS, the Town Board of Poughkeepsie pursuant to public hearing held on the 12<sup>th</sup> day of September, 2012 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, to consider a recommendation to amend Chapter 210 of the Town Code, entitled "Zoning", specifically Article II, Section 210-9, "Definitions", and does hereby close that public hearing, take no action on said amendments; and

WHEREAS, the Town Board has received a new communication from the Director of Municipal Development recommending the amendment of Chapter 210-9 of the Zoning Law in regard to Definitions: and

WHEREAS, the proposed amendments are attached hereto and incorporated herein and the Town Board does hereby waive a verbatim reading of said amendments and does direct that said amendments be spread across the record as if they, in fact, had been read verbatim; and

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

WHEREAS, the amendment of Chapter 210-9 requires a public hearing.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby sets a public hearing on the proposed amendments to Chapter 210 for October 3, 2012, 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
2. The Town Board hereby states that because only the Town Board can consider an 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
3. The Town Board refers this matter to the Dutchess County Department of Planning and Economic Development for a recommendation pursuant to GML 239-m; and
4. The Town Board refers this matter to the Planning Board for an advisory report pursuant to Town Code Sections 210-154; and
5. The Town Board directs the Town Clerk to notify the Town Clerks of each of the surrounding municipalities of the public hearing pursuant to GML 239-nn; and
6. That said local law, if adopted, shall take effect immediately upon filing with the Secretary of State.

SO MOVED: J. Baisley/S. Eagleton

Motion made to Amend 1C to change the 5 to 4: M. Cifone/J. Conte

Councilman Conte: I do want to say that I know that Mike wants to do this as I know he is getting a lot of trouble for it and I want to support him in his ward. I don't think that this is the global problem, I think its one part of many things that needs to be done, but, as I said before, I want to support him. I don't think that's too much to ask. I know that there is a bigger issue, as it was said before, there are more people we believe who are living in houses and I think we need to make sure we work on policing the area and monitoring who is in there.

Councilman Krakower: This issue has been before the Board for a while now and the committee was supposed to be set up to review it. As far as I know, it's met once in the past two months when Councilman Cifone said he was going to try to resolve it within 30 days. The reality is that it is not really an issue that can be solved in 30 days. There is more that goes into it. From what I've seen with everyone who has come up to the microphone and spoke on this issue, they all seem to be in agreement with is that the enforcement of the current laws on the books, many have said that they don't know going from 5 to 4 makes a difference. The Councilman from the Ward has raised that issue as well and to go from 5 to 4 just to through something out there randomly, I don't think it makes a lot of sense because you have an economic impact on people but you may not

actually address the issue that you are trying to address. I think it makes more sense to correct the definition currently. We have houses that are in violation of the 5 limit and I think it makes more sense to correct the definition and continue to look at the issue and global solution of the problem rather than throwing a bandaid on it and walk away. I don't think this finds the solution to the problem.

Councilman Cifone: It's all about the character of the neighborhood that is also in here and everyone keeps forgetting about the character of the neighborhood. I have a rental community that is not a character of any neighbor in the Town of Poughkeepsie. This is about keeping somewhat of the character of a family neighborhood, that's it. The committee was put together and we've had a large number of things going back and forth with this and no, it's hard to get people together all the time, but from the premise of what we put together from that very first meeting, regulation of rental housing is what would be ideal for this situation and since that time I've given both our Director of Municipal Planning and our Attorney, documents to review and I've not had a chance to sit down with them, and once I do, they have sent me e-mails back and forth and are still reviewing them. So, to say that I couldn't get this done in 30 days is not entirely on my back, because I am waiting for our Legal team and our Director of Development to get back on that so then we will have our second meeting and I've had some landlords that have contacted me who would like to participate, so to say that I haven't done anything.

Councilman Krakower argued the fact that this does not solve the problem by changing the Law.

Councilman Baisley stated that this is a tool in helping solve the problem. This problem is Townwide not just my Ward and that's why I'm not in favor of 5 to 4 right now because it is something that we have to look at different avenues because it has to be addressed because there is a major problem up there and Ann Shershin has even brought up a few times that there are a few off of Vassar Campus that are doing it also and we have to get different regulations up there for different things. I can't see putting this on the whole Town because the quality of life issue is for Mike's neighborhood in general. There are other areas in pockets and small areas around.

Supervisor Tancredi: That's what the Committee ought to be doing. I thought that's why we Tabled this last week. I thought that Mr. Cifone was going to meet with the committee and discuss it. My question is this, is this setting a Public Hearing Date? (Yes) Is this Public Hearing for one Resolution?

Town Attorney: Yes, the resolution that you are setting the Public Hearing for is the new resolution that Mr. Wilson prepared which changes the criteria used in determining people who are together in a group of more than 5 could be a family.

Supervisor Tancredi: So, if this amendment is approved, it will also include the 5 to 4 or is it two separate—

Town Attorney: What he has asked to do, I believe Mr. Cifone is doing, is asking in the definition of family, Paragraph C, to change “more than 5 to more than 4” and I think that’s the motion in front of you.

Supervisor Tancredi: My question, Neil, do we have to vote it as a universal package or can we vote –

Neil Wilson, Development Director: The reason I put this before you tonight in the manner I did, that this is the minimum that I need to be able to enforce the 5 number or the 4 number, whatever we end up with, but, Jim Nelson and I spend a considerable amount of time after last week’s public hearing talking about this and how best to approach it and the issue comes up that where you have an issue or substantial change to a local law that’s on the floor after you’ve had the Public Hearing, do you need to re-advertise because you have this requirement that the Local Law be on your desk in a final form for 7 consecutive days and so that’s why I put this in front of you rather than to ask you to go back to the now Tabled resolution to try to pare it all out because I think you are going to end up re-advertising any way. My recommendation would be to follow through on Councilman Cifone’s recommendation, if there is a motion on the floor properly made to change the 5 to a 4 and there is actually a couple of different places here that you would need to do that, have that vote and then set the Public Hearing on the amended, rather than try to do that at the October 3<sup>rd</sup> meeting, because we are getting into the same problem again.

Supervisor Tancredi: If the 5 to 4 is approved tonight, when we vote on October 3<sup>rd</sup> that would be what we would be voting on?

Neil Wilson: That would be what you would be voting on, the advertised, revised #4.

Councilman Eagleton: When you say that “The language will allow you to enforce this better,” have you already planned out how you are going to enforce it?

Neil Wilson: Yes, we have information of rentals that have 6, 7 and 8. As I discussed with the Board in July when I first approached this topic, I pointed out that the language that is in your package, Page 2 of the draft, the functional equivalency test is so vague that it can’t be enforced. I don’t know what these terms mean and so how can I send the Zoning Administrator out to enforce them when we use words like “The group is 1 which in theory size, and appearance, structure is someone’s traditional family unit.” I don’t know what that means. So, what we are doing here is adding additional, specific language, like there are dependent children living in a unit, that you have an identifiable head of house hold and furniture is shared or owned in common by the boarders, proof of sharing expenses for rent, food, ownership costs, transportation, in other words, to show that people are not simply residing in the same place, but actually in fact, living together. There is just so much Zoning can do. The way the law is in the Zoning Book now, I don’t stand a chance in court on these issues, it’s not enforceable because it’s so vague.

Town Attorney Nelson stated that there should be an amendment to say "Pursuant to a Public Hearing held on the 12<sup>th</sup> day of September and closed". Town Supervisor made motion on amendment as stated by Attorney Nelson and seconded by Councilman Krakower

ROLL CALL ON AMENDMENT #1A : (5 PERSONS LIVING IN A SINGLE DWELLING UNIT TO 4)

Ayes: Councilmen Conte, Cifone, and Councilwoman Shershin  
Nays: Baisley, Eagleton, Krakower, and Supervisor Tancredi

FAILED: 3-4

ROLL CALL ON AMENDMENT #1B: (CHANGING WORDING OF PUBLIC HEARINGS TO PUBLIC HEARING HELD ON THE 12<sup>TH</sup> DAY OF SEPTEMBER, 2012 AND CLOSED):

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower, Councilwoman Shershin, and Supervisor Tancredi

Nays: None

CARRIED: 7-0

PROPOSED AMENDMENTS ATTACHED TO FINAL BOOK COPY

ROLL CALL ON AMENDMENT #1C: (CHANGE ARTICLE II, SECTION 210-9 B- REMOVE WORD "NONPROFIT")

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower, Councilwoman Shershin, and Supervisor Tancredi

Nays: None

CARRIED: 7-0

Supervisor Tancredi stated he wanted to move Item #1 09-19-04 to this position on the agenda. Seconded by Councilman Eagleton

CARRIED: 7-0

09:19-04 APPROVE

Assignment Of Police Officer Jeffrey L. Queipo As A Detective

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the assignment of Police Officer Jeffrey L. Queipo to the position of Detective, effective September 24, 2012.

SO MOVED: S. Eagleton/M. Cifone



ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Conte, Cifone, Krakower,  
Councilwoman Shershin, and Supervisor Tancredi

Nays: None

CARRIED: 7-0

DETECTIVE QUEIPO WAS CONGRATULATED BY  
POLICE, TOWN BOARD AND AUDIENCE

09:19-02 DISCUSSION

Update By Thomas Lawrence Referring  
To Proposed Boardman Road Project

Thomas Lawrence, Director of the Poughkeepsie Public Library District reported on the explanation of the plan to build a new branch library on Boardman Road. He explained the need for a new branch library to address the growing demand for services and described the plan for Boardman Road, listing several other advantages. The cost was explained with an estimated tax impact for homes in the City and Town for 20 years of bond payment. The library would buy the Boardman Road building and grounds from Faith Assembly of God for \$700,000. (Information available at the Town Clerk's Office)

Councilman Krakower stated his favor of the Library construction.

Councilman Eagleton stated his favor of the Library construction. He stated that he used the library to obtain his two Masters Degrees. He feels it is an important resource for the community.

Councilman Conte stated his favor of the Library construction.

09:19-03 AUTHORIZE

Waiving Of Building Permit Fee For  
Angelo P. Balbo For Home Construction  
At 65 Kingwood Park

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the Building Permit Renewal Fee for Angelo P. Balbo, for home construction at 65 Kingwood Park, Poughkeepsie, NY, due to many obstacles encountered, pursuant to the letter received from Angelo Balbo, a copy of which is attached.

Motion made to Table until October 3, 2012 Town Board Meeting with Neil Wilson to come to meeting with reasonable fee. Supervisor Tancredi/J. Conte

CARRIED: 7-0

REFERRED TO DIRECTOR WILSON BY TOWN BOARD. TABLED UNTIL  
OCTOBER 3, 2012 TOWN BOARD MEETING

09:19-05 SET DATE FOR  
PUBLIC HEARING

Amend Town Code Chapter 210,  
Entitled "Zoning", Specifically Section  
Article IX Pertaining To Free Standing  
Signs

RESOLUTION  
Amendments to Chapter 210

WHEREAS, the Town Board has received a recommendation from the Director of Municipal Development regarding amending certain regulations pertaining to freestanding signs in the Town zoning law; and

WHEREAS, a copy of the proposed amendments to Section 210 is attached hereto and made part of this resolution and a verbatim reading of said amendment is hereby waived and the Town Clerk is directed to spread the proposed amendment across the record as if it had been read verbatim; and

WHEREAS, the action to amend the zoning law is an Unlisted Action under the New York State environmental Quality Review Act ("SEQRA"); and

WHEREAS, the amendments are subject to a public hearing.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby sets a public hearing on the proposed amendments to Chapter 210 for October 24, 2012, 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
2. 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
3. The Town Board refers this matter to the Dutchess County Department of Planning and Economic Development for a recommendation pursuant to GML 239-m; and
4. The Town Board refers this matter to the Planning Board for an advisory report pursuant to Town Code Sections 210-154; and

5. The Town Board directs the Town Clerk to notify the Town Clerks of each of the surrounding municipalities of the public hearing pursuant to GML 239-nn; and
6. That said local law, if adopted, shall take effect immediately upon filing with the Secretary of State.

SO MOVED: S. Krakower/J. Baisley

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Cifone, Krakower,  
Councilwoman Shershin, and Supervisor Tancredi  
Nays: None

CARRIED: 6-0

#### AMENDMENTS ATTACHED TO FINAL BOOK COPY

REFERRED TO DIRECTOR WILSON BY TOWN BOARD AND TABLED UNTIL  
THE OCTOBER 3, 2012 TOWN BOARD MEETING

09:19-06 SET DATE FOR 2013 Special District Assessment Roll

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 3<sup>rd</sup> day of October, 2012 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and place of a public hearing in regard to the special District Assessment roll, which concerns the water districts, sewer districts and drainage districts of the Town of Poughkeepsie; and

BE IT FURTHER RESOLVED, that said proposed Special District Budgets are on file in the Town of Poughkeepsie Clerk's Office and available for review.

SO MOVED: A. Shershin/S. Eagleton

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Cifone, Krakower,  
Councilwoman Shershin, and Supervisor Tancredi  
Nays: None

CARRIED: 6-0

09:19-07 SET DATE FOR 2013 Special District Assessment Roll

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 3<sup>rd</sup> day of October, 2012 at 7:00 PM 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 an amendment to the Town Code, Chapter 195,

entitled "Vehicles and Traffic", specifically Section 195-41. Schedule VI: "Prohibited Turns at Intersections", which amendment would be as follows:

ADD: Section 195-41. Schedule VI: Prohibited Turns at Intersections:

<b>Name of Street</b>	<b>Direction of Travel</b>	<b>Prohibited Turn</b>	<b>Hours</b>	<b>At Intersection of</b>
Creek Road	South	Left	All	At Intersection with Pendell Road and Dutchess Community College E-Lot, Exit And Entrance

REPEAL: Section 195-41. Schedule VI: Prohibited Turns at Intersections:

<b>Name of Street</b>	<b>Direction of Travel</b>	<b>Prohibited Turn</b>	<b>Hours</b>	<b>At Intersection of</b>
Pendell Road	East	Left	4:00 pm to 6:00 pm/Monday To Friday	Creek Road

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does determine that this action is a Type II Action requiring no environmental review; and

BE IT FURTHER RESOLVED, that said local law, if adopted, shall become effective immediately upon filing with the Secretary of State.

SO MOVED: Supervisor Tancredi/A. Shershin

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Cifone, Krakower, Councilwoman Shershin, and Supervisor Tancredi

Nays: None

CARRIED: 6-0

09:19-08 SET DATE FOR PUBLIC HEARING

Amend Town Code Chapter 195, Entitled "Vehicle And Traffic" Specifically Section 195-48 Entitled "Schedule XIII: Parking Prohibited At All Times"

WITHDRAWN FROM AGENDA

09:19-09 SET DATE FOR  
PUBLIC HEARING

Amend Town Code Chapter 195,  
Entitled "Vehicle And Traffic"  
Specifically Section 195-48 Entitled  
"Schedule XII: Crosswalks"

### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 3<sup>rd</sup> day of October, 2012 at 7:00 PM 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 amendment to the Town Code, Chapter 195 entitled "Vehicles and Traffic", specifically Section 195-47. Schedule XII, entitled "Crosswalks", which amendment would read as follows:

ADD: Section 195-47. Schedule XII

<b>Name of Street</b>	<b>Location</b>
Robin Road	At Intersection with Nassau Road
West Robin Road	At Intersection with Nassau Road
Nassau Road	At Intersection with Robin Road
Nassau Road	At Intersection with West Robin Road

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does determine that this action is a Type II Action requiring no environment review; and

BE IT FURTHER RESOLVED: that said local law, if adopted, shall become effective immediately upon filing with the Secretary of State.

SO MOVED: J. Baisley/S. Eagleton

Councilman Krakower: I guess we are working at hiring a company to do the crossing guards and they won't discuss this and they won't work at an intersection unless there is a crosswalk. I really don't like the idea of over signage or over painting the neighborhood. And this would be, it's a four way intersection which Robin Road is a fairly heavy traveled road and the traffic moves fairly quickly and so I guess it's not the worst idea at this crosswalk, but there would be a lot of painting on that road. Sgt. Chica had reached out to me regarding this and I said "Yes, if we must, that fine" but I don't really want to do it if we don't have to. But, he did say, if we pull the trigger on hiring a company doing the crossing guards, it would be over the winter and there wouldn't be time to put the paint on the road because of potential bad weather.

Supervisor Tancredi: I don't know that the crossing guard companies would be hired during the winter. But, the reason I asked that is, I think this is your call, it's in your Ward.

Councilman Krakower: I'm not a big fan of excessive signage, because it's a neighborhood and people can figure out what they are supposed to and not do and I don't like everything painted to the point it gets---

Councilman Eagleton: This gives the indication of some significance of that area they are approaching. Some sort of warning sign.

Councilman Krakower: The Elementary School is on Nassau road and that has crosswalks and everyone knows where that is. Everyone in the neighborhood knows that that is a four way intersection with stop signs and there has been a crossing guard there. I don't think it is absolutely necessary to put it there. It's not a busy city street or an area where the neighborhood doesn't realize it and at school time there are children walking there in the morning and afternoon and so I prefer not to have overdone signage and painting of roads if we don't need to. I don't think it would add too much except a lot of paint on a small road.

Police Chief Wilkinson: Two things driving, one was to get the striping down before the ground gets cold, you can't use these new products to water as these are oil based products and the Sergeant was trying to get this done with existing budget funds this year and there is no rush, I believe to get this work done because the second part of the equation is the preliminary conversation about looking at options to our school crossing guard program and neither one of those issues are currently sentenced on and so I have no problem on Tabling this matter.

Councilman Krakower: What is the cost to doing the striping?

Police Chief Wilkinson: It's not an astronomical amount of money to do it a cross walk.

Motion made to Table until October 3, 2012 Town Board Meeting: Councilman Krakower/J. Baisley

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Cifone, Krakower,  
Councilwoman Shershin, and Supervisor Tancredi

Nays: None

CARRIED: 6-0

TABLED UNTIL OCTOBER 3, 2012 TOWN BOARD MEETING

09:19-10 APPROVE

Reinstatement Of Vacation For Zoning  
Administrator Sarah Davis

#### RESOLUTION

WHEREAS, Sarah J. Davis, by RESOLUTION 12:3-14 of 2008, was appointed Zoning Administrator, and

WHEREAS, Sarah J. Davis has, in total, 18 years of service with the Town of Poughkeepsie, now, therefore,

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the reinstatement of Sarah Davis's vacation time to equal four (4) weeks per year effective as of January 1, 2013.

SO MOVED: S. Eagleton/J. Baisley

Councilman Eagleton: I'm in full favor of supporting it, she is working very hard and deserves a vacation, but It gets me back to my original question before, do we have enough force power to do all the things we envision we are going to be having to do with changes in the Zoning Laws in times coming and maybe something we ought to consider independent of the vacation, but it's a point to bring to the surface of, I hate to use the word, bounty system for enforcing Zoning Laws. What I mean by that, it may be cheaper for us to save on off hours if Town Employees want to earn a fraction of the fine, whatever that it, as opposed to overtime or some why to offset the costs of enforcing these things and not throw it all on Sarah Davis who is now going to have four weeks of vacation.

Councilman Baisley: I think along that line is what Neil's working on with the Building Department becoming Zoning Administrator enforcers. I think it will be a plus helping along that line.

Councilman Eagleton: That's a great idea, but we will know it's working, if there is some kind sort of measurement and we would know what we need more of or less of to do it.

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Cifone, Krakower,  
Councilwoman Shershin, and Supervisor Tancredi  
Nays: None CARRIED: 6-0

09:19-11 AUTHORIZE Assignment Of Tax Certiorari Proceedings  
To Kyle W. Barnett, Esq. From  
Van De Water & Van De Water To  
Represent Town of Poughkeepsie

#### RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby assign the following tax certiorari proceedings recently filed to Kyle W. Barnett, Esq., of Van DeWater & Van DeWater, LLP to represent the town

SO MOVED: M. Cifone/S. Eagleton

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Cifone, Krakower,  
Councilwoman Shershin, and Supervisor Tancredi  
Nays: None

CARRIED: 6-0

09:19-12 AUTHORIZE

Our Lady of Lourdes High School Annual  
Walk-a-Thon Fund Raiser On Friday,  
October 5, 2012 (Rain Date October 9,  
2012) From 9:00 AM To 12:00 PM

#### RESOLUTION

BE IT RESOVLED, that the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Our Lady of Lourdes High School to hold a Walk-a-Thon on October 5, 2012 with a rain date of October 9, 2012 from 9:00 AM to 12:00 PM on Zach's Way and Boardman Road, pending receipt of a Certificate of Liability Insurance naming the Town of Poughkeepsie as an additional insured.

SO MOVED: S. Krakower/A. Shershin

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Cifone, Krakower,  
Councilwoman Shershin, and Supervisor Tancredi  
Nays: None

CARRIED: 6-0

09:19-13 AUTHORIZE

Special Consent Items SC 1, SC 2, SC 3,  
And SC 4

#### RESOLUTION

BE IT RESSOLVED, that the Town Board of the Town of Poughkeepsie does hereby grant Special Consent to the following items; to wit:

1. Authorize Supervisor to Sign Lease with McCollister's Moving And Storage of NY, Inc.
2. Authorize Amendment to Employee Handbook
3. Authorize Replacement of Letters of Credit-Barnes Drive and Cedar Avenue Communication Tower
4. Discussion Real Property Tax Section 485-b Exemption



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: A. Shershin/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Cifone, Krakower,  
Councilwoman Shershin, and Supervisor Tancredi  
Nays: None

CARRIED: 6-0

09:19-SC 1 AUTHORIZE  
SUPERVISOR  
TO SIGN

Town To Enter 2 Year Lease With  
McCollister's Moving & Storage Of  
NY, Inc.

#### RESOLUTION

WHEREAS, McCollister's Moving and Storage of NY, Inc. continues as a tenant of the Town, occupying 41,500 sq. ft. of space at 21 Tucker Drive on a month to month basis; and

WHEREAS, the Town and McCollister's wish to enter into a 2year lease, effective October 1, 2012 for the 41,500 sq. ft., at \$1.95 per square foot plus taxes, which lease would allow for cancellation by either party on 90 days notice, and for McCollister's to occupy additional space in the building o a weekly basis on the same financial terms, all based on the premises being taken in "as is" condition; now therefore

BE IT RESOLVED, that the Supervisor is authorized to enter into a lease on the aforesaid terms; and

BE IT FURTHER RESOLVED, that the extension and modification of this tenancy is part of the ongoing administration of the Town, is a Type II Action requiring no SEQRA review.

SO MOVED: Supervisor Tancredi/J. Baisley

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Cifone, Krakower,  
Councilwoman Shershin, and Supervisor Tancredi  
Nays: None

CARRIED: 6-0

09:19-SC 2 AUTHORIZE

Amend Town Of Poughkeepsie Employee  
Handbook, Section 818, Entitled "Donated  
Sick Leave Policy"

## RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby amend the Town of Poughkeepsie Employee Handbook as follows:

1. Section 818, "Donated Sick Leave Policy", as set forth at length in Attachment A hereto, is added to the Employee Handbook, effective upon adoption on September 19, 2012 as to all Town employees who are not in the PBA Bargaining Unit, and
2. The adoption of this policy is a Type II Action requiring no SEQRA review.

SO MOVED: J. Baisley/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Cifone, Krakower,  
Councilwoman Shershin, and Supervisor Tancredi  
Nays: None

CARRIED: 6-0

09:19-SC 3 AUTHORIZE

Replacement Of Letters Of Credit For  
Barnes Drive & Cedar Avenue  
Communication Towers

## RESOLUTION

WHEREAS, SBA 2012 Acquisition, LLC ("SBA") is set to take over the leases to Tower/co Assets, LLC for communication towers on the Town's property, specifically Cedar Avenue and Barnes Drive, and

WHEREAS, Towerco/Towerco II has Letters of Credit with the Town from TD Banknorth, being Letter of Credit No. HN7A40NUY in the sum of \$12,700 (Cedar), and Letter of Credit No. HN7A40KTC in the sum of \$13,200 (Barnes) to assure performance of the Lease Obligations, and

WHEREAS, the Town Legal Office has been notified by SBA that it wishes to replace the Letters of Credit with cash security, and now therefore

BE IT RESOLVED, that the Town Board does hereby agree to accept cost of living adjusted cash security, subject to the execution and receipt of that security and a Security Agreement in form acceptable to the Attorney to the Town and SBA, and does further authorize the release of the existing Letters of Credit on receipt of the cash security and the prompt execution of the Security Agreement, and

BE IT FURTHER RESOLVED, that the Supervisor or his designees are authorized to execute all papers necessary to effectuate this resolution.

SO MOVED: S. Eagleton/J. Baisley

Councilman Eagleton: We've kind of been through this before, haven't we?

Town Attorney Nelson: Yes, Just to replace their letter of credit with a security bond, which has not been your practice in the past because there could be some difficulty getting them and so you adopted a resolution to authorize the calling of the bond if they didn't renew the letter of credit. They renewed the letter of credit and now there is someone new who is buying these leases, and what they said was, "Would you mind if we put up a deposit" for the comptroller for a deposit account and it is certainly as good as a letter of credit.

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Cifone, Krakower,  
Councilwoman Shershin, and Supervisor Tancredi

Nays: None

CARRIED: 6-0

09:19-SC 4 DISCUSSION

Real Property Tax, Section 485-B  
Exemption

Development Director Neil Wilson explained the Chapter was a program to encourage the re-development and re-habilitation of existing sites which are either unused and in need of repair to make them useful or currently being used and maybe the owner has an idea that he wants to make an expansion. Mr. Wilson gave the Town the attached Town Board Review Draft that creates or retains permanent private sector jobs, to provide employment opportunities and broaden the tax base, it is necessary to adopt an acceleration exemption schedule in order to encourage targeted economic development in the Town. He also wanted to ask the Board to Have a Public Hearing on October 24, 2012 Town Board Meeting. He asked the Board to review the attached Chapter in order to put in or take out anything they felt necessary and make sure Mr. Wilson gets the changes.

Motion made to suspend the rules for public speaking: Supervisor Tancredi/S. Eagleton

CARRIED: 6-0

Rob Rubin: I would like to go back to the Agenda Items for waiving of the Building Permit Fee and with all do respect, I haven't heard any comment here and I hope it will be brought up at a future meeting, in terms of where the law allows you to make this type of a waiver. I was also a little disturbed that Mr. Wilson was asked to come up with a decision on a proposal of what fees might given to this particular builder in this respect and I would think that Mr. Wilson, as an employee of the Town and who reports to you the Board, that this would be something that you as one person or a committee formed in order to review that and then make a decision on where you want to go and what fees

would might be applicable here and perhaps Mr. Wilson have input, but that information should come from the top down and not from the bottom up.

Mr. Armstrong: Going back to some of these public hearings, the family situation we talked about, the 4 to 5 and how it would be changed, etc. One of these gentlemen made a statement that whatever you decide, you are going to affect the whole Town and I think it should affect the whole Town as far as how many people can stay in the places and other legal things that need to be complied with. It may be good that the whole town be involved in that so maybe you can stop some problems before they happen. The Library thing also, I think the question on Plan B is well taken. I think there should be some discussion about a Plan B, whether it be the size of the building or whatever. Hopefully minds getting together could figure something like that out. I had a few personal observations I would like to run by the Board. There will be a hearing on the budget for the Arlington Fire District that will now be over \$16 million on Oct. 16 th at 6 PM at the Vassar Road Fire House. I hope there will be a tremendous turnout for it. I'm very disturbed at the fact that that's a budget we have nothing to say about or result in a change of. I'm also concerned that the Arlington Fire Board of Commissioners had a meeting at the Vassar Road Firehouse and not as suggested right here. We were told that that room at the Vassar Firehouse had a bigger occupancy than this room. I find that hard to believe. But, then again, who sets the rules as to how many people can be in a building, the Fire Department! They do not want this, in my opinion, to be on the TV, because they record none of their meetings. We even have better parking here than over there, they have limited parking there. I think that should be looked into. I also believe that this Board of Commissioners may possibly have a conflict of interest in dealing with the Union Contract and I wish there was somehow the taxpayer could get involved with it with their suggestions, etc. They could accumulate sick days for the whole amount of years they work and be paid for that at the present rate they retire at, which is a tremendous extra cost to the taxpayer, instead of paying them at the end of the year like most Unions do. There isn't a lot of people who show up at the Fire Board Meetings because they know that their opinions don't make much difference or taken into much consideration because the Fire Board can do what they want. I also believe that when any Board Member, whether Planning, or Zoning Board have a personal interest or financial interest in the subject, should recuse themselves from commenting or voting for or against that subject.

Doreen Tignanelli: Does anyone know what the status is of the additional help for the Zoning Administrator, we last discussed that the meeting back in July about the Building Inspectors potentially being able to take on some of that.

Supervisor Tancredi; We gave them authorization, didn't we, at that meeting, so they are capable now.

Councilman Krakower: It might be worthwhile for Neil and Sarah do sort of an in-house educational program for the Building Inspector to make sure they know what to look for and what is enforceable and what the issues are out there and so we have them out there and they are kind of aware.

Town Attorney Nelson: You authorized him to move ahead on that, but he has to make modifications to the Town Code, which will come up with authorizations for public hearing and adoption of the changes.

Councilman Baisley: You just have to change the wording.

Councilman Eagleton: It's a valid question and I think I highlighted already, we modify the Zoning Laws to allow ourselves to enforce them, you have to have the horse power to do it and then you have to have some measure as to whether it is working or not. In addition to finding the resources to do it, you have to be able to say is it working or is it not and then to adjust what is not working?"

Supervisor Tancredi: And I think our thought was that (Hum in Mic – unable to understand the speaker)

Doreen Tignanelli: The other thing I wanted to mention was, back in February an applicant came before the Town Board for the Wegman's Assisted Living on the Corner of Boardman and Spackenkill Road and at that time Supervisor Tancredi, who was very familiar with that area since he was a Council Person, asked if Wegman's would be willing to put some type of easement on the property so it would stay green and Mr. Watkins from Wegman's said "I don't see why not" and John Andrews, who is the engineer for the applicant, that night, he talked about "Keeping it at residential character and residential scale and he said the whole idea here being to keep this more in common with the surrounding residential neighborhood and one whole goal here is to try to get to the point that the Town Board would be comfortable endorsing." One of the things Councilman Krakower said is "You had to be cautious about getting commercial development into a residential area and making sure that protection for the residents is clear". Well, now I see that topic is on the Planning Board agenda for tomorrow night and the sight plan doesn't show any specific amount of open space area to be protected. They talked about some loose details about conservation easement, but there was no amount specified on the plans and there was also something on their application that they want to set aside a "reasonable amount for potential expansion of the project within limits of applicable Code Provisions". That was in response to comments letter that Rodi, Andrews and Soyka wrote to the Town. It is also in the packet put on line. So, my concern is that the Board was looking out for Town residents and the applicant that night appeared to be agreeable and just when I see "to set aside a reasonable amount for potential expansion". I don't know what reasonable is. I don't know how they can make a SEQR determination on not knowing exactly where the open spaces is going to be or any potential expansion, so, but that's on the agenda for tomorrow night and I plan to attend. To me seems they were very agreeable to keeping it small and keeping with your wishes and now there is a potential for expansion and we really don't know what that is.

Motion made to resume the rules: Supervisor Tancredi/A. Shershin

CARRIED: 6-0

RESOLUTION

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

1. Contract Negotiations
2. Confidential communication between attorney and his client/Town Board based on attorney/client privileges.

BE IT FURTHER RESOLVED, that there will be no action appropriating money.

SO MOVED: J. Baisley/S. Eagleton

TOWN BOARD MEETING ADJOURNED AT 9:15 PM

TOWN BOARD ENTERED EXECUTIVE SESSION AT 9:16 PM

TOWN BOARD RETURNED TO TOWN BOARD MEETING AT 9:30 PM

NO ACTION TAKEN

Motion made to close the Meeting:

MEETING CLOSE AT 9:35PM

SJM:lkM