

**MINUTES OF TOWN BOARD MEETING HELD ON
APRIL 3, 2013 AT 7:00 PM AT TOWN HALL, ONE
OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

PRESENT: Supervisor Tancredi
Councilman Baisley
Councilman Eagleton
Councilman Cifone
Councilman Krakower
Councilwoman Shershin
Town Attorney Nelson
Town Clerk Miller

ABSENT: Councilman Conte

- **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 Public Hearing #1:
Supervisor Tancredi/S. Eagleton**

Doreen Tignanelli: This is for, my understanding is, a car rental facility?

Supervisor Tancredi: Yes, it's to allow car rental facilities in the Arlington Town Center. They are currently excluded.

Doreen Tignanelli: I would have to say that I am against that. I don't believe that that use is really appropriate for a Town Center and if you are really looking to build up that area as a Town Center, I don't see how a car rental facility would help that. Also, I know it was discussed once more as really significant to the Old Cappola's restaurant, but if there are some limits on this, you would be allowing that throughout the Town Center District. But, at any rate, I don't think that it's appropriate for there.

No name given: I just wanted to say that that car rental being in that area is that at the last meeting it was said that Arlington is a "Walking Community", but on our side of Main Street, we were hoping and waiting for sidewalks, but we never got them. We don't have any flowers or benches. The sidewalk in front of the garage just adjacent to us, there is hardly any sidewalk. So, if we are supposed to be a

“Walking Community” that side of Main Street is not part of the “Walking Community”.

Jim Morgan: I would also like to speak on the 825 Main Street location. I know that at the last meeting, a couple of Council Members were opposed to having a car rental facility on that property. I would just like to comment on that. I would just like to ask you at this time if you could just have an open mind to what I’m about to say. I understand your feelings may be against it, but please just consider...If you were just across the street from the restaurant at Key Bank and just close your mind’s eye and look at it as Cappola’s Restaurant. Cappola’s Restaurant, all the activity would take place in the back of the building. All of the cars are parked in the back of the building, tractor trailers would come in on a daily basis and disrupt traffic trying to enter the building. It’s a sharp curve inside and when they would try to leave via the exit, the same thing would happen, tying up traffic there as well. Nothing goes on really in front of the building. Very few people would walk in front of the building to use the entrance there. Now, if you would stand there and think of it as Enterprise Rent A Car, there is not much activity that is going to take place in front of the building as well, the same thing. All activity will take place in the back of the building. The parking is all back there. The cars are all parked back there, the entrance is probably going to be back there. The only thing that is probably going to change is the facing of the building and the signage. They’ve pretty much assured us that the building is going to stay intact, just freshened up a bit. So, really nothing is going to change as far as with the use for the passer by or the community. It’s going to be a vibrant business, they are going to be a lot of people within the Arlington Community that are going to benefit from the use or the business being there. All of the employees there are going to go some place for lunch, so they would use the restaurants in the area. The Business Managers are going to need a place to do banking and there is a bank right across the street they use. Those cars are going to need gas. The Getty Gas Station is right next door. They are all going to be pretty much late model cars, but the use on them would probably be quite a bit, so they may need mufflers and other mechanical replacements and Midis Muffler is just down the street. So, quite a few businesses benefit from having a business like Enterprise there. Also, Vassar College, or the Motel across the street, people come in for vacation or to tour the Hudson Valley or go to a graduation at the colleges. Hotels book up for those events every year and that rental car place there is handy for these people if they need it so they don’t have to go to Newburgh or South Road. So, we are asking that maybe those of you who are not receptive to the idea at this time, just to maybe reconsider that what we are trying to do here is to rent some of these vacant buildings in the area. Arlington needs some help and an infusion of business and what better way than to start with a business that is eager to come into Arlington. Wants to be there and is going to generate jobs and help the community just with its being there. Another observation I made in going up and down Main Street, that there are several businesses that are related to the Enterprise Rent a Car Business. Just on Main Street, I haven’t viewed the other streets.(He named several relating businesses.)

They were all auto related businesses he mentioned and for the Town to say that we in our best thought, do not want to have a Town Center with a Rental Car Center. Those businesses that already exist there, they won't be leaving any time soon. They are there for the long term hoping business will remain. That's what is in the center of the Arlington area right now. It might strengthen the area, rather than by eliminating it, leaving the building vacant. The processes in the Town are so rigid and strict on what businesses can do when purchasing buildings and stores in the Arlington Area. The expectations were so high from the Planning Department that the builders and businesses are scared off. (He named three projects that died due to rigid rules of the Planning Department). These are all deterrents to creating business in the area.

Supervisor Tancredi explained the reasoning's for the two or three projects mentioned that Planning made "difficult to survive". He stated that all the restrictions mentioned for those three businesses where also approved by the Arlington Business District as well.

Jim Morgan: Enterprise is planning on spending between \$300,000 to \$350,000 to renovate the property. We are committed to them for this project and we offered them \$250,000 in credits totaling over the next couple of years. Between the taxes my wife and I are going to take care of for the first couple of years and then rent incentives, etc. to try to make this deal happen. We are trying to help the situation. It costs us over \$40,000 a year to just stay vacant there. We can't afford it much longer. So, we are asking for your support.

Virginia Buechele: I'm just curious. Is this an amendment that would only affect the Morgan's parcel or are we leaving ourselves open to other car rental dealerships in the Arlington Town Center. I don't believe we should be passing a code amendment merely based on the difficult situation, which I do understand what the Morgan's are in, but what are we leaving ourselves open for in the future and in other areas of the Arlington Town Center?

Neil Wilson, Development Director: Actually, I talked with Councilwoman Shershin several weeks ago about the proposed amendment. You also have the recommendation from the Planning Board to narrow down the potential scope of the proposed amendment. Now, the way it is drafted, it applies anywhere in the Arlington Town Center, which includes Raymond Avenue, Haight Avenue and other places where we don't necessarily want to see a Car Rental business in their locations. Before the prior Planning Board Meeting, I talked with Councilwoman Shershin and said "Maybe we ought to add an amendment to make it specific to just Main Street. The Planning Board, subsequent to that, said that in the recommendation from Raymond Avenue to Taft Avenue as a limitation. So, I actually thought that that was a pretty good recommendation. So, going forward, my recommendation would be to perhaps just Table this matter and close the Public Hearing, Table it and allow us to work on some additional amendment and then

come back with the re-advertising and that would certainly limit it to that Main Street section.

Councilman Krakower reiterated his previous statement that he just didn't think it was really---when you look at what the Town is trying to do with Arlington and make it the Town Center, a Rent-a-Car facility is just not what you would like to see in a Walking Town Center. The effort was to improve that area where the Rent-a-Car business was. "If you allow it here, before long you would have what I have in my area with Avis and Hertz right next to each other and they had more room, there would be more and that's right adjacent to a residential area. I don't think it would improve the Arlington Area and unfortunately, \$300,000 is a lot of money to me and a lot of other people, but in a development project, it's really not a lot. On Route 9 I think people spend that in landscaping. I just think the overall project just doesn't fit in that area."

Councilwoman Shershin: I also disagree with Councilman Krakower's opinion. I think, in this economy, we have to look into diversification, we can't rely on that we are going to get restaurants and boutiques in this area to fill up all the available spaces. We need to look realistically into diversification and I think a car rental there is ideal because you have the Alumni House and Days Inn and many other reasons for car rentals. It's a really good convenience and plus it's going to bring new business to the area and fill in those empty buildings in the area. Further more, the bid supports it.

Councilman Cifone: I also have to agree with Councilwoman Shershin. I think it's a walking area and you have to have people to walk to get to a car if you don't have one. You have the City of Poughkeepsie not far from our border and don't have cars that need to rent one once in a while and it makes good sense and adaptive use of a building. You have restaurants near by, the colleges and hotel, and I do think it's a good spot for that and I think it's going to be renovated tastefully and all cars in the back. So, I think it's a good fit.

Councilman Eagleton: Did Enterprise do any kind of analysis that would convince them that they would actually succeed there. My thought is, whether we approved it or not, I don't know if they would really succeed and so why are they still convinced that they would actually succeed?

Neil Wilson: They are actually just down on the Main Street and the road across from the City Line. I think, actually, they are kind of being crowded out by some businesses now coming in that area. I believe Enterprise has kind of been "Kicking the tires" looking for different areas in the Arlington and Main Street Area. I do know they approached the new owner of KeyB Collision some months ago and I said it was not allowed in the Arlington Town Center and that was some months ago. They have been looking in the area that I do know.

Councilman Eagleton: But, if they are doing well where they are, why do they want to move?

Neil Wilson: I'm not sure they are, so why would they move, right? However, I think it's a space constraint. It's a small office, small parking lot and no car wash facilities there.

Councilman Cifone: Right, it's hard getting in and out of there if people are shopping. There is no place for you to park if someone is dropping you off. You put your life in your hands trying to get in and out of there right now. It makes perfect sense to move further down. The new place is a nice location, it's got privacy, all the cars would be in the back and the owners of the building said everything would be in the back.

Supervisor Tancredi: Neil, is there any way to approve this just for this property?

Neil Wilson: Not just for this property, but if you are going to try to limit the number you are going to have within a given area, you establish some linear distance requirements between them.

Supervisor Tancredi: The other question would be, if we approved it, is there some time limit so—my fear is, if we approve it and Enterprise fiddles around and never comes in and we've changed the Master Plan for Arlington, is there something we do to stipulate that Enterprise establish this in a certain amount of time?

Neil Wilson: No, what I think you would end up with is sort of monitoring the situation and then if you decide to repeal it, repeal it.

Councilwoman Shershin: Yes. But, that also is the advantage of Tabling it now and put it on the shelf until we need it again.

Neil Wilson: The purpose too, in Tabling it, would be to come up with some language to kind of scrunch it down.

Councilwoman Shershin: Absolutely, to define the area.

Motion made to resume the rules: Supervisor Tancredi/S. Eagleton

Supervisor Tancredi: My question is, the need for a second story, when does it kick in? Does it kick in if the Morgan's sold this building and new owners came in and rehabbed it or---

Neil Wilson: It would have to involve a Planning decisions by the Planning Board, something that we would have jurisdiction to assert.

Supervisor Tancredi: You could require now, even with the proposed change that is going to take place, if it's approved at this building.

Neil Wilson: If Enterprise was coming to the building and saying they were going to use it as is, I would see no reason to impose a second story requirement. If they came and said they would gut rehab the building and we've got all these changes, at that point, yes, it would come up.

Supervisor Tancredi: Ok, I make a motion that we Table this with no action.

Neil Wilson: My recommendation would be to just close the Public Hearing and don't act on it.

Joe Armstrong: I don't have an opinion one way or the other, but, I think what has bothered me over the last few times I've been here is when people come up, when the rules are in place, and they come and plead their cases to change the rules to satisfy their needs. What I'm getting at is, the Zoning Rules are set and everyone is trying to get around the rules that have been established. What do we have the rules for if every time one is made, someone with a unique situation, tries to find a way around it. It's ridiculous. What are the rules there for? Why bother writing them?

Motion made to close Public Hearing #1 with no action being taken: Supervisor Tancredi/S. Eagleton

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

CARRIED: 6-0

CARRIED: 6-0

04:03-01 PUBLIC HEARING

**To Amend Town Code, Chapter 210,
Entitled "Zoning", For Various Articles
And Sections For The "Arlington Town
Center (ATC) District"**

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 3rd day of April, 2013 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend Chapter 210, specifically Article II, Section 210-9, Article V, Section

210-22(C), Article VI, Sections 210-35(C), 210-36(C), 210-39 (C) and 210-40(C), “Arlington Town Center (ATC) District”, and

BE IT FURTHER ENACTED, that the 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

BE IT FURTHER ENACTED, that the Town Board has previously declared its intent to act as Lead Agency under the New York State Environmental Quality Review Act and does declare said action to be an Unlisted Action; and

BE IT FURTHER ENACTED, that the Town Board has reviewed the Long Form Environmental Assessment Form (EAF) prepared by the Director of Municipal Development and hereby determines that: 1) the adoption of the herein zoning amendment would not have a significant adverse effect on the environment and; 2) a draft environmental impact statement will not be required for the reasons set forth in the attached Determination of No Significance and; 3) a Negative Declaration is hereby issued; and

BE IT FURTHER ENACTED, that a written recommendation dated March 22, 2013 was received from the Dutchess County Department of Planning and Economic Development stating that the proposed amendment was a matter of local concern; and

BE IT FURTHER ENACTED, that a written recommendation dated March 22, 2013 was received from the Town of Poughkeepsie Planning Board in which said Board recommended adoption of the herein amendments; and

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

BE IT FURTHER ENACTED, that the Legal Notice of Public Hearing was posted on March 14, 2013 and published in the Poughkeepsie Journal on March 19, 2013; and

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

SO MOVED: J. Baisley/S. Eagleton

Supervisor Tancredi: As we noted two weeks ago, this is just to add the sites in our property and to do our economic incentive program because it was mistakenly omitted.

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

CARRIED: 6-0

PUBLIC HEARING CLOSED

NO ACTION TAKEN

**Motion made suspend the rules for public to speak on Public Hearing #2:
Supervisor Tancredi/M. Cifone**

CARRIED: 6-0

**Doreen Tignanelli: Is this the parcel that is going to be known as “Fairview
Commons”?**

**Councilman Cifone: I don’t have any documents that say it is going to be known as
“Fairview Commons” or any other parcel, for that matter.**

Councilman Krakower: I think so.

**Doreen Tignanelli: Ok, I will rephrase my question. Is one of these included in this
area to be changed to the Fairview Center. Is it the five contiguous parcels owned
by Page Park Associates consisting of 66 Fulton Street. Two parcels in Fairview,
one on Lake Street and one on Rondeck Road, which total 13.8 acres? (Yes) Ok,
then its Fairview Commons and they did have an application in front of the
Planning Board last year. It was actually July of 2012. This was a parcel, I’m
bringing this up because if it’s Fairview Central District, it could potentially end up
as residential and it sort of goes in with the next Public Hearing item. That was one
where, I believe it was Avello Brothers, used to operate on that property—**

Councilman Cifone: They still do.

**Doreen Tignanelli: Ok, I found a map note from 25 years ago that had said that the
property contained various types of unacceptable fill placed in an uncontrolled
manner. Again, I have concern about the fact that this could potential become
residential, it was at some point, industrial use and I know you are probably going
to tell me that it will be left up to the Planning Board, but that doesn’t necessarily
mean that it is really going to be addressed and so, I just wanted you to be aware of
that and I will be back up for Public Hearing #3 to continue that thought.**

Motion made to close Public Hearing #2: Supervisor Tancredi/M. Cifone

CARRIED: 6-0

04:03-02 PUBLIC HEARING

**To Amend Town Code For Zoning Map
Amendment For Properties Located At
The Intersection Of Fairview Avenue &
Fulton Street From Neighborhood
Business (B-N) District to Fairview
Center (FC) District**

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 3rd day of April, 2013 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town Code, Chapter 210, Article III, specifically Section 210-11, which amendment hereby changes the zoning designation of tax parcel numbers 6162-05-011773, 119824, 125791, 130806, 151832, 157808 and 151756 located at and near the intersection of Fulton Street and Fairview Avenue from Neighborhood Business (B-N) District to Fairview Center (FC) District; and

BE IT FURTHER ENACTED, that the Town Board has previously declared its intent to act as Lead Agency and the action to amend the Zoning Map is an Unlisted Action under the New York State Environmental Quality Review Act; and

BE IT FURTHER ENACTED, that the Town Board has reviewed the Short Form Environmental Assessment Form (EAF) prepared by the Director of Municipal Development and hereby determines that: 1) the adoption of the herein zoning amendment would not have a significant adverse effect on the environment and; 2) a draft environmental impact statement will not be required for the reasons set forth in Part II of the EAF and; 3) a Negative Declaration is hereby issued; and

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

BE IT FURTHER ENACTED, that a written recommendation dated March 22, 2013 was received from the Town of Poughkeepsie Planning Board in which said Board recommended adoption of the herein Zoning Amendment; and

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

BE IT FURTHER ENACTED, that the Legal Notice of Public Hearing was posted on March 14, 2013 and published in the Poughkeepsie Journal on March 19, 2013; and

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

SO MOVED: J. Baisley/S. Eagleton

Councilman Eagleton: I know that the resolution said that the County said this was a Local Matter, but in their letter addressed to us, it sticks out, the phrase at the bottom of the first page saying “There is no evident reason to include this group of parcels in a district that allows usage that could be inappropriate at this location.” So, I know they left it to us to decide locally, but I am kind of disturbed at that statement and why they said it. I don’t know if Neil can address it. That gives me considerable pause on this one.

Supervisor Tancredi: I think the County often has ideas and thoughts, they are Planning People, and I don’t know why they –Neil do you have any insight on this as to what that comment refers to?

Neil Wilson, Property Development Director: No, I don’t.

Supervisor Tancredi: They were in favor of the Town Center concept initially.

Councilman Cifone: But, the problem with our Town Center initially is---

Neil Wilson: Usually, and certainly where they are going to issue a letter that may trigger a super majority, which this one does not, they may give me a call and usually they give me a call if they have a concern and give me a heads up, but they did not in this case, so I don’t know exactly what the objection is.

Councilman Krakower: When they say “ If there is a potential development proposal for this property and would require a Fairview Center designation the intended use should be acknowledged as part of this review process”. Is that something that should be done. Are they correct in that statement? The reality of it. It’s like saying we don’t have a development proposal for a current place in Arlington.

Neil Wilson: No, I don’t believe so. We don’t have a current development proposal.

Councilman Krakower: Should it be vented in the process?

Neil Wilson: What I am expected is that you will be getting a proposal for a residential development of some kind. The rezoning encompasses the property that Page Park owns as well as that that Avella owns and that little cul-de-sac road that somebody owns.

Councilman Krakower: One of the concerns I’ve had with the Planned Overhead Development Program is the proposed density and a while back I asked if we could

get some sort of build out analysis of what the actual impact is and we never got it and we've never really actually discussed this in a Land Use Committee because the Councilman from that section of Town didn't show up to any of those meetings when we were going to discuss it.

Councilman Cifone: That's not true, but I'm not going to argue about it.

Councilman Krakower: But, you should put that out there if that is, in fact, what is going on. I'm just asking now, should we?

Supervisor Tancredi: To get back to Sean's question, I think, as I read this, Sean, and as I try to interpret it and all you can do is try to read between the lines and try to figure out what they were thinking, it seems to me that they speak of concerns about big box and some of the commercial drive-through businesses and so on that would be allowed in a Town Center. The next Public Hearing is for a planned residential overlay for this property and so I think that would address the concerns about the commercial in this area not being consistent with the existing properties. I think that's what the County was talking about.

Neil Wilson: But, I would disagree with this Zoning not being consistent with the surrounding properties, certainly the Fairview Center is directly opposite this on Fulton. The property is already zoned for commercial use and I'm viewing this as sort of swapping from one commercial use to another. Within the Fairview Center, though, as you've all acknowledged, the next proposal is for the planned Center overlay, which could apply to the Fairview Center. Which, if the Board agrees tonight to adopt this, this series of properties as well as those which were originally zoned for Fairview Center. No, I don't agree and I didn't have an opportunity to pick someone's brain. I think it's signed by Nola Hooper, but I did not have an opportunity to discuss this matter with him.

Councilman Eagleton: To you and everyone else, this was mailed out or sent the second.

Neil Wilson: To offer any more insight than that, I just don't know.

Councilman Krakower: The switch from Business Neighborhood to Fairview Center, to me, I don't think is that significant. My question only was that if there is a project that this is going to directly impact is that somewhere out there in the SEQR process, or something, we would be required to put that out as part of the discussion.

Neil Wilson: For tonight, no.

Councilman Krakower: But, their statement seems to say that and my question was, are we supposed to be venting that in this process?

Neil Wilson: No, not for this part of the process. The approval that Page Park received was for a land contour permit and the material that Doreen was alluding to and from this note from 25 years ago, yes, it appears that Avello dumped an awful lot of, what I think is C & D. It's concrete or whatever. The Land Contour Permit that was granted last year implemented in the next couple of weeks, to get all that junk out. It's not being done, unfortunately by Avello, someone else is going to be paying for it. I do expect that that is sort of "T" ing it up for a future application, which will come back before this Board, assuming that you do adopt what is before you tonight, so, that's the full vetting of whatever the proposal is.

Councilman Eagleton: I think this is one of those rare cases where both of you are right. You and Councilman Krakower are both right, because they use that word "SHOULD" which isn't a mandate, but someone in the County says "SHOULD" I would interpret that as "WE OUGHT TO". That's how I would kind of take it. I don't have a problem with the land being developed for a certain use, but it ought to be clear as to what there is underground and what they are taking out.

Neil Wilson: Yes. What their intentions are, we already know what they are taking out. It is C & D, but the concern is, is there something under the C & D. We do have an engineer out there during the process, which again, we will start in the next couple of weeks and they will be overseeing all of that. So, if something nasty turns up, it gets shut down and DC gets called. So, we share in the concern. The site needs to be cleaned up anyway, regardless.

Motion made to close the Public Hearing: Supervisor Tancredi/M. Cifone

CARRIED: 6-0

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

CARRIED: 5-1

PUBLIC HEARING CLOSED

**Motion made to suspend the rules for public speaking on Public Hearing #3:
Supervisor Tancredi/Councilwoman Shershin**

CARRIED: 6-0

Doreen Tignanelli: When this was first brought to the Board's attention in July of last year, Councilman Eagleton, because of the potential for having these residential overlays in areas that were once heavy industrial uses, Councilman Eagleton had asked for language in the PRO and have a higher level of scrutiny and Neil had said something specific to that could be put in, what he called, "A HEIGHT AND LEVEL OF SCRUTINY" that sort of thing. I didn't see anything like that in the resolution and so I don't know if I missed it or if it just was left out.

Supervisor Tancredi: I don't know if it's there, but we can see if there is anything in the language.

Virginia Buechele: I would just like to say that I agree with Doreen's concern and the need for heightened scrutiny. My question is that several of these districts that the planned residential overlay district will be allowed to be overlaid over appear to be, and I could be wrong, so correct me if I'm wrong, please, Commercial Districts and therefore I would assume that properties in these Commercial Districts as they stand now, without an overlay being placed on them would be subject to the non-homestead tax rate. So, I'm very curious if and when, I don't think we could afford to lose commercial tax base in the Town of Poughkeepsie. So, if and when the Town Board were to approve this planned Residential Overlay District, will that change? Will these properties then be in a Residential District and taxed at the Homestead rate? (Yes)

Supervisor Tancredi: Well, wait a minute, but it's not a Single Family Residential District.

Virginia Buechele: So, would they be taxed at the base rate, or at the Overlay rate?

Councilman Krakower: Jim, would it be Commercial or Residential?

Jim Nelson, Town Attorney: I thought Commercial.

Supervisor Tancredi: I thought so, too, but I'm not positive. But, it's a good question. Let me ask you this, Virginia---

Virginia Buechele: I would like to see that clarified. I'm not sure about the Historic Revitalization Development District and the Resident Mobile Home District, but Fairview Center and Salt Point Center, all those would currently be taxed as Commercial.

Councilman Krakower: Townhouses are not taxed as Commercial, they are taxed as Residential.

Virginia Buechele: My Town house isn't. But, I think we are risking losing Commercial Tax Base in the Town of Poughkeepsie.

Supervisor Tancredi: The point I'm trying to make to you is that vacant Commercial properties are not going to be taxed at the rate of a resident multi-family development is going to be taxed. You are going to get more tax base out of that than a vacant commercial land. That's the only point I'm trying to make.

Virginia Buechele: I don't think we can afford to lose commercial tax base in the Town of Poughkeepsie.

Councilman Cifone: Virginia, nobody is building anything, at least in any areas that will affect our area.

Supervisor Tancredi: Are these vacant pieces of land for the most part, the commercial pieces.

Neil Wilson: With the exception of the Avello piece, yes. They are not vacant, they are operating.

Virginia Buechele: My base question is, when this Overlay is approved, over a specific parcel in a specific zone, will that property be then taxed at the Homestead rate or the Non-Homestead rate? That's my question and I think it should be looked at and I would like to see that clarified in the law. I do thank you for Item H though.

Councilman Krakower: Here is my question. A Not-for-profit home owns land, it can't be subject to tax, how are we able to then force a not-for-profit – if a not for profit goes ahead and buys land in this district that has been developed as a PROD, legally, can we force them to pay tax?

Jim Nelson, Attorney: Is that something we could discuss in Attorney/Client session?

Supervisor Tancredi: Well, what about this, let's say a church or Marist College, buys a property anywhere in the Fairview Fire District, can we force them to pay taxes? The answer is evidently no.

Motion made to close the public hearing: Supervisor Tancredi/A. Shershin

CARRIED: 6-0

Councilman Cifone suggested that the Board go into Executive Session with Attorney Nelson and discuss this item further and make a decision when they come back.

Motion made to adjourn to Executive Session: Supervisor Tancredi/S. Eagleton

CARRIED: 6-0

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

CARRIED: 6-0

**BOARD MEETING ADJOURNED AT 8:02 PM
BOARD WENT INTO EXECUTIVE SESSION AT 8:03 PM**

Supervisor Tancredi asked Neil Wilson to join them in Executive Session.

**BOARD RETURNED TO TOWN BOARD MEETING AT 8:18 PM
NO ACTION WAS TAKEN**

04:03-03

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 3rd day of April, 2013 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend Chapter 210, specifically the addition of Section 210-21, entitled “Planned Residential Overlay District (PROD)”, and

BE IT FURTHER ENACTED, that the 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

BE IT FURTHER ENACTED, that the Town Board has previously declared its intent to act as Lead Agency under the New York State Environmental Quality Review Act and does declare said action to be an Unlisted Action; and

BE IT FURTHER ENACTED, that the Town Board has reviewed the Long Form Environmental Assessment Form (EAF) prepared by the Director of Municipal Development and hereby determines that: 1) the adoption of the herein zoning amendment would not have a significant adverse effect on the environment and; 2) a draft environmental impact statement will not be required for the reasons set forth in the attached Determination of No Significance and; 3) a Negative Declaration is hereby issued; and

BE IT FURTHER ENACTED, that a written recommendation dated was received from the Dutchess County Department of Planning and Economic Development stating that the proposed amendment was a matter of local concern; and

BE IT FURTHER ENACTED, that a written recommendation dated March 22, 2013 was received from the Town of Poughkeepsie Planning Board in which said Board recommended adoption of the herein amendments; and

BE IT FURTHER ENACTED, that the Town Clerk notified the Clerks of the surrounding municipalities of the public hearing pursuant to GML 349-nn; and

BE IT FURTHER ENACTED, that the Legal Notice of Public Hearing was posted on March 14, 2013 and published in the Poughkeepsie Journal on March 19, 2013; and

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

Motion was made to Close the Public Hearing: Supervisor Tancredi and Seconded by Ann Shershin

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

CARRIED: 6-0

Motion was made to Table Public Hearing #3: Councilman Eagleton/Seconded by Councilwoman Shershin

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

CARRIED: 6-0

PUBLIC HEARING WAS CLOSED AND ITEM #3 TABLED

Motion was made to suspend the rules for public speaking on Public Hearing #4: Supervisor Tancredi/J. Baisley

CARRIED: 6-0

Jim (Inaudible): There is one technical thing I want to question. It's on page 3-(E-d) Solar energy Systems: "Facilities should use neutral non-reflective color, grey, white or beige and shell, unless proven to be impractical or unnecessary, match the roof or wall color mounted thereon." Solar panels, by their very nature, are designed to absorb light, so they are always going to be dark and so it will be a black color. It's unreasonable to have them white and usually they are covered by some kind of an unreflecting coating, so, I understand the intent, and you may want to restrict it to something like the mounting or just delete it, but as it stands it is technically incorrect. The other thing I wanted to comment on is, I'm a little bit dismayed at the tone of this particular Zoning Amendment in the sense that it is so negative. If you choose to adopt this, I was just thinking, it would be easier for me to get an assault weapon than to get a solar panel and I think there is something wrong with that. What I would urge you to do is, if you feel you need to adopt this ordinance for purposes of aesthetics in residential areas, that you also begin to explore another idea that has been adopted by quite a number of communities around the Country and that is to create a kind of community solar park. What a number of communities have done is recognize that in most older houses it is very difficult to install, particularly solar panels, the roof isn't in the right direction, there are trees people want to keep, yards are small and that kind of thing. So,

other communities have found parcels of land that can't be used for anything really, there are some times brown fields, landfills, places in flood planes that can't be used for anything else and make this available so people could buy solar panels, mount them there in a place that would be open and oriented for maximum efficiency and then the arrangement is made that whatever electric power your particular panel generates, gets credited through a process called net metering and gets credited to your utility bill and this is a way so that if people want to take advantage of solar power, and there are a number of advantages to it, can do this and yet not be disruptive. Whatever you decide to do with this particular amendment, fine, but I think we as a Town should not stop there, but should look ahead a little bit and see what we can do to enable and in fact, encourage the use of renewable energy by people that live in the Town. I have a fair amount of literature on this idea. Actually it was written up a couple of weeks ago in the New York Times and I would be happy to share it with you.

Doreen Tignanelli: A comment on the Wind Energy System. There is a section that says that it can't be mounted on the roof, which I think obviously is a good thing. It says it can't be higher than the principal structure. So, if our house is 30 feet high, it could be 30 feet and it also says it must be screened. It would be pretty hard to screen a 30 feet wind energy structure I would think so, there may not be that many in the Town because it might not be conducive here and I know there are some other things I've discussed about it. I just don't know how practical that is to say you are going to require screening on something that could be potentially as tall as your house.

Motion made to close the Public Hearing: Supervisor Tancredi/S. Eagleton

CARRIED: 6-0

04:03-04 PUBLIC HEARING

**To Amend Town Code, Chapter 210
Entitled "Zoning", Specifically The
Section 210-9, 210-13(K) & New
Section 210-67.1 Entitled "Energy
Facilities"**

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 3rd day of April, 2013 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend Chapter 210, specifically Sections 210-9, 210-13(K), and the addition of a new section 210-67.1 entitled "Energy Facilities", and

BE IT FURTHER ENACTED, that the 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

BE IT FURTHER ENACTED, that the Town Board has previously declared its intent to act as Lead Agency under the New York State Environmental Quality Review Act and does declare said action to be an Unlisted Action; and

BE IT FURTHER ENACTED, that the Town Board has reviewed the Long Form Environmental Assessment Form (EAF) prepared by the Director of Municipal Development and hereby determines that: 1) the adoption of the herein zoning amendment would not have a significant adverse effect on the environment and; 2) a draft environmental impact statement will not be required for the reasons set forth in the attached Determination of No Significance and; 3) a Negative Declaration is hereby issued; and

BE IT FURTHER ENACTED, that a written recommendation was received from the Dutchess County Department of Planning and Economic Development stating that the proposed amendment was a matter of local concern; and

BE IT FURTHER ENACTED, that a written recommendation dated March 22, 2013 was received from the Town of Poughkeepsie Planning Board in which said Board recommended adoption of the herein amendments; and

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

BE IT FURTHER ENACTED, that the Legal Notice of Public Hearing was posted on March 14, 2013 and published in the Poughkeepsie Journal on March 19, 2013; and

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

SO MOVED: M. Cifone/S. Eagleton

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

CARRIED: 6-0

Motion made to close the Public Hearing: Supervisor Tancredi/M. Cifone

CARRIED: 6-0

Councilwoman Shershin: I would like to make an amendment to read to include, Page 3E, Item D, to include the color black and to strike gray, white or beige as

possible colors and make black as approved color for the solar units. Seconded by M. Cifone

CARRIED: 6-0

Councilman Eagleton: Just a note to thank Neil Wilson for getting us out fairly quickly because it was a bit of a challenge.

04:03-05 DISCUSSION

Update From Traffic Engineer On Wegman

Neil Wilson, Director of Municipal Development and Planning Board Consulting Traffic Engineer Richard Pearson, P.E., spoke about the traffic signal at the intersection of Spackenkill Road onto Boardman Road. Richard Pearson represents the Planning Board on all of our traffic reviews where we have traffic impacts. He also did the review of the Wegman's Project. I asked him specifically to take a really close look at the functioning of the intersection and most particularly the traffic report that was provided by the applicant's engineer, which this question is about a recommendation of a change in the timing fazing that had resurfaced. I'm not a traffic engineer and wasn't able to adequately explain it and so I asked Richard to be here tonight to talk with you about it relative to his findings.

Richard Pearson, P.E.- I've been the traffic consultant to the Planning Board for many years now. We've been co-coordinating with the Town and NYS Department of Transportation and the Applicant's traffic engineer regarding a possible signal related to safety improvements for the intersection in concordance with the Section 8 of the resolution of approval. The project is a relatively low traffic generator and as such it is not going to have a significant impact on the intersection operations. The review of the accident history for the past three years, there has only been two accidents at that intersection over three years. That's a low number. If there were sufficient funds out at the intersection, it would be ideal if the State could provide a left turn lane along Spackenkill Road. That was looked at when we were looking at the Faith Assembly of God project, but it is not reasonable to have the Meredith project construct that left turn lane because of the substantial expense for that improvement. We did look at potentially if the State was to do that improvement in the future, would there be sufficient right-of-way along the Meredith's property and there is. We went back and looked at some plans that had been done for the Faith Assembly of God project. The Town therefore could request that the State consider providing this improvement in the future. The State did say they would consider implementing that lane in the future. We have a few recommendations now as to what could be done at this time. One of them is to have a left turn arrow phase that would occur for about an hour in the morning and about an hour in the afternoon. We were also discussing timing changes as was discussed in the traffic study for the Meredith project and also looking at a possibility for back plates for sun glare. Sometimes in the morning, looking east, there is some sun glare and we are also potentially looking at having a sign on the west bound traffic indicating "Wait For Green Light". These improvements would be implemented by NY State

Department of Transportation if they would want to go forward and make these improvements.

Councilman Eagleton: That lights been there long enough now and this issue has been around long enough, but I think the phase of a left turn coming off of Boardman onto Spackenkill was changed to benefit the High School and my question would be, “Why can’t we go back to the way it was, to eliminate completely the confusion of when to turn, when not to turn, or when is it safe to turn, regardless of the time of day.” Why not go back to that? The other concern I would have is the library that is going to be constructed there in the next few years, is going to add to the traffic and make things worse.

Supervisor Tancredi: Rich, let me ask you this, with Councilman Eagleton’s comments in mind concerning the library and Wegman’s going in, would those two developments, if built and approved, would those two projects deteriorate the intersection?

Richard Pearson: We believe there would be ample capacity at the intersection, even with the advanced phase of the east bound traffic. Rather than eliminating that phase, I prefer to have it as currently proposed because it does have some benefit for the sight distance for the crest of the hill at the intersection so that if people want to make that left hand turn, because that sight distance coming West bound is less than ideal.

Councilman Eagleton: We have some of our residents that live off the road adjacent to that intersection and I think for them it is very confusing.

Richard Pearson: Agreed, it’s not ideal, they do have the option however, it is a horseshoe road and they have the option to drive to the western leg of the road rather than exiting out of the eastern leg. The western leg has better site distance.

Councilman Eagleton: Well, why can’t they benefit from using both legs?

Supervisor Tancredi: I’m for removing the arrows. DOT did it that way because trying to make that left back over to Boardman, particularly for the buses and students, that left hand turn was extremely dangerous with cars coming up over the hill.

Councilman Eagleton: So, why not put a red light?

Supervisor Tancredi: You mean make one side red and one side green? That’s what it is now.

Richard Pearson: There is a portion of the cycle where it is protected for the eastbound traffic and then there is another portion where it is common phasing for the eastbound and westbound traffic. If you were completely going to separate the

East bound and West bound traffic and have them operate as separate phase and essentially have three phases, one for South Bound, one for East Bound and one for West Bound that would substantially reduce the capacity and increase the overall delays.

Councilman Eagleton: How much would that be—

Richard Pearson: I couldn't even calculate it. There would be a lot of angry residents.

Councilwoman Shershin: So is there any thing we could do to improve the safety of the residents exiting off of Colburn off that lower branch behind the light?

Richard Pearson: Possibly to a point, the left turn lane, but there would still be the visibility of the east bound through traffic and so it's more, if I was a resident there, I would tend to use the western leg of the intersection more often than the eastern leg.

Councilman Eagleton: I guess the thing that kind of disturbs me is the issue that there are people who have lived there for years, and this hasn't been an issue for them and now all of a sudden it's an issue. I don't necessarily see that as fair.

Neil Wilson: Well, it's my understanding that the condition exists since Lourdes came in. It's not a great situation in terms of the geometry at the intersection, but one of the things I asked Richard to take a very close look at relative to the Wegman's project is, are we absolutely clear that this, being what it is, a senior residential project, is in fact not going to have an effect on this intersection and that what we are looking at and current and future operating conditions could be improved in some fashion, but that is up to DOT as to how they handle it either in terms of modification of the left turn phasing or the sun in your eyes going up over the hill, we are looking at several different things, but the point is, the relativity of the Wegman's project, it's having no effect on the intersection, the problem is the intersection itself.

Councilman Krakower: Don't the applicant very often do off site improvements? When the Galleria put in the stadium seating in the movie theater, they put in a full quelling on Route 9, correct? They also bought the Town PD a speed trailer. When they have an impact, they usually do something off sight. But, it seems like there is some impact there and the problem we are going to have after the fact and when done with the project, the residents are the ones that suffer from it. So, if there is a fix to it, it should be done now.

Supervisor Tancredi: The difficulty in the intersection is because of the contour of the land, that's the first thing. The arrow didn't help the residents on Colburn, because it made it confusing. In DOT's opinion, they felt the risk of people turning left on the Boardman Road evidently is greater than the people pulling out of

Colburn, because they put the arrow. They are the traffic engineers and that's all I know why they did it. DOT is aware of the problems and they haven't fixed them. The chances of DOT doing something there, I don't see it being realistic that it's going to happen.

Councilman Krakower: DOT made the change and made it worse. Is there a fix that would work for everyone?

Supervisor Tancredi: A turn lane would make it work, I think.

Councilwoman Shershin: But, even if you put in a turn lane, then you are going to have to have a turn only and have a red light, because you will be adding another phase and will slow down the intersection.

Richard Pearson: That phase would still occur, but it would be left turn for east bound and Spackenkill being in the same lane, there would be a separate lane so there would be more capacity, but you would still have the same issue with the east bound through vehicles coming toward Colburn.

Councilwoman Shershin: So then you would have to change the phases of the light and have a through stop and turn only and that would require turn lights.

Richard Pearson: But it wouldn't stop the east bound through traffic when they have the east bound left turn from Spackenkill.

Councilwoman Shershin: Couldn't you?

Richard Pearson: Theoretically, but the State wouldn't do that, they don't do that.

Councilwoman Shershin: Oh, so it would just make matters worse.

Neil Wilson: Right, it's just the off set of the intersections and geometry that is creating a lot of the problems. Ok, this is just an update to try and help everyone understand what we are trying to look at relative to this intersection.

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

CARRIED: 6-0

Jim Barretta: I would just like to talk about the discussion on the traffic you just had there. It's not pro or con about Wegman's, it's the traffic. My wife and I have been there for 30 years and the quality of life there in terms of the traffic has gotten worse, there is no question about it. I was very happy for the first 20 years we were there, but right there where we are now with the continual crowding in of things coming in on Boardman Road is making it very difficult to get in and out of there. As I listened to the discussion, the study that is done is a very technical study to see

if you can move traffic through Boardman and Spackenkill Road. It's like, "Can we get these cars through? And the answer is "Yes"." But, what are you doing to the people on Colburn Drive? There is no question that this proposed project is a smaller project than the church would have been. This is a smaller application, but it's a net add to the traffic and to us trying to get in and out of Colburn on that corner. Even though it's smaller than the church, you can't tell me it's very little impact because you are going to have staff, deliveries, visitors, and emergency vehicles. Just so I can explain this clearly, I made this little drawing (Showed and explained to Board). The talk about the arrow, I don't care if it stays there, my problem is to be when they turn the arrow on, they leave this side of the light for the east bound traffic, they leave it green, so, the light is red on this side and the traffic queue is here and you are trying to get out, you don't know if it's going to be green or red on the other side, so you always have to anticipate traffic flying up over this hill. The arrow is not the problem, it's the fact that they are leaving the light green. Before they put the arrow, it was red on both sides and if you were trying to get out up here, you could get out because you knew the light was red on both sides and no one was going to come up over that hill. But now, you don't know if the light is going to be red or green and so you have to anticipate it being green and someone flying over the hill at you. DOT's concern is to just move the traffic on Spackenkill Road. Forget about people trying to get out of Colburn.

Councilman Krakower: I thought the mentioning of the turning lane would resolve these problems, is that not so?

Councilwoman Shershin: No.

Supervisor Tancredi: I think it would, Jim is right, they allow traffic to continue east on Spackenkill when that green arrow is there. My feeling is the reason they did that so it wouldn't queue up. Green arrow means it's no good if you can't move the cars up.

Jim Barretta: That's my analysis also. As far as they are concerned, they improved it.

Councilman Eagleton: I'm sure the technology is there that if you want to get out, you can trigger the button to turn red so you can get out.

Jim Barretta: That would be nice, but so you could trigger it for both sides to get red so you can get out.

Councilman Eagleton: At the Vassar Road School, people coming out of the parking lot at the school triggers the light. Why couldn't we do that for the eastern end of Colburn?

Jim Barretta: That would certainly help.

Councilman Krakower: My concern alone is, if there is a solution that is reasonable, now would be the time to try and implement it.

Councilman Eagleton: Would the Library be willing to help us with this?

Jim Barretta: Well, this is getting to be a crowded area (He listed all the entities at that sight). –

Councilman Krakower: What do you foresee as a solution?

Jim Barretta: Well, the being able to trigger the light to be red on both sides sounds like a somewhat fair solution. It's just gotten bad on Colburn Drive and it's not getting better, it's getting worse with more and more projects being added. Something has to be figured out to help us get in and out of that street.

Doreen Tignanelli: First of all, I can't believe that Mr. Pearson would even be able to say with a straight face, that "Maybe the Town could ask the DOT to come in somewhere down the line and fix that. Again, this was all kicked off by the Principal from Lourdes sending a letter to DOT saying "The turn into Boardman Road creates an unsafe condition for our students who are relatively inexperienced drivers." But the kicker is, they said they wouldn't do that until the municipality requests us to do it. So, then you guys passed the resolution to have them go ahead with the traffic study, that's when they changed it to the arrow. It just is an unacceptable situation created by Lourdes and then a series of events after and we've been impacted.

Joe Armstrong: Two quick statements. Let's get back on the car rental on Main Street. They made mention of the façade as one of the problems and they said they were going to try and sell the building and this would have to be done and then they mentioned maybe rent it and then a few years after, by renting they wouldn't have to put the façade up because they were renting the building, but if they sold it to the person they were renting it to later, they wouldn't have to put the façade up either. This is something to think about. I was glad to see that Vassar College put a donation into the Town of Poughkeepsie Police to help their operating budget. So, it would be nice if we could get them to do the same thing to help the Fire Department. The burden that is put on the Fire Department and they don't give them very much money. They help one, but not the other.

Motion made to resume the rules: Supervisor Tancredi/S. Eagleton

CARRIED: 6-0

04:03-06 APPOINT

Police Department As Part Time Per Diem (Fill In) School Crossing Guard Of Sara Klein

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Sara Klein to the position of part-time Per Diem (Fill In) School Crossing Guard at the established rate of \$10.72 per hour, effective April 8, 2013, which appointment is subject to a probationary period of no less than eight (8) weeks or more than twenty-six (26) weeks per Civil Service Law; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute and file all documentation required by the Dutchess County Department of Human Resources in connection with this appointment.

SO MOVED: S. Krakower/M. Cifone

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

CARRIED: 6-0

**04:03-07 AUTHORIZE
SUPERVISOR
TO SIGN**

**Copier Maintenance Agreement With
Atlas Star Digital Document Specialist
For Copier Maintenance At The Town
Police Department**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a Maintenance Agreement with Atlas Star Digital Document Specialist for copier maintenance at the Town of Poughkeepsie Police Department for the agreement period from May 15, 2013 to May 14, 2014 at the annual cost of \$2,295.00, which is no increase from last year; and

BE IT FURTHER RESOLVED, that the Town Board finds that this is a Type II Action requiring no environmental review.

SO MOVED: A. Shershin/M. Cifone

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

CARRIED: 6-0

04:03-08 ACCEPT

**Donation From Vassar College to Provide
Additional Support & To Defray The
Town Of Poughkeepsie Police
Department's Operating Budget**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to accept a donation of \$10,000 from Vassar College, to provide additional support and to defray the Town Police Department's operating budget, with appreciation.

SO MOVED: Supervisor Tancredi/S. Krakower

Councilman Krakower: I just want to comment, I've beaten Vassar up a couple of times for some things, but I do appreciate the fact that they did this. They covered our expenses and then some and I also have to give credit to the College and the kids over there and the fact that they came together and turned what could be a nasty situation and ugliness in our community, and made it a very positive thing. I think they raised over \$100,000 for a charity related to what West Burrow was protesting against and it was nice to see our Community came together in a positive way. This money is especially appreciated because it didn't cost the Town anything and they actually covered the costs of some of the things they needed.

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

CARRIED: 6-0

04:03-09 APPROVE

**Marist College Fireworks Display At Its
Riverfest Event On Friday, April 26,
2013 At 9:00 PM**

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Marist College to include a fireworks display at its Riverfest event to be held on Friday, April 26, 2013; and

WHEREAS, the applicant has notified the Fairview Fire District; and

WHEREAS, a Certificate of Liability Insurance has been filed with the Town Clerk naming the Town of Poughkeepsie as an additional insured; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application as submitted for a fireworks display to be held on Friday, April 26, 2013 at 9:00 PM on Marist College's riverfront property, North Road, Poughkeepsie, New York.

SO MOVED: J. Baisley/S. Eagleton

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Cifone, Krakower,

Councilwoman Shershin, and Supervisor Tancredi

Nays: None

CARRIED: 6-0

04:03-10 APPROVE

**Vassar College Fireworks At Its
Founder's Day Weekend Event On
Saturday, May 4, 2013 At 9:00 PM**

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Vassar College to include a fireworks display at its Founder's Day weekend event to be held on Saturday, May 4, 2013; and

WHEREAS, the applicant has notified the local Fire Department; and

WHEREAS, a Certificate of Liability Insurance has been filed with the Town Clerk naming the Town of Poughkeepsie as an additional insured; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application as submitted for a fireworks display to be held on Saturday, May 4, 2013 at 9:00 PM on Vassar College property, Raymond Avenue, Poughkeepsie, New York.

SO MOVED: S. Eagleton/A. Shershin

Councilman Eagleton: The last time I voted against the fireworks to the surprise of many, but, I think what I failed to do and what I should have done then is to use that as an opportunity to express the displeasure of myself and some of my constituents regarding the approach they took to control the deer population. I don't intend to do it tonight, but in lieu of support of our efforts to deal with outsiders who were trying to make a mess of what would otherwise be a positive thing, but I think it is important to point out that we are a community and when one member of our community doesn't behave in accordance to what we think is acceptable, we should take the opportunity to say, "We don't think it's acceptable" and the fireworks was one way to do that and I was tempted to do it again tonight, but in lieu of their gift and efforts to police the Town and I think we also owe a debt of gratitude to the Police that were there and really controlled the situation quite well. That's why I did what I did.

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

Nays: None

CARRIED: 6-0

04:03-11 APPROVE

**Tax Certiorari Settlement Of
Commerce Bank/TD Bank, NA**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the settlement of the tax review proceedings instituted by Commerce Bank/TD Bank, NA, for the tax assessment rolls of 20120, 2011 and 2012, as shown on the attached Consent Order and Judgment; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize Kyle W. Barnett, Esq., Van DeWater & Van DeWater, LLP and Kathleen D. Taber, Town Assessor to sign such papers as are necessary to effectuate said settlement.

SO MOVED: S. Krakower/S. Eagleton

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

Nays: None

CARRIED: 6-0

ATTACHMENTS TO FINAL BOOK COPY

04:03-12 ACCEPT

**Certificates Of Attendance For
Peter Fanelli from Dutchess County
Planning Federation For Courses
Entitled "Learn And Earn: Planning
Board Overview" & "Learn And Earn:
Subdivision Review"**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Certificates of Attendance for Peter Fanelli from the Dutchess County Planning Federation, for the courses entitled "Learn and Earn: Planning Board Overview" and "Learn and Earn: Subdivision Review", copies of which are attached.

SO MOVED: S. Krakower/S. Eagleton

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

Nays: None

CARRIED: 6-0

CERTIFICATIONS ATTACHED TO FINAL BOOK COPY

04:03-13 NOTIFICATION

**Liquor License Renewal For
Mulligan's Irish House Located
At 2186 New Hackensack Road**

REVIEWED BY TOWN POLICE AND NOTED BY TOWN BOARD

04:03-14 NOTIFICATION

**The Following Notice of Claim Has
Been Referred By Town Clerk To
The Legal Department**

**A. Travelers/Fernekes Subrogation
Claim**

REFERRED TO THE LEGAL DEPARTMENT

**04:03-15 NOTICE OF
PUBLIC
HEARING`**

**Town Of Newburgh-Local Law
Amendments – Public Hearing
Will Be Held On April 1, 2013 At
Newburgh Town Hall Located At
1496 Route 300 In Town Of Newburgh
On April 1, 2013 at 7:00 PM. The
Purpose Of The Local law is To Require
That Uniform & Adequate Public Notice
Be Given For Public Hearings Conducted
By the Planning Board & Zoning Board
Of Appeals**

NOTED BY TOWN BOARD

04:03-16 AUTHORIZE

**Special Consent Items SC 1, SC 2, SC 3,
SC 4, SC 5, SC 6, SC 7, SC 8 and SC 9**

RESOLUTION

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

SC 1. Authorize

Sale of Surplus Vehicle

SC 2. Authorize Supervisor to Sign

Phone Service Contracts

SC 3. Authorize

Electric Bidding

SC 4. Approve

Rinaldi Flea Market

SC 5. Approve

**Tax Certiorari Settlement
R & F Poughkeepsie South, LLC**

SC 6. Notification

**Public Hearing April 11, 2013 – Empire
State Development – Urban Development
Act Requirement**

SC 7. Notification

**Public Hearing – Village of Wappingers
Zoning**

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

CARRIED: 6-0

SC 8. Accept

Course Certification – Carl Whitehead

SC 9. Approve

Shield the Fields Walk-A-Thon

**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

04:03-SC 1 AUTHORIZE

**Approve Sale Of 2008 Dodge Durango
Police Vehicle To Be Surplus & Approve
Sale Of This Vehicle To Ulster County
Community College**

RESOLUTION

**BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie,
having reviewed the memo of Auto Center Manager Bill Galbraith, does declare one
(1) 2008 Dodge Durango police vehicle to be surplus, and does hereby approve the
sale of this vehicle to Ulster County Community College as follows:**

- 1. 2008 Dodge Durango 4WD, VIN # 1D8HB38NO8F152028, mileage 92877;
and,**

**BE IT FURTHER RESOLVED, that the Town Board does authorize the sale
of said vehicle for the sum of \$5,500.00; and**

BE IT FURTHER RESOLVED, that this is a Type II Action under the New York State Environmental Quality Review Act, and it requires no environmental review.

SO MOVED: Supervisor Tancredi/M. Cifone

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

CARRIED: 6-0

**04:03-SC 2 AUTHORIZE
SUPERVISOR**

**Voice & Data Internet Service Contract
For All Town Buildings With Verizon
FIOS**

RESOLUTION

WHEREAS, the Town of Poughkeepsie is in need of upgrades to its telephone and internet systems, and will require dial tone and internet service contracts, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor or his designee to execute a Voice Over Internet Protocol Telephone System Contract (hand sets, routers, switching upgrades) in the form submitted with TECH II Business Services at a total cost of \$57,957.14 pursuant to New York State Contract # 77018 RFP 21350; and

BE IT FURTHER RESOLVED, that the Supervisor or his designee is authorized to execute a contract with CSI, Inc. for \$12,789.70 for CISCO network routers under State Contract #PT64525; and

BE IT FURTHER RESOLVED, that the Town's Development Director and Software Support Analyst are authorized to prepare, advertise, issue and open competitive bids for a two year contract for dial tone service for all Town buildings; and

WHEREAS, the integration of the Town's data and voice over internet service for all Town buildings will allow for direct provider service, which direct service will materially increase the quality and reliability of the service received by the Town, and will enhance the ability to promptly make system repairs and modifications; and

WHEREAS, Verizon FIOS is the only entity which can provide such service to all Town buildings; now therefore

BE IT RESOLVED, that the Supervisor or his designee is authorized to execute a Voice and Data Internet Service Contract for all Town buildings with Verizon FIOS in the form submitted for a two year period at an annual cost of \$10,499.16; and

BE IT FURTHER RESOLVED, that the procurement of the aforesaid equipment and services is a Type II Action requiring no SEQR review.

SO MOVED: J. Baisley/S. Eagleton

Councilwoman Shershin: Are we going to be paying this thing out as a whole lump some of \$57,957.14 - or are we going to be doing the lease option?

Mark Fink: My understanding is that it will be the lease option, but I don't know 100% --I guess that is still to be determined.

Councilwoman Shershin: Because when you take the amount of the monthly lease and multiply it as for five years and multiply it times 60 months that jumps the cost up to \$70,140.00. So, is there any benefit by doing the lease vs. paying for the equipment outright? Do they supply us with any additional service to make this worthwhile?

Mark Fink: No, we don't get any benefit, the only advantage is we save money starting the very first month. If we end up with dial tone service at similar price to what we've already gotten specs from TECH II. Instead of having all that outlay the first month and so that's the only difference.

Councilman Krakower: Smaller budget impact.

Mark Fink: Actually it's a net savings from the first month, if we lease it. But, yes long term, it is going to cost more. If we have the money in our pockets—

Councilman Krakower: This is all State Contract pricing, right?

Mark Fink: Yes, TECH II's part for all the hardware, and implantation, yes.

Councilman Krakower: What about the labor and meals and lodging!

Mark Fink: The labor is also State Contract pricing as well.

Supervisor Tancredi: Mark has done a good job and a lot of leg work and a lot of time has gone into this and so I appreciate his efforts.

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

Nays: None

CARRIED: 6-0

04:03-SC 3 AUTHORIZE

**Electric Service To All Town of
Poughkeepsie Facilities &
Buildings At A Fixed Price Per
Kilowatt Hour For One And Two
Year Terms Advertisement**

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize the Comptroller to advertise, not less than three week in advance, for sealed bids to provide electrical service to all Town of Poughkeepsie Facilities and Buildings at a fixed price per kilowatt hour for one and two year terms, and

BE IT FURTHER RESOLVED, that the Comptroller is authorized to also solicit proposals for the provision of such electrical service under New York State bid, cooperative municipal bidding services, bids issued by other municipalities which are available to the Town, and other authorized sources; and

BE IT FURTHER RESOLVED, that the Town Board does hereby authorize the Town Clerk to publish notice of the advertisement for bids in the Poughkeepsie Journal as prepared with the Comptroller, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reserve the right to accept or reject all bids in whole or part, and

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

SO MOVED: S. Eagleton/J. Baisley

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

Nays: None

CARRIED: 6-0

04:03-SC 4 APPROVE

**Rinaldi Flea Market To Hold Flea
Market From April, 2013 Through
November 2013 to be held at 900
Dutchess Turnpike Owned by Quadrelle
Realty Services.**

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Rinaldi Flea Market to hold a flea market from April,

2013 through November, 2013 to be held at 900 Dutchess Turnpike, Poughkeepsie, NY, owned by Quadrelle Realty Services; and

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application as submitted, contingent upon the Town first receiving the applicable fees and a Certificate of Liability Insurance naming the Town of Poughkeepsie as an additional insured.

SO MOVED: M. Cifone/S. Eagleton

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

CARRIED: 6-0

SC 5 APPROVE

**Tax Certiorari Settlement Instituted
By R & F Poughkeepsie South LLC**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the settlement of the tax review proceedings instituted by R & F Poughkeepsie South LLC for the tax assessment rolls of 2009 through 2012, as shown on the attached Stipulation of Settlement and Order; and

BE IT FURTHER RESOLVED, that Kyle W. Barnett, Esq., Van DeWater & Van DeWater, LLP and Kathleen D. Taber, Town Assessor are authorized to sign such papers as are necessary to effectuate the settlement.

SO MOVED: S. Krakower/S. Eagleton

Supervisor Tancredi: The refund on this is \$11,612.02.

Councilman Eagleton: What property is this?

Councilman Krakower: Raymour and Flannigan.

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

CARRIED: 6-0

STIPULATION OF SETTLEMENT AND ORDER ATTACHED TO FINAL BOOK COPY

04:03-SC 6 NOTIFICATION

Public Hearing April 11, 2013

**From 10:00 AM to 11:00 AM To
Be Held By The NYS Urban
Development Corporation At 33
Airport Center Drive, Larkin
Room, New Windsor, NY 12553
For The Hurricane Irene –
Tropical Storm Lee Business
Flood Recovery Grant Program
Project in Dutchess, Orange,
Rockland, Sullivan, Ulster and
Westchester Counties**

NOTED BY TOWN BOARD

04:03-SC 7 NOTIFICATION

**Village Of Wappingers Falls
Zoning Board Of Appeals Will
Meet April 9, 2013 At the
American Legion Hall, 7 Spring
Street, For Four Zoning Changes**

NOTED BY TOWN BOARD

04:03-SC 8 ACCEPT

**Certificates Of Attendance For
Carl Whitehead From The
Dutchess County Planning
Federation, For Courses Entitled
“Learn And Earn: Subdivision
Review”**

RESOLUTION

**BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie
does hereby accept the Certificates of Attendance for Carl Whitehead from the
Dutchess County Planning Federation, for the courses entitled “Learn and Earn:
Subdivision Review”, a copy of which is attached.**

SO MOVED: A. Shershin/S. Eagleton

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

Nays: None

CARRIED: 6-0

CERTIFICATE ATTACHED TO FINAL BOOK COPY

04:03-SC 9 APPROVE

“Shield The Fields: Walk-A-Thon For Farm Workers Equality Tour Community Event” To Start At Vassar College And Travel Along Raymond Avenue Sidewalks To Route 55 From 4:00 PM to 5:00 PM On April 9, 2013

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Abel Luna to hold a Walk-a-Thon entitled “Shield the Fields: Farm Workers Equality Tour Committee Event” on April 9, 2013 from 4:00 PM to 5:00 PM, which said walk will start at Vassar College and travel along Raymond Avenue sidewalks and then along Route 55, pending receipt of a Certificate of Liability Insurance naming the Town of Poughkeepsie as an additional insured.

SO MOVED: Supervisor Tancredi/S. Eagleton

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

Nays: None

CARRIED: 6-0

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

CARRIED: 6-0

Virginia Buechele: As you will all recall, last Fall there was a large group of neighbors here from the Fourth Ward from an area surrounding where there was a large concentration of rental housing. A lot of neighbors were complaining about quality of life issues and safety issues were also brought up. The need for inspection on rental housing and the need for a law similar to the law that the City of Poughkeepsie has on their books and several other Towns across New York State are implementing because the Town of Poughkeepsie law was found to be unconstitutional and would include a rental registry and more frequent inspections. I believe commitments were made at that time and an advisory group was formed that included the Fire Chief and the Building Inspector and other officials of the Town and nothing has really, that I know of, has come out of that except that this Board did tighten up the definition of family so that we could enforce what we currently have on the books. But, I think we all know, and I think all of you know that we need more because the problem is not going away. Recently there was a fire in the Town of Wappingers in a home that appears to have been used as a boarding house and had no smoke detectors. Mayor Alexander of the Village said he would like to make it a requirement for any rental unit to have an inspection. He also

hoped that he was going to formulate laws and have them in place by this summer. “We would like to explore the possibility of requiring anyone who wants to rent a unit, to have an inspection. Alexander said it would make it safer for everyone having more inspections.” I can’t agree more. This article was in the March 25th issue of News Day and the title of the article was, “Brook Haven Town Looks To Curb Illegal Student Housing.” I want to read a couple of sentences from this because I really think they could be describing the Town of Poughkeepsie, especially the Fourth Ward and I really believe this Board owes it to public safety to diligently pursue stricter regulations. “It’s a question straight out of Economics 101, what happens when student housing demand exceeds the available supply? The answer, neighbors of Stonybrook University say, is that unscrupulous absentee landlords are taking advantage of students seeking off campus housing near the school. We’ve had a number of investors who decided to enrich themselves by violating our Housing Code and buying up single family homes, chopping them up, creating rooming houses, specifically catering to students at Stonybrook. “ Just change the words a bit and you will see where I’m heading. “Roman (Gentleman on the Board) said,” “and they are increasing the fines. The new fines will be \$5,000 for first offense, increased from \$2,000. Second offense will be \$10,000 fine, up from \$3,000.” I sent Council Cifone this article and he can forward it on to you for your review. One of the most important points I see in this is if you check the Marist Website, they have a list of off campus housing, but in there it says that they leave it up to the students to check the Town Codes themselves. Referring to Brookhaven now, “The schools off campus housing website will start requiring landlords to show proof of rental permit before they can list housing and the permits will be confirmed with the Town. I guess there is no chance of Marist doing that here, but they should. The students come to school, all they are looking for a place to live. Do you think for one minute safety crosses their mind? Please do something! The problem is not going away. It is compounding itself and we don’t want to be where we were in January of 2012. We’ve had over a year. We should have something implemented by last summer. Let’s not be last to address this issue. Let’s be one of the first.

Motion made to resume the rules: Supervisor Tancredi/S. Eagleton

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. Matters leading to the appointment, employment, dismissal or removal of a corporation.**

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

SO MOVED: J. Baisley/S. Eagleton

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

CARRIED: 6-0

TOWN BOARD MEETING ADJOURNED AT 9:30 PM

TOWN BOARD ENTERED EXECUTIVE SESSION AT 9:31 PM

TOWN BOARD RETURNED TO TOWN BOARD MEETING AT 9:45 PM

NO ACTION WAS TAKEN AT EXECUTIVE SESSION

Motion made to close the meeting: Supervisor Tancredi/S. Eagleton

CARRIED: 6-0

TOWN BOARD MEETING CLOSED AT 9:46 PM

SJM:lkm