

**MINUTES OF COMMITTEE OF THE WHOLE MEETING
HELD ON OCTOBER 8, 2014 AT 7:00 PM AT TOWN HALL,
ONE OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

**PRESENT: Supervisor Tancredi
Councilman Baisley
Councilman Carlos
Councilman Conte
Councilman Cifone
Councilwoman Shershin
Town Attorney Nelson
Town Clerk Salvatore**

ABSENT: Councilman Krakower

- **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 the Town Clerk's Office.**

{ } designates corrections or amendments to

7:00 PM

CALL TO ORDER

SALUTE THE FLAG

Supervisor Tancredi requested to have a Moment of Silence for former Police Officer, Jim McDowell, retired detective, who passed away.

Supervisor Tancredi asked Neil Wilson, Development Director, to open the Discussion.

Neil Wilson: We have been working with the new owners of the former Psychiatric Center property for this year. One of the topics of conversation has to do with the disposition of the many non-historic buildings on the site. This Board has seen conceptual plans for the redevelopment of the site, but all of those plans involved in some way, shape, or form taking down many of the buildings located off the top of the hill. We are talking about buildings that are not on any State, or National Register. The question really is about the timing of the issuance of Demo permits and how and the manner of which the demolition of those buildings would go forward and the critical piece is; the applicants or the owners are, in a matter of weeks or months away of making an application to this Board for the master plan approval that is required under the Hudson Heritage District regulations and once they start that process, SEQRA says they can't touch anything on site. They can't take down trees or buildings, basically it is status quo until they are through the Environmental Review process and they have received their approvals. We could be looking at anywhere from an 18 to 24 month process to get everything done from the time they submit their application to the Town Board and we have some co-ordination that we are going back and forth once again with the Planning Board, which has a recommendation to issue. So, there is time spent on some of the

procedure and then there is a lot of time spent on considering the plans, considering the environmental issues that go along with the plans; traffic, water, sewer and all the normal things that we deal with. In the mean time, under the static SEQRA rules, everything remains as it is on the site while we are working through this master plan process. The owners have been talking with staff about, is there a process that would allow them to commence taking down the buildings, I sort of refer to as the bottom of the hill, basically it is the south end of the site closest to the Home Depot Plaza to the south. They are here tonight and they can talk a little bit more about which of those buildings that we've been talking about. The question is: What is the appropriate mechanism to get this done and in considering pragmatic and interplay of SEQRA with our review process and this band aid that nothing occur on the site, there is a process, I believe, that we could craft and reasonably and legally so, that would allow for the commencement of the overall project review, consideration as a separate item that would be run in tandem with the review of the Master Plan that would allow us to consider the environmental affects of allowing of the demolition of these buildings to proceed while we are actually in the midst of undertaking the review of the Master Plan. So, effectively, and this is sort of a simple idea, they would submit their application with a request for a demolition permit, we would circulate all of the application documents to all of the involved and interested agencies and in particular to the State Historic Preservation Office. As you know, the administrative building, the great lawn in front, that's on the State National Register. The buildings we are talking about are described as contributing buildings. Individually and collectively, they are not on the Register, but a contributing building is a description of a building that is by it's use, in this case, was part of a campus that had a historic and long term use as a psychiatric center and that includes properties on the great lawn, which are actually on the Historic Registry. But, what we would then do would to solicit input from the State Historic Preservation Office, consider the environmental effects separately of issuing the demolition permits and if everybody agrees and it makes sense to do so and it can pass environmental muster, issue a Negative Declaration to allow for the demolition permits to be issued and allow the owners to go and start taking those buildings down while we continue on with the Master Plan process. This is a little unusual, it's a segmented review, segmentation under SEQRA is described as basically taking several pieces of a larger project and considering environmental impact separately and arriving at a conclusion that you don't need an environmental impact statement, well, that's not going to happen. This project is too large. It needs an EIS and we are really talking about allowing for a segmented review and the issuance of permits to take down the buildings that ultimately need to be taken down anyway. They are loaded with asbestos for the most part, they are all going to have to be specially handled. I don't believe, and I haven't seen any of the reports, but my belief is that the buildings themselves and the materials that are in them, including the asbestos will require most of those buildings to be handled specially. In other words, in normal course, in order to issue a building permit on a building that has asbestos in there the owner would have to go in there and do the abatement, show us a report that they've done that, and then we would issue the demo permit to allow them to drop the building. In this case, I don't believe that form of abatement

is going to be possible for most of those buildings. They are going to have to handle those buildings themselves.

Councilman Cifone: There has been fire damage in a couple of those buildings.

Neil Wilson: Yes, some of those need to come down anyway. We could issue demo permits very quickly, but again, they all still contain asbestos and all need special handling, but we are talking about a large number of buildings and so a fair amount of work that because of the movement of vehicles and equipment across the site will also have to have a separate erosion control plan because we are talking maybe a year or two of actual building demolitions. There is a lot that has to be taken down with the special handling and all of that. I think that this is viable. It would pass muster under SEQRA and it would still allow us to meet all of our obligations under SEQRA for the review of the impact of issuing the demo permits and allow that to go first while we continue on with the primary environmental review of the overall Master Plan. So, I am here describing it to you, I don't have any materials, but this is just a concept that I've been working on for the last several weeks.

Supervisor Tancredi: From the Town's point of view, I believe the buildings in question are buildings that, as Neil stated, are full of asbestos and they are more of a hazard than anything else. Our Police Department has had to work for years in the area of security year round on site, trying to keep people out of the various buildings. There is graffiti on them and so, worst case scenario, they get some of the buildings down and don't take all, the best case scenario, the buildings in question are along Route 9 and by Home Depot. They are all down and left with an open field instead of an area that has these buildings on them and a hazard to the community and to the site itself.

Neil Wilson: We've had a lot of people into the buildings pulling scrap metal out, they are all trespassers and it's all illegal. The other advantage, as the Supervisor said, it's not only ultimately ending up with a clean site, no matter what may happen with the overall project, but we are putting people on the ground and putting them in the position so that to discourage illegal entry. The buildings in the area will have to be separately fenced. There are certain provisions that need to be made to keep people away. But, simply taking the buildings down eliminates the attractive nuisance that make them want to go there in the first place.

Councilman Carlos: What we are looking for is to allow the demolitions to go ahead, while the entire process of the application and getting the permit and doing all that, is going on? (Yes) Do they have to be separate, or can they be together like this?

Neil Wilson: The idea is that we receive an application that includes the request for consideration of issuance of demolition permits, but, we start the process of not only reviewing the impacts of a project, but the impact of issuing the demolition permits before we issue any determinations on the overall project. You are kind of starting

them together and then you are allowing the demo portion of it effectively drop out from the rest of the remainder of the review.

Councilman Carlos: So, when, by the way, this makes good sense to do, but when we do that, to give them the demolition permit, does a full form environmental impact thing, not a short form, because there is clearly going to be impact. (Right) So, a full form gets done separate just for the demolition and then another for the rest of what they are going to do?

Neil Wilson: We could do it that way, or we could receive one long form, environmental assessment form, that would cover both.

Councilman Carlos: Which is the simpler, cleaner way to do it?

Neil Wilson: Honestly, I think with the single form, to at least get the process started. At the end of the day, the major project is going to be subject to an environmental impact statement. In other words, we are going to move beyond the environmental assessment form and into---

Councilman Carlos: But, they can't start taking the buildings down until that environmental impact statement is done?

Neil Wilson: That's the point of allowing a segment in environmental review of the impact to allow those buildings to come down first.

Councilman Carlos: Are they going to have a full environmental impact statement on the demolition part? (No)

Neil Wilson: The idea is to allow for the demolition portion of it to drop out before we start the nuts and bolts of the EIS.

Councilman Carlos: We are going to start the demolition before we have a full environmental review? That's not making any sense to me.

Neil Wilson: We are reviewing all of it. We are reviewing the demo permit plus the big project. But, what we start through the environmental assessment form, the long form, and that they have to give that to us as part of their application under the rules, but we separately consider and run a dual track. Looking at the environmental impact of just the demolition permit while we are preparing the scoping document and environmental impact statement on the big project. So it's kind of a dual track and that's where the segmentation comes in. In other words, we are allowing for the segmentation to come in and a separate review of the demo permit.

Councilman Carlos: But, the question is, but the review will be accomplished before they have to start taking those buildings down?

Neil Wilson: Yes, has to be. Any of the impacts to do with the demolition of the building, yes, those all have to be examined.

Supervisor Tancredi: I would think the review on the overall project is going to be much more detailed and much more significant than a review of this demo. Any runoff and any disturbance to the land and how the land is left after the buildings are gone and the rest of the project is going to be massive. You are going to be considering traffic, off site improvement, all that.

Councilman Carlos: It's in the best interest of everybody, neighbors, businesses, everybody up there to have the buildings down and so if we can facilitate that but still protect, not delay or put barriers in the way, facilitated to go forward, but to make sure that we protect the right way, no short cut in it.

Neil Wilson: We have to.

Supervisor Tancredi: The people from Hudson Heritage are here to give us an update as to—they've been doing a lot of work over the past couple of years and certainly over the last few months and I thought it would be good to get an update as to where they've been and what they've done and where they are in the project and so Nick and George, if you want to come up and fill the Board in on the progress you've made and what you are looking at.

Nick Minoia: I'm happy to be back, the last time George and I were here, we gave a broad overview on conceptionally what the Master Plan is for the property again. I am one of the principals of the company that own the property in conjunction with our joint venture partner EFG Enviro Finance Group out of Denver, Colorado, which is the environmental cleanup aspect of who we are as a joint venture. As Neil, said, some of the things I would like to dovetail into Neil's presentation. I thought he did a great job on trying to get a thumb nail on what this has been about for the last several months. I would like to back fill where we've been since we were here last. We've spent the last many months having environmental companies go through each and every building on this property, I believe there are 59 buildings that have been completely gone through by environmental firms to do a site wide and specific building assessment on the lead paint and asbestos in each and every building. There is a full report now on each and every building, which was a monumental task, to say the least, especially considering the condition of a lot of these buildings, some of which were frankly, we couldn't allow people in them because there were unsafe conditions and so they were only able to assess it from afar because of the possibility of the structures collapsing. There are reports on each and every individual building. The magnitude of the asbestos and lead paint, as you can imagine, is extreme. The conservative estimates are that it's about a five million dollar problem just on the asbestos alone. The goal here for us is, again, working in the confines of what we believe is an ability to do a segmented demolition process in conjunction with an outside of a regular SEQRA project, is to accelerate

the program because if it takes us two years to get an approval through SEQRA, it's roughly been estimated that the demolition and asbestos abatement is at least another two years. So, if we can't start that until the end of the SEQRA process, you are looking at four years before we can even begin to have a pad ready, shovel ready development, which could potentially mean we are in a whole different market. Frankly, we could be in a recession by then, given our real estate cycles were, considering we are already in a positive spin for the last year, eighteen months, two years, based on your economical view of the world that four years from now we may be at the tail end of the positive end of the curve and heading for another recession and the last thing any of us what to do is to have to roll back and do nothing at the end of the period of time because there is no market for what we are planning. So, the goal for us is to try to do a simultaneous demolition to essentially save the two years that it would take to demolish it if we work this process sequentially. So, we are trying to do it simultaneously. There is a complete scoping document that has been developed by our firm in conjunction with our joint venture partner, which is going out to bid actually tomorrow, to several national firms that do demolition of this magnitude and of the buildings on the property, essentially 56 of them have been slated for demolition based on what we think are either structurally unsound, in the wrong place, functionally obsolescent or otherwise just not compliant with our master plan. Those estimates are conservatively in the magnitude of \$15 million to demolish and abate the buildings. So, you can imagine the magnitude of what we are talking about, how long it is going to take and what it is we are trying to achieve. What we don't want to do is go through a two year process and find out we have a \$15 million demolition and abatement program and the market has changed on us. So, we need to get to it sooner, rather than later. We are not trying to skirt any of the rules and regulations; we just want to find the best way and shortest distance between the two points. Someone raised the point that the amount of criminal activity here at the site, in spite of the fact that since we bought the property, we've accelerated police activity and we've hired the local police force, probably by the factor of 4 or 5 times what it used to be. We are now paying on the order of 75 hours a week to the police department and still, we just checked the record before this evenings meeting, that 139 incidents were reported at this property in spite of 75 hours a week of police patrols. Six people have been arrested, people have been injured. There are people living in these buildings, it is just uncontrollable. You can imagine what 59 buildings are, there is approximately one million and half square feet here and it's almost impossible to control and manage it. There are scrappers now tearing at the soffits and gutters and flashings in the roofs and it's just a mini disaster. So, the sooner we get to take these buildings down, the better off everyone is going to be. The worst case, I think Todd kind of made the point, the worst thing that happens is somehow we implode, but some how we implode and only take down two buildings, you are two buildings ahead of the game, the way we look at it. So, every time we advance the concept to another level, and clean up the site and make it shovel ready for development, we are that much further ahead of the game. So, the goal for us, is to not eliminate the process, just to short cycle it so that at the end of the day, maybe the entire process is two years during the SEQRA process and the demolition and so

that when we get done with the approvals, hopefully, we have a project that is ready for development and that in short, is really the goal and objective of what we are trying to craft for all the months we've been working behind the scenes to do the environmental assessment and of course, in the meantime, we've qualified for the Brownfield clean up program under the State program at the northern part of the property and so that work is on going as well. There are a lot of things going on behind the scenes, but we are at the point now we are just about ready to file the application and we ask that you consider the segmentation of the demolition so that we work simultaneously to do that.

Supervisor Tancredi: Now, what we are talking about, specifically, how many buildings are in the area that we are focused on for tonight's purpose?

Nick Minoia: We have an exhibit that George will put up and we will go through it. It's an as built of the property and we can show you specifically what we are referring to. (An aerial view of the property was displayed, and various buildings were pointed out.)

Councilman Conte: The ones aren't on the register, is it because of their condition, or because of their age? Will they become historical buildings if you did leave some of those houses up?

Nick Minoia: No, we don't think so. We've actually walked the site with SHPO in the spring and he hadn't been there in at least 10 years and he was shocked at the amount of decay. He did say though, everything in the southern portion, he really didn't even want to look at it. We actually drove up to the Admin Building and we did walk and drive the entire northern area. He wanted to put an eye on all the buildings within the State register and he wanted to see how what condition they were in and he was floored to see the conditions they were in. All of the buildings to the south, frankly he wasn't even interested in going down there to look at them.

George (Last name not given) They will go into the report and they will be documented and we photographed all of the buildings already for SHPO purposes. (State Historic Preservation Office, under Parks and Recreation). The only building on the National Register is the Admin Building. And that building, the portion that is still standing, which we believe is structurally sound, is slated to be saved under our plan. We are talking to and hired a company that does hospitality reporting and they did an analysis to determine the demand for hotels in the area and they are doing a study as to whether or not there is enough demand to not only restore the Admin Building into a hotel and conference center, but to additionally add additional hotel rooms in some other new construction. We have had a couple of hotel operators look at the building and no one has committed to it yet, but they have looked at it.

DISCUSSION CONTINUED CONCERNING ASBESTOS CONTAMINATION.

**Councilwoman Shershin: What firm did you use to do the survey of the buildings?
(Quest)**

Supervisor Tancredi stated that he was impressed with the amount of investment already made in this project.

10:08-COW02 DISCUSSION

Potential Code Amendments

- A. Building And Zoning Fees**
- B. Heavy Industrial And Light Industrial Districts – Add “Office” As Permitted Use**
- C. Heating Contractor Testing – Allow Fire Inspector to Designate Exam**

BUILDING AND ZONING FEES

Neil Wilson: One of the things that has come up a couple of times in the past several years and I’m going to flip to page 2. We’ve had an occasion where Building Permits have expired and had applicants come back to this Board asking for relief from having to pay, in total, a brand new Building Permit Fee and this Board has generally given relief, either in total or in part, but one of the things I’ve been talking with Tim Sickles, Building Inspector, about is putting something in our fee schedule that basically takes care of it and that’s primarily what you are seeing on page 2 under Chapter 68, Building Construction. The new language is the underlying text and it starts very simply at the very top where it says new one and two family homes, the existing fee is \$100 + \$0.40 cents per square foot and then the new language immediately under it is Renewal of a permit for a new one or two family home and additions \$100 plus \$0.20 per square foot. (The entire Chapter 105 Fees is attached to final book copy) The issues for renewal of permits tend not to be about commercial. The commercial developers once they start, they want to move, they want to get in the ground and they want to finish. Where we tend to see the problem is on the residential end.

Supervisor Tancredi: This is something for the Board to consider and think about. If you have questions, we can do something or we don’t do anything, but it was something that as Neil said, he and the Building Inspector discussed. Look it over and read it, if you think it makes sense, send your comments in and we can take it up when and if we want to.

Neil Wilson: Just one thing, on Page 8, I just want to bring it to your attention, we have a new Tree Preservation Local Law. I added a fee of \$250 for the application, which I think is fair and reasonable. Also, Page 8 just above Chapter 187, you see a line “Recreation Fees in lieu of land: \$5,000 per lot or \$5,000 per dwelling unit, whichever is greater.” This section is pertinent to Chapter 177 of our sub-division

law and this has actually been in our Code for quite a while. But, this applies for projects where there is a sub-division of land. We do have projects that come in actually under Chapter 210 and if you flip the page to page 9 where they receive a site plan review and approval only, typically apartment complexes and things like that where there is no subdivision of land, we don't presently had a similar language in the Code. There is language in our Zoning Code that essentially directs any calculation of a recreation fee would come back before this Board. I thought it more expedient to just copy the language for the recreation fee from the subdivision section and insert it in the Zoning and that way it is clear to what exactly the fee is. It eliminates any questions and haggling and things like that. People want certainty and if we have any vagueness in our codes, we should try and clean them up. Now there may be, whenever there are fees that are modified, they are either done directly by the Town Board, and my only concern is the Code Sections that I deal with, which is Zoning, Building and Sub Divisions regulations which I am responsible for, but there may be other Code sections for which this Board may want to consider amending fees, etc. I think the approval of the amended fee schedule could be done by Resolution. My recollection was that when we updated the fees a couple of years ago, we have to double check that. I don't think it necessarily requires a Local Law. I think we just do it by Resolution. If you want to do this next week, we could. If any one has any items.

Councilman Carlos: Would it be good to send something to each department?

Supervisor Tancredi: At the end of the day, we want to get something accomplished, I would rather take a lot of small bits rather, otherwise you will never get anything accomplished. At the end of the day, additionally I would like to remind everyone, when you are talking about fees, keep in mind who is paying them and...

Town Clerk Salvatore: My thing is though, it's always cheaper, I think with General Code, if you change one chapter, you do the whole chapter instead of going back.

Supervisor Tancredi: That's true, too. I would agree with that. I just think we have to be careful and cautious. Especially in some of these instances where there might be discrepancy to get those done right away and so we alleviate those issues.

B. Heavy Industrial And Light Industrial Districts – Add “Office” As Permitted Use

Neil Wilson: It was pointed out to me recently that we are heavy in our light industrial zones and somehow or another, we managed not to allow “Office” as a use. It seems to me that maybe we ought to correct that. So, what I would like to do is to give you an amendment to set a public hearing and I will give that to you very quickly next week and we can get that cleaned up. I've had a number of individuals

who have come in looking for space in our Industrial Zones and it was pointed out to me that we don't allow "office". Ok, I think we can take care of that.

C. Heating Contractor Testing – Allow Fire Inspector to designate Exam

Then C. I would like to give the Board an amendment. This actually has to do with the testing that we do for heating contractors. Historically, the test has actually been one that has been administered directly by the Department. We are moving toward on-line testing. There are a number of testing companies and this happens to be one of them and the language of the Code right now talks about the Fire Inspector administering test. I would like to give you a code amendment that would allow for the Fire Inspector to designate which test would be given or had to be taken.

Councilwoman Shershin: While these are on-line tests, they are also done at a testing site. They will have to go to an actual control testing site. It's not something they can do in their own home. So, you actually have to register.

Councilman Carlos: So, it's not an open book test?

Councilwoman Shershin: No, and it's not like the classes my son took with his girlfriend sitting next to him google-ing all the answers. He did very well. BUT---

Supervisor Tancredi: Currently, for a heating contractor do we require a license? (Yes)

Councilwoman Shershin: This is the test we talked about, it's a one page, 10 question and we don't charge for it.

Neil Wilson: It's the same test everybody gets year, to year, to year, so—

Councilwoman Shershin: Well, I think there is like three of them and they rotate. Eventually these guys hit enough, you can fail them and come back the next day and take it again. Eventually, they hit enough of them and they figure them out.

Councilman Cifone: Does the Plumbing Board ever do the same thing?

Councilwoman Shershin: The Plumbing Board is working on now moving from, that has actually become another problem, too. The people that did have the test, came and did it three times a year, don't want to come unless we have a certain number of applicants and right now we only have two and they say "No" we don't want to come here and they want us to come to White Plains instead. This way, with the company they are looking to going with, it's open all day, every day of the week, on weekends and once they get approval to go take the test, they can take it at their leisure in White Plains or Albany. But, once you pass the test, you don't have to

take it again and so it's a one time. Also, it's going to save the applicants money because currently now, we have to charge for whomever comes in and takes the test, they bring a proctor with them and part of the fee we charge is the cost of the proctor. So, this way it will be less expensive to the applicant, too, because they just have to pay for the test.

10:08-COW03 DISCUSSION

Hillis Terrace

Councilman Carlos: Did we give copies out for people in the audience?

Town Clerk Salvatore: I was given twelve, so no. But, I have one or two, I can share.

Councilman Carlos: My fellow Town Board Members would remember, in July, Mr. Daw is a constituent of mine who lives on Hillis Terrace and he had some questions with respect to the Town and our ability to deal with water in that area that led to a series of meetings and discussions and my request to our engineering, and I have to compliment Don Beers and Sean, they did this work, which is very good work in a short period of time. In between the things they had to do for the rest of the Town. What I found out is that the municipality, we can not use taxpayer dollars to solve a problem on a piece of property that belongs to an individual. We can't do that. There is no way around that, that's just simply the facts. So, I committed to Mr. Daw that I would give him an answer and I asked our people to help me with the answer. What they came up with is what you are looking at. I'm on infrastructure and being on infrastructure I understand that we do have a Town-wide drainage district. We have in the past, and I don't know how many years ago, used that to do projects in the Town and that would be a separate conversation and discussion amongst all of us not to do with this particular project. This particular project, when I first went into Engineering and spoke about it, they started to tell me about the end of Brookland Farms Road, where the pond is, over on Country Club property and the people in those houses move out when there is going to be a heavy rain storm because it gets 6 to 8 feet deep. That is just over a ridge line. If you look at the map, these double lines that you see that run through, that's the Central Hudson right of way. There are power lines there. There is also a very big ridge line that runs just almost on the second line, straight through. Hillis Terrace, which is the circular area, this is like a big bowl, there is a ridge line to the south and a ridge line to the north. With Brookland Farms, there is a ridge line that runs right through "here." So, there are two bowls that collect water, the one up on Hillis Terrace and unfortunately Mr. Daws house is right at the bottom of that, and the one down here. When Engineering looked at this, they looked at it in a way of "Could we come up with a plan, where we could deal with solving the problem for more people in that whole area?" So, the areas that you see darkened, we are going to call those benefit units. Let me explain to you how this works. Can you see the arrow thing I'm using? (Yes) Right now, in Hillis Terrace, we have catch basins and they only hold as much water as they are big and after that the water flows out of them (they are drywells). Right down here is between two pieces of property. It's a

flat area. At least one of the people who lives in this area, have an old pump system where they pump the water from their yard and they have a 4 ft. deep pond up here over the ridge line where the power lines are. This right here, remember when they were doing Dunkin Donuts on South Road under the parking lot were those orange hut things? They do a base of gravel. They put these on and fill it full of gravel and they seed and have a lawn above it that can save and store thousands of gallons of water and allow it to seep into the ground. So, that would be the first part of this project. When that fills up, it has to be pumped, there is no other way to get water out and so this line that you see coming up Hillis Terrace and making this turn to the left, is the pump, this will be a four inch force main. Again, for the project to go forward, we need to get easements from these two property holders. This is estimated right now at 120 ft. by 80 ft.. Until such time that they actually do the study, if this is to go forward, we don't know if it may have to be 200 feet. But, at least it will be the start of the problem. Now, another easement, right through here, and up over the ridge line to here (pointing to a map). The water gets pumped, if this fills up, and they tell me in a one, two or three year storm, it wouldn't fill up, but if it fills up, if we have that hurricane or whatever, the pump system comes on and it pumps a 300 gallons a minute up to here. Then gravity fed down to the pond. Well, that's not going to make too many of these people here very happy, if pumping 300 gallons a minute from the top and so the idea is, again with an easement, to come into the pond, enlarge it if necessary to create the storage level, and again, force pump it up a main to this point where it goes into a natural stream. So, what the plan is, based on what they came up with, it's a lot of work, it solves the drainage problem for people and all the colored properties on the map. The top part of Hillis Terrace and down into the middle, that's going downhill and so water flows downhill and those houses may or may not have a problem. So, the idea is to create a drainage district for this area. Let the drainage district deal with this and share the costs. What has been explained to me by Counsel and by Neil, and other resources in Town, that's the only way this can be done. The Board may have knowledge, because you've been here a long time, I don't, that we've done things like this in the past and in different areas using the town wide drainage system.

Supervisor Tancredi: We've done, or attempted to do, I don't think it's ever been approved anywhere, sewer districts under the same philosophy. The public gets an opportunity--we spell out all the costs, give the residents being served by the district, an idea of what the costs are and they can actually come and vote and if the majority of them vote to move forward, we create the district and they are billed on an annual basis for 20 or 30 years.

Councilman Carlos: I don't know if you can see this. It's also in your handouts. This is an estimate. It is listing the costs. These are all estimates and without any kind of drilling down to determine how deep the clay is, this is the cost of the easement, those two houses on Hillis Terrace. We have to pay those people to use their property to build this storage place. The easement up over the hill. The force pumps. All of the costs come up into this. This is the chart they gave. It comes down to this. Based on what they show me and tell me, there will be 39 benefit

units, 39 houses would be helped by this. The total estimated cost of that project would be 1.170, almost 1.2 million dollars. The items below it are the estimates based on a 3% bond at 20 years and a 3% bond at 30 years. If you look right here, at 39 benefit units, it is approximately \$1,518 a year.

Supervisor Tancredi: Now, those benefit units, is that just ---

Councilman Carlos: Let me go back to the thought, then we have to talk, Mr. Daw and the people up there have to understand what has to happen. The dark shaded areas are all units in the benefit district. The grey and the black. There is no mechanism for us to do this and so it would have to be those individuals. Mr. Daw and his neighbors involved. The lady in the house at the bottom who's husband passed away and she has the pumps, they would have to get a petition and the petition would have to be the normal legal kind of petition with notarized signatures on it of those people. So, there are 39 units. If you get more than half, we can have a vote. I would suggest that you go into at least two thirds of those houses saying, "Yes, we could have a vote to see whether or not the district would survive". Until that happens and it comes to us officially, we can't do anything with this. We don't have the ability to spend the money to do this benefit without there being a District.

Supervisor Tancredi: I was just thinking about it, you know what we did, it wasn't a drainage, but something was done on a similar mind frame is the Carriage Hill Bridge and that was twelve years ago. The residents in Carriage Hill were benefiting from a reconstruction of the covered bridge and so they actually had the vote, a similar process, and the majority said "Yes, we are willing to pay X number of dollars for X number of years", and they voted to approve that project and they have been for the last twelve years receiving that fee on their tax bill.

Councilman Carlos: Mr. Daws, I told you I would get back to you on behalf of the Town. This is the solution the Town, as a government entity can do. I asked the question, "Let's suppose that there is a property at the bottom of this bowl and has a lot of water in it and he has his own pumps or his own contractor do something for that? Then with permission from the Board can be allowed to, or, I think the Highway Superintendent can give you permission to attach to the dry well to the scene so the water could then be pumped into the system.

Mr. Daw: Thank you. I had several conversations with different people in the Town about this, including the Highway Superintendent, Mr. Pfeifer, and my problem is two-fold. We need a way to collect the water that is coming down the streets in this area. There are a lot of benefit units here covering several streets and I also need a way to get rid of the water that collects on my property that has no place to go.

Councilman Carlos: Mr. Daws, the same rule would apply to you as to any other person. You make an application to the Highway Superintendent and he grants you permission to have your pump, say in the back yard, connect to the system so that

you would pump the water out of your property, as any one of these people could do, and into the system. That's all they can do, they can't put something on your property, build or any of that, but you would be allowed to attach to the system. The system from your house down to the infiltration (the pink thing on the map), that's downhill from you so your water would go out to the street to the Town drainage which would be connected, so the water coming down the hill from either side on the highway would go into this infiltration point.

Mr. Daw: I understand. Would, my connection be above ground, or below ground?

Councilman Carlos: I don't know, I'm not an engineer. I am assuming all this work would be underground and so you would have to get permission to do that. Any of the people could do that, not just solely you. So, I think the man at the bottom of Brookland Farms, these three, four or five houses down here, would have to leave their houses, because of the amount of water. I've lived in this town 30 years and worked since 1974 in the Town and I never knew it got that bad at the end of that street. This is the plan and the only way the government can help in a situation like this and it is actually responding to those people. So, I would suggest, that you and whoever else, just circulate the petition, bring it back and submit it to the Supervisor of the Town.

Mr. Daw: I've lost use of my home for up to five weeks at a time.

Supervisor Tancredi: I think, even before you do that, if you want to circulate a petition, I think the wording on this petition needs to be pretty exact and accurate, otherwise someone could challenge it and so if you think you want to start circulating it, let Councilman Carlos know and he can work with our Attorney to help with that wording. I know, just from past experience, the wording has to be pretty accurate.

Mr. Daw: Before we even go there, I think we need a public forum to discuss this and invite the people in these benefit properties to that meeting. A lot of them don't even realize there is a problem because they are on the high end.

Supervisor Tancredi: Well, then for them, there is not a problem.

Councilman Conte: Right, they are not going to want to pay into it.

Mr. Daw: I think that will be the response from the majority of these property owners because their water is going into my yard and other people's yards and they are happy. They don't see it as a problem. You're not going to get 39 people to sign up for this. I don't think you're going to get half of that.

Supervisor Tancredi: You would need a majority. You have to have machines and an official voting.

Mr. Daw: But, we need to have someone call these people together and explain this to them.

Councilman Carlos: I don't think we can do that.

Councilman Baisley: You, as a Councilman can do that.

Councilman Carlos: I could call a meeting? (Yes) If I can call a meeting, then I would gladly call a meeting.

Supervisor Tancredi: It wouldn't be a formal Town Board Meeting, you would circulate a flyer and meet at the Red Oaks Mill Firehouse or someplace like that and if they are interested, they will come out.

Councilman Carlos: Ok, If that's the first step, I'll gladly do that.

DISCUSSION CONTINUED FOR OVER TEN MINUTES

Mr. Daw was not receptive to the idea of creating a Drainage District, due to the cost.

Mr. Daw expressed that he felt this was an exercise in futility to try to get even 51% to subscribe and pay additional taxes.

The Board left it at, you have to start somewhere and so put out flyers and have a meeting. The Town, by law, is not able to do anything on the private properties to help the problem.

Town Attorney Nelson: I am Jim Nelson, Town Attorney, and what Mr. Carlos said about the idea of a public entity spending money to benefit a homeowner is something which bumps up against actually a State Constitutional Prohibition against making gifts of public property to individuals. With that said, I've listened to the questions that each of them have asked and I've got notes to discuss with Mr. Carlos after the meeting, but the idea of a Town going in and spending public money for the benefit of a sole homeowner is something which is very problematic. So, it appears to me what is going on here, is people are exploring ways to relieve this problem and to do it in a way that is proper. It may take a little work, it's already taken a lot of work to get this proposal, which Mr. Carlos just presented to you, and so, I think this is the point to start from. He and I are going to discuss this and it appears to me that he is committed to trying to seek a solution and it may take some adjustment before one can be reached.

Mr. Daw stated that he has never had any Town storm drainage, as opposed to the rest of the Town, in front of their properties that would take the water out. He never had that storm drain and property drainage and he has been paying for it for 36 years. He states he is only asking for what every one else in the town has that is

already built into their tax base, drainage. He said he never had any. He is paying the same taxes as everyone else in the Town of Poughkeepsie who have drainage in front of their homes. The former owner didn't have the drainage either. He felt he should not pay for something that everyone else has and he doesn't.

Supervisor Tancredi stated that not everyone has drainage, there are a number of other properties in the Town that do not have drainage either, however, he sympathizes with Mr. Daw's problem. He suggested again to get with Councilman Carlos and start with a petition.

Supervisor Tancredi now asked for public comments on Town issues.

Doreen Tignanelli: I would just like to comment on the Hudson Heritage Project. I doubt that the majority of the Board will agree with me, but I just have to say it. Mr. Wilson tried to package this up all very nice and neat, but the bottom line is, it's segmentation under the State Environmental Equality Review Act and to me this appears to be a way to skirt the rules and regulations of the State and Town by allowing demolition or tree removal before the SEQR process is complete.

Joe Armstrong: Also Hudson Heritage, I've come to a few meetings and constantly hear people come in with their private little problems that need a little more footage here and there. There are rules and regulations set down in place and I just think there are too many times that we try to get around these rules. They are put in there for a reason and what happens if we give this outfit the right to go and do a few buildings, now it's 53 of 59 to knock down, whatever. But, what happens if we give them this right and they do this and that and they don't get the right to do this with this SEQR? They may need to come down, I understand that, but to try and circumvent these rules---

Supervisor Tancredi: I agree, sometimes we have rules in place, and the reason we put rules in place, is for the good of the community, generally speaking, right? When you have something, what is the point in being so hard fast, I don't think anyone can make an argument that it's not better for the community as a whole if these buildings are gone and I asked myself the question, let's suppose they tear these three buildings down, which are huge structures and they go belly up or like the last firm, the economy stinks and they walk away. We don't have three big asbestos filled buildings in the Town of Poughkeepsie any more, we have vacant land---

Joe Armstrong: And if they go belly up after they knock them down and before they clean up, who's got the task of making it right? True, they should have been done a long time ago, but, is there anyway to get this outfit that has the right for the ruling they want to push this project along the way it should be pushed along?

Supervisor Tancredi; The whole project is just a massive project it just takes so long.

Joe Armstrong: Ok, the other subject, this is nothing more than the houses should never have been built there, whether who is at fault for it, who knows, that's a long way back and now you are asking the rest of us to pay a \$1,000 or whatever, a year, for two, three or four houses. I'm going to tell you, we are going to have to pay for the people you are going to get a right of way through to dump this water.

Councilman Carlos: You don't have any problem with drainage on your property there? (No) So, then you vote No. (Mr. Armstrong assured him he would come and vote No.) I'm sure there are many times we have to do something that will impact people that don't want it.

County Legislator, Richard Perkins: The last time I was here, I don't think I was a Legislator. Before I get to what I came for, I just want to mention, try the Cooperative Extension, I was out there for a course a couple of years ago and what they talked about was the potential that if you've had floods and you have a FEMA record, there is grant money available to buy those homes out from under those people, return them to swamps so they can actually be the place where water collects.

Councilman Carlos: We already went through this, and there is no FEMA history.

Mr. Perkins: And as far as the demolition, you might just want to just ask the property owner to put up a bond that would be returned to them at the end of the day. From my view, I'm hoping that the old railroad beds are utilized to connect to the County and Railroad bridge because they go right to the border of Hyde Park and from there hopefully someone in Hyde Park could take over and do something. But, what I came tonight to enlighten you folks about is that there are three resolutions that went through various committees tonight and those resolutions are aimed at 503 Haight Avenue and that is where the County has their IT super structure so that all the information systems network out from there and the County is looking at purchasing the building and I just thought you people should know. It will be a little bit loss of tax revenue for you, but they present a very good argument on the County's side as far as it being a cost saver and so they are anticipating that it will actually reduce the cost even with the current bonding structure they have set up on an annual basis and I'm pretty sure it's going to go through. On a personal note, since I've been in the Legislature, I've watched them demolish the Nelson House and we passed to demolish the building out in Millbrook and part of their view of this project is that they are going to use some of the current workers and work force to take care of the building and I'm kind of looking at it as, wait a second, we are tearing things down that we didn't take care of, but we are going to pull some of that workforce out to take care of another building, and so, personally, I'm not happy with it. I'm not necessarily as opposed as I was to moving the Jail, it could be beneficial for the County, and detrimental to you.

Supervisor Tancredi; I appreciate the information. I became aware of it a few weeks back. Our Assessor actually came across it somewhere and this building, between Main Street and the Arterial near Catskill Office Supply and an Auto Zone, it's a big brick building that sits behind that. It's assessed at 1.4 million on our assessment rolls, and Rich is right, it may be a cost savings to the County, but the impact, that cost savings will be spread over the entire County and the impact to the Town of Poughkeepsie and the Arlington Fire District and a school district, it becomes a more significant impact for those tax payers. So, we certainly aren't in favor of more tax free parcels in Arlington or in the Town. So, we appreciate the information and I don't know, I guess it's pretty much a "done deal".

DISCUSSION OF THIS MATTER CONTINUED FOR SEVERAL MINUTES MORE

COMMITTEE REPORTS

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| 1. FINANCE | Councilman Baisley: Started going over the Budget and will be meeting with Department Heads. |
| 2. FIRE ADVISORY | Councilman Conte: No Report |
| 3. GOVERNMENT OPERATIONS | Councilwoman Shershin: No Report |
| 4. LAND USE & PLANNING | Councilman Cifone: No Report |
| 5. PERSONNEL | Councilman Cifone: No Report |
| 6. RECREATION | Councilman Baisley: Next Tuesday the 14th at 1:00 will be one year anniversary for the Senior Center and at 1:00 they are having a cake to celebrate. Also, Tilcon field is just about finished and it looks nice. |
| 7. SENIOR CITIZENS | Councilman Baisley: Reported above. |
| 8. TECHNOLOGY & EQUIPMENT | Councilman Carlos: No Report |
| 9. WATER, SEWER, HIGHWAY | Councilman Carlos: Presentation prior |

Councilman Cifone complimented Councilman Carlos on the presentation made and work he did to bring it to the meeting and he wanted to thank him for it.

Motion made to close the Meeting: Supervisor Tancredi/Councilman Carlos

CARRIED: 6-0

MEETING CLOSED AT 8:42 PM