

**MINUTES OF REGULAR TOWN BOARD MEETING
HELD ON OCTOBER 1, 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
Councilman Krakower
Councilwoman Shershin
Town Attorney Odierna
Town Clerk Salvatore

- **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: By law, I was required to give the Supervisor's Budget to the Town Clerk yesterday by 3 PM and I did that and now she's giving it to the Town Board and so we are going to have a brief overview of the Supervisor's Budget and from here it will go to the Finance Committee and they will have a month or month and a half to look it and make any changes they feel are warranted and then it will come back to the Town Board for final approval and so I would like to ask Mr. Wojtowicz, our Comptroller, to set up and we will give you an overview of the Supervisor's Budget.

Town Comptroller Wojtowicz: I've got about 8 or 9 slides and as the Supervisor mentioned, we will briefly bring you through this. I would like to welcome Mr. Bill Carlos here for your first year in Office and we welcome you and look forward to your participating, I know you will have some good things to add and after this it goes to Stephan Krakower and the Finance Committee. Our first slide is basically the twelve tax levies that this Board controls. It starts with our General (Fund "A"). Part Town B, our largest Fund of the Town, and Highway Fund. Those three funds make up our tax levy that people see on their tax bill. This year, the tentative budget is coming in at 1.197% on the top three. The twelve levies, the one that counts toward the Governor's 2% tax cap, on the bottom there where you see the 1.33%, that is before we apply our carry forward from last year and the cap this

year is 1.56%. This tentative budget is under the Governor's tax cap starting at 1.33. The tax levy that most people will see, based on this budget, is a 1.197%.

Supervisor Tancredi: The Tax Increase that people are going to see Jim is 1.978%.

Jim Wojtowicz: That is correct. Those top three numbers, "2014 adopted a 22 million 188. The tentative budget, before the Finance Committee gets it, is 22,628 that represent a 1.98% increase, rounded. Now I'm going to take you through a couple of quick numbers. The Assessor is here tonight and if we have any questions, we appreciate her being here and supporting this. We have our taxable assessed evaluations. B. is the 2014 ratio that was adopted in July of this year. This basically determines how much goes to the Homestead and how much goes to the Commercial. Then we allocate out the tax levy. We have our tax rates. Again, just tentative. On the bottom is some interesting information there. Based on the values, the Homestead values are down by 4.92% in the Town of Poughkeepsie. Its \$120 million and commercial values are down by \$26 million or 2.1%. So, basically, what this is saying, although the tax rate is increased, the values of the properties have dropped by 4.92%.

Supervisor Tancredi: The assessed value is simply a function of the market, the economy, the Assessor's judgment that Town wide the average decrease in the home values as Jim said, is around 4.92% and then Commercial is 2.1% and so that is a function of the market and economy and all those kind of things.

Jim Wojtowicz: So, the next line, all I do here is make a comparison to last year based on that 4.92% decrease most folks will see and the house is valued at \$240 last year, this year it's valued at \$228 and change. Multiply that to last year, that person with a \$240,000 home with a rate of 4.6 dollars per \$1,000 of assessed value would pay Town taxes of \$1104. This year, that same homeowner, his value is down by \$12,000 multiplied by the rate, that taxpayer in that home would pay an additional \$31.00 this year. Again, there are two factors that affect it, the rate and the value dropping. This is the sheet that's off the comptroller's website. The next chart shows that based on these numbers we are \$397,290 ahead of where we're going to be for that 2% cap. Again, this takes into account the carry forward from last year and so. We have to look at two years in advance to see where we want to be. So, we are 397,200 going forward based on these numbers. The next slide I want to show is this is Dutchess County and it is called the quantity change factor. This is part of the 2% tax cap. What it is basically saying is, the Town of Poughkeepsie is 1.0029. This basically says, this is new growth or significant additions to existing properties. So, the Governor says, "Anything that is built new in the Town, I'm not going to hold that against your tax cap." So, I thought it would be interesting to see how we compare with other municipalities. We are at .29%, that's new construction.

Supervisor Tancredi: I just want to thank the Comptroller for his hard work over the last few months. The challenge of the economy continues, in fact, the Town of Poughkeepsie like it does, every municipality and business and property owner.

Some of the changes that we made in the proposed 2015 Budget are actual levy increases at 1.98 %. We are under the Cap. I would just say, I think this year there is a new plan that the Governor has put forward and basically I want to encourage the County and School Districts to also be under the cap because my understanding of the proposals is that if that happens, the residents actually get a rebate of the amount of the increase and so I think that's something everybody needs. It may not be much, but assuming everyone is under the cap, that will happen. Budget increases for this year are: We have a collective bargaining agreement in place with our PBA and that's reflected in the Budget. We have a tentative agreement with CSEA that actually needs to be ratified by the Town Board tonight. Their increase is also reflected in the Budget. Non-union and Management is getting a 1% increase that is reflected in this Budget and I've also included Elected Officials at a 1% increase in the Budget, including the Town Board, which I think is important. I think it is important to make sure our elected positions stay as attractive as possible and people need to be compensated for, I believe, for what they do. Some highlights: The insurance is always a challenge as it is with every person individually and the Municipality is no different. This year we are increasing our Health Insurance and estimating a 10% across the board increase. Insurances, the timing is always difficult for the Town of Poughkeepsie and many municipalities. We don't get hard numbers until typically after the Budget is done, but we can foresee and we know there is going to be an increase and so we are predicting a 10% increase in insurance. Workman's Comp is a bit of a surprise this year, if you can remember, last year we joined the County Consortium and had an increase, and this year our Workman's Comp we were notified that it was going up 45% and so we are actually, I spoke with the County folks, we are going to "shop it", if we can do better, we will, but that 45% increase is reflected in the Budget as well. Then Liability, we put a 5% increase and we think that will hold up. Our water rates remain flat at \$2 per unit, which is 748 gallons. There is a change in the sewer rates. We are going up slowly in the sewer rates. It still makes us very attractive compared to the municipalities around us, but, we have some work we need to do in terms of pipes. DEC is encouraging us to do some TVing and pipe repairs, etc. and that is going to cost some money and so we are increasing our Sewer rate and actually reducing the amount that people see on their taxes. Right now sewers are billed through the tax and their usage and we would like to get to the point where it is all usage. We think that that would be more fair and equitable. There is a slight increase on the usage side. New York State Retirement was basically flat this year, which was good news, because last year we saw a sharp increase. We are told that next year it should decline, but our retirement is basically flat this year and one other significant change I made to the Budget is our Mortgage Tax Receivables. One of the Town's big revenue streams. If you buy a home in the Town of Poughkeepsie or Refinance, the Town gets a piece of the action. We get a Mortgage Tax and in 2008, that figure was around 2.3 million for 2014 that figure is at 800,000 and we are not going to make 800,000 and so I am reducing that another 50,000 in this year's budget and so our Mortgage Tax Receivable is going to be reduced again and we are reducing it to 750,000 and over the span of eight years it has gone from

approximately 2.3 million to 750,000. That's fairly significant, but, again, due to the economy, we think it's warranted and so those are the major changes that we made. We are under the cap, which I'm pleased with. The rates at this point are below 2% and the Finance Committee can do their thing and if any of you want to look at the Budget and if you have any ideas, we are all ears and all in this together and we're working hard to make sure we have as cost effective and efficient government as possible. I think we've made good strides over the years we continue to work hard at it.

Ok, thank you Jim for your hard work on this. We will now go directly to the Public Hearings. We have a few of them. The first one is our Special Districts Budget. It is an annual event, we have to, by law, hold our Special District Budgets hearing. We have to notify residents that it is taking place. There are not significant changes typically year to year and this year is no different. I would like to make a motion to suspend the rules for Public Comments.

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi.**

Nays: None

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

Motion made to close Public Hearing #1: Supervisor Tancredi/M. Cifone

CARRIED: 7-0

10:01:01 PUBLIC HEARING

Special Districts Budgets – 2015

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 1st day of October, 2014 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overcker Road, Poughkeepsie, NY, does hereby adopt the Special District Budgets as presented for 2015, pursuant to the attached documentation; and

BE IT FURTHER ENACTED, that the Legal Notice of Public Hearing was posted on September 18, 2014 and published in the Poughkeepsie Journal on September 22, 2014.

SO MOVED: J. Baisley/W. Carlos

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi.**

Nays: None

CARRIED: 7-0

SPECIAL DISTRICT BUDGET ATTACHED TO FINAL BOOK COPY

Motion made to open Public Hearing #2: Supervisor Tancredi/J. Conte

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

Motion made to close the Public Hearing #2: Supervisor Tancredi/J. Conte

CARRIED: 7-0

10:01-02 PUBLIC HEARING

**Town Code Amendment - Tree
Preservation Law**

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 1st day of October, 2014 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town Code by adding a new section known as Chapter 187 entitled "Tree Preservation", 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 a Type I Action; 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 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 the Legal Notice of Public Hearing was posted on September 18, 2014 and published in the Poughkeepsie Journal on September 22, 2014; 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 said local law shall take effect immediately upon filing with the Secretary of State.

SO MOVED: W. Carlos/J. Conte

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

Nays: None

CARRIED: 7-0

AMENDMENTS ATTACHED TO FINAL BOOK COPY

Motion made to open Public Hearing #3: Supervisor Tancredi/J. Conte

CARRIED: 7-0

Doreen Tignanelli: My only comment on this law and it would apply to the previous law, is if these laws are in place and they are to protect the Town residents, then enforcement is going to be key and so it's not enough just to have the law in place, it really needs to be enforced, so, I hope if the residents do have a problem and it is brought to the Town's attention, these two new laws will be enforced.

Motion made to close the Public Hearing: Supervisor Tancredi/J. Conte

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

Nays: None

CARRIED: 7-0

Motion made to close Pubic Hearing #3: Supervisor Tancredi/J. Conte

CARRIED: 7-0

10:01-03 PUBLIC HEARING

Town Code Amendment – Noise Law

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, Pursuant to a public hearing held on the 1st day of October, 2014 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overcker Road, Poughkeepsie, NY, does hereby amend Chapter 139, entitled "Noise", specifically the amendment to Section 139-4, "Unlawful Noises", 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 a Type II Action; 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 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 the Legal Notice of Public Hearing was posted on September 18, 2014 and published in the Poughkeepsie Journal on September 22, 2014; 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 said local law shall take effect immediately upon filing with the Secretary of State.

SO MOVED: J. Conte/W. Carlos

Supervisor Tancredi: This law basically will restrict the operation of heavy equipment on Saturdays to between 10 AM and 6 PM and on Holidays and Sundays, to prohibit altogether, which is a slight change in our noise ordinance.

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

Nays: None

CARRIED: 7-0

ORDINANCE ATTACHED TO FINAL BOOK COPY

Motion made to open Public Hearing #4. Supervisor Tancredi/J. Conte

Supervisor Tancredi: We have the applicant present and he will make, hopefully, a brief presentation and then we will take questions and open it up to comment.

Kelly Libolt with Page Park Associates: I just wanted to take a minute to really go through this project because there has been significant time that has been spent with

your Board, the Planning Board, the consultants and the applicant etc. and we really haven't really explained the project from the beginning to the end to you and so I will be very quick and fast forward the last few months. This is a 151 unit, market rate apartment project. We applied back in February to this Board for the PROD designation for sight plan approval and for a land contour approval permit. This Board, if you will recall, deferred this action over to the Planning Board for the SEQRA Review in February of this year. The Planning Board then went through their SEQRA review of the project. They had Public Hearings and spent significant time working on the project both here and out in the field with consultants on developing the design that you will see. Long after that, in August, the Planning Board made their SEQRA determination on August 21st and also granted the Land Contour Change Approval Permit for us. We then came back before this Board for review of the PROD designation in September. Now we are here for what's left on the project. So, the balance of the project, we are here tonight to discuss the PROD designation with you. Obviously, have the Public Hearing, and then once we do, hopefully we will receive your approval for this PROD designation, we go back again to the Planning Board and so there are some final changes and final reviews and some final reviews to the Plan. More like the detailed oriented components of the project that will go back before the Planning Board for their final review. So, that's where we've been and that's where we are going. This is the project area, (Referring to a map) We are on the corner of Fairview, Fulton and Cedar. It's approximately 13.98 acres adjacent to Marist College and Westchester Medical. This is the sight plan that's been reviewed by the Planning Board (Referring to a map) access on to Fulton Street and access on to Cedar Avenue. There is a smaller building (Building A) that has 15 units and also 8500 sq. ft. of non-residential space on the bottom, which will primarily be the leasing office, a fitness center, a media room for the tenants of the facility only. Building B contains 78 units and Building C contains 58 units, again, for a total of 151. We've worked pretty diligently with the Planning Board, their engineer and planner on developing what the appropriate mix of parking should be and so we've developed a 1.5 to 1 ratio. We have 451 parking spaces on the project. The project does comply with all the regulations for the underline zoning and for PROD. It also is going to be built, state of the art building, so in compliance with all the NYS Building Code, NYS Energy Conservation Construction Code and all the applicable sections of the NYS Fire Code, and the NFPA and so all brand new construction. We have been spending quite a bit of time with the Town Engineers, Traffic Consultants, Planning Board, our Traffic Consultant for off site improvements and so these are improvements to the roadway system in that area that are in poor shape and so we are trying to fix some of the roadway, the streets and channelization of traffic in this area. We are primarily talking about the Fairview Avenue extension and the Fulton Street interchange. We are also proposing some improvements on the other side of the property by Cedar Avenue. (Referring to map) Right now the Fairview Avenue extensions operate as two way directional roadways and so it appears to be a problem with driver confusion and so we spent a lot of time on this and I think we finally developed changing those roadways to one way each way so the one Fairview Avenue extension where the arrow is pointing north is going to be in the north-

bound direction and limited to one way traffic only and the other side will be southbound only. There will be a reduction in the road width to channelize traffic and slow people down. There will be striping in that area. We are also proposing a three way traffic control at the top of the hill. So, this is three way only. So, traveling on Fulton Street, going from Route 9 up to 9G, you will have full movement, no stop signs, but all other directions will have a stop sign. (3 stopping movements there) In addition, we've been working with Marist College on a sidewalk plan and we will be connecting to their sidewalk system that they are also installing down Fulton Street and so our sidewalk will be on the south side of Fulton and will connect to where they are doing their improvements at 50 Fulton Street. Like Marist, we will also be working with the Town in reducing the width of Fulton Street. We've come up with a plan with all the consultants to take the road bed and actually narrow it down and use a portion of it for sidewalks and hopefully that will help affect the speed of people on that road. The other changes have to do with Cedar Avenue. We were originally proposing that this was going to be an ingress only from West Cedar into the project only and it is going to be a controlled entrance in that particular area just for emergency vehicles with some bollards or some sort of gate. One of the neighbors came to us at a Planning Board meeting and said she historically used that driveway to get to her property and we wanted to see if there was a way we could work with her to keep that entrance open and so what we are doing, we modify this ingress only. This way she can get in and out of her driveway. (Showing some exhibits) Next is some four story buildings and these have been presented to the Planning Board and will be subject to their final review. We think they are very attractive designs. We discussed at length the property management of this facility and it's certainly something that has been discussed with the Planning Board. We looked at five leading property management companies in the Northeast and so we've spoken with several of these and we've decided we would like to work with the United Development group. This is a 40 year old company based out of Troy. They have had significant experience managing commercial and residential property. They will be on sight and residing there 24 hrs a day, seven days a week and they will develop all the rules for leasing and occupancy and enforcement of all those internal and local regulations.

Richard Cantor, Attorney for the applicant: The issue before you this evening is the request to amend the Zoning Map and to place the PROD Zoning on the project property that Kelly has just described. I just want to address some of the comments that have been made. This is market rate multi-family housing. It's not student housing. It's available to tenants who are able to pay the rent and have a history of being responsible tenants. There is no agreement with Marist or any other college. It's market rate housing available to the public. It fits within the purposes of the PROD. There was also discussion about a pilot agreement, payment in lieu of tax agreement. The Town Code recites that the Town Board shall require, as a condition of any PROD approval, implementation of a payment in lieu of tax agreement between the applicable owner and the Town that provides that the owner of the PROD project shall make payments in lieu of tax to the Town in amounts and for such term as may be approved by the Town Board. It being the intent of the

Town that the cost of providing school, fire, police, ambulance and municipal services to the PROD project is to be borne by the owner. To that end, and there have been assertions that that language is unenforceable. First there was some discussion at your recent meeting about the possibility of amending the law to remove that provision. The applicant has no position on that issue. That is an issue for you as the members of the Board. As we sit here this evening asking for your approval, that provision is in the law. We have crafted a proposed pilot agreement, been reviewing it with Josh Mackey, your attorney, on this matter, and in my opinion, it's enforceable, I believe in Josh's opinion it's enforceable. It says, "In essence two things: 1) This owner, if and when this project becomes tax exempt, will pay contractual payments equal to full taxes, whatever the full taxes may be, from year to year. The second thing it says is the owner will not sell to any tax exempt organization unless that tax exempt organization agrees to make contractual payments to full taxes whatever they may be from year to year. There is nothing unenforceable about this owner saying that if the property becomes tax exempt there will be contractual payments equal to full taxes and there is nothing unenforceable about this owner saying it will not sell to a tax exempt organization unless that tax exempt organization makes the same agreement to pay a sum equal to whatever taxes may be from year to year. We believe that agreement satisfies the language which I read from your PROD language. Because there were concerns stated that this is really student housing, and it's not, Josh also crafted a restrictive agreement which this applicant is willing to agree to and put as part of the chain of title that will apply to the property and any subsequent owner that recites that this property owner will not restrict the occupancy of the property to any single category of user, be it students, substance abusers, or anybody, it is open to the public and that agreement will follow the property and apply to whoever owns it. Similarly there is nothing unenforceable about this owner agreeing that it will not limit the occupancy to any single category of user and that it agrees that the property, if it's transferred, will carry forward that same restriction and so our assertion is that the concerns about student housing are unfounded, our assertion is that we are proposing to comply with the pilot language of the Code in an enforceable manner so long as the language is there and subject to whatever you choose to do with that language. That we are going the extra step of agreeing to a restrictive covenant to prohibit a single category of user. Final point is that there was a lawsuit commenced by the Fairview Fire District challenging the adequacy of the environmental review by the Planning Board. It is a lengthy set of papers, but in essence it argues two things, one, that the Planning Board in carrying out it's environmental review failed to take the required in-depth look at the impact on fire services and, two, the same argument as it concerns traffic. In my opinion, there is a good defense to that and that the Planning Board did do what it was supposed to do and I believe your Attorney shared that opinion, that will be resolved by the court, but the important part for this evening is there is nothing about the commencement of that lawsuit that stays or stops you from proceeding if you choose to proceed, that stays or stops the Planning Board from proceeding if the Planning Board chooses to proceed. The Planning Board can't proceed unless you first place the Zoning on the

property. So, I'm hoping that those comments shed some light on some of the earlier discussion. Thank you.

Councilman Krakower: I just have a couple of points. I have a lot of respect for you Mr. Cantor and whenever someone says that, that usually follows up with BUT. In regard to this project and it being market rate housing, you can say whatever it is, but this project originally and continuously has been presented by the applicant and I think others, as a solution to the student housing issue. To say that this is geared towards market rate housing and then your consultant said that you went to look for a manager for the property were campus this and student that and campus that, it looks like all the consultants are consultants that have experience in student housing. The layout of the housing, my understanding is its four bedroom and two bedroom suites. I also from what came through from the Planning Board, I'm not sure if this is correct, but a very small percentage of housing built in this county has been four bedroom apartments, because it doesn't really fit a general need in the County and the number of people per housing unit is generally 2.3 is the number I saw. So, your statement that we have your assurance that this is market rate housing and not student housing, it's in conflict with everything that has been presented on the front end of this. I honestly feel "You should call a spade a spade." If it's student housing, call it student housing.

Supervisor Tancredi: I've said this publicly numerous times, I foresee probably the majority of the tenants in this complex, potentially being students and I don't have any problem with it. But, I think the point is, if you have three young businessmen who wanted it---

Councilman Krakower: My point is, why do you insist it is market rate housing and not student housing, when everyone else is saying the opposite? What are we trying to work around or through? If it is student housing, what's the problem? It would have been helpful for this Board to see the pilot agreement on the front end and not after the fact. If you are asking this Board to make a decision on something, it makes sense that if you had that information, you would share that with the people and allow us to see it on the front end. I haven't seen anything from our Attorney saying that the pilot agreement was enforceable. It would be nice to get something on the front end and not an hour into the meeting. Once again we are in the meeting and being told there is a pilot agreement and we are happy with it. But, as far as I know, we haven't seen it and that is somewhat problematic. Also, you raised the issue of a lawsuit that was filed, I haven't seen any of the paperwork on that or any of the documents regarding a lawsuit.

DISCUSSION CONTINUED FOR SEVERAL MINUTES

Councilman Cifone: At the end of this, Stephan, this project is going to benefit the Fairview Fire District. They are going to get paid 100% taxes for years to come and so whatever is in that lawsuit, it has to be something that they feel is not enough.

Councilman Carlos: Mr. Cantor, I've spend some time with our Director of Development just so I can understand, being new to this Board, if I understand this correctly, the whole reason with the PROD is to have the payment in lieu of taxes, which is to somehow guarantee or protect the taxpayers in that area of Town from having this property all of a sudden become non-profit. Is that the sole reason for your application to the Town to have this Overlay District?

Attorney Cantor: No, the reason to have the Overlay District is to allow this project to comply with the Zoning. Without the Overlay District this project would not comply with the Zoning.

Councilman Carlos: By the number of the residential units on the square footage of the property?

Attorney Cantor: By the use itself, this use would not be permitted on this property unless the property were zoned PROD.

Councilman Carlos: Ok, so, your application tonight, what we are supposed to vote on tonight is whether or not the PROD would be applied to the property? (Right) It has nothing then to do with any protection for the taxpayers with respect to the property eventually going into a not-for-profit organization?

Attorney Cantor: It does, because the language in your Zoning Code that establishes the PROD Zone says that one of the requirements for Zoning a property PROD is to require that it has a payment in lieu of tax agreement to make sure it pays its full taxes.

Councilman Krakower: Just as a point, if we are going to do something here tonight, the resolution doesn't have anything regarding the restrictive covenant, I don't believe, and the resolution that has been presented doesn't address that.

Councilman Carlos: Mr. Cantor, you're the applicant, in your opinion, is a restrictive covenant as we are considering to be placed here, is that enforceable for the length of time of any owner or any future owner?

Attorney Cantor: Yes. If that were restrictive covenant that prohibited occupancy on the grounds of gender, race, or religion or some other prohibited category, it would clearly be unenforceable. This covenant is nothing like that. It is simply saying it's been offered. We are happy to erase it, but it's been offered because they were concerned that this was student housing in disguise and that this property might be turned over to Marist and that we were putting a disguise on this property.

Town Counsel: I don't recommend that you erase it, I think you should have it, it's a second layer of protection.

Councilman Carlos: What does our Counsel say in respect to that?

Town Counsel: It was my idea.

Councilman Carlos: Well, that answers that question! ---

**DISCUSSION ON THIS ISSUE CONTINUED
(SEE “YOU TUBE” VIDEO ON TOWN WEBSITE)**

Supervisor Tancredi opened the discussion to the general public for their comments on the issues.

George Lithco, from Jacobowitz & Cubits: We did represent the Fire District, we did bring the lawsuit and we want to emphasize that it is not about delaying this applicant. There are reasons that you articulated as to why this project is going to be good, going to pay taxes, at least in the foreseeable future, it's going to provide safer housing and those are reasons to provide housing for students to the point of whether it is student housing, that's a different issue. But, the district is not here to delay, its prime concern is safety. Our concern about delay is that we are having an incredible amount of projects being proposed in the Fairview District that is going to add approximately forty to fifty percent to the population of the District and it's also going to increase population during the day because Marist is building new academic buildings, they are developing programs and there are going to be more people on the campus during the day and that is when we do our primary response. It isn't an average during the day, it peaks and ebbs, but when we have to provide a response, we provide it to Marist, the Route 9 corridor, we use Fulton Street to get there, that is why we are concerned about the traffic impacts. I've submitted the correspondence that we have had with the Planning Board and also to the Town Board because of the concerns we have about the cumulative impacts of all these projects on the capability of Fairview. We have limited resources, we are heavily taxed and that's one of the reasons that the Town Board did put that PROD in with the Pilot is to deal with the possibility that housing in the PROD could become student, not housing for students, but some housing owned by a not for profit institution, which is providing it to students. One of the concerns I heard tonight is Covenants and enforceability...we did give some recommendations to adjust the form of covenant we saw at that point. We would like to take a look at it also, because it does affect our District. This is going to have some impacts as to demand for services but, at some point it runs the risk that there will no longer be the property tax resources to pay for those services and we applaud the Town's efforts to address that in the PROD. We applaud the comments we've heard tonight about it. It certainly is helpful to both the Town, which has to pay for the Police services and to the Fire District which has to provide the Fire District services to have those resources available. I would note that the PROD Pilot says that the payments will be based on the assessed value and I know you have in the last couple of years, dealt with a lot of Tax Certioraris. We know that there is an estimated value from your Assessor. It is possible that there may be opportunities to work with the applicant to address that issue before this project goes forward, so that there is the ability to

rely upon assessed value when we are looking to build the infrastructure we are going to need because we will need infrastructure and staffing. We've engaged a regional consultant at the Center for Governmental Research to look at the impacts that will result from this and to advise on what can be done to mitigate those impacts and we do not suggest the responsibility for mitigating all of the impacts should fall upon any particular applicant, but it is essential to look at all the applicants so you can understand what the impacts are likely to be and so that a mitigation can be designed that is fair and equitable to everyone in the process. Because, what you will hear from the next applicant is, "Why didn't you have Fairview do it?" That's just the same as you will hear, "Why didn't Pendell Commons do it?" Eventually you will get to the last applicant and there is not going to be mitigation and the people in the district are going to wind up making those payments and that is something the District is committed to prevent if at all possible. I have submitted a letter tonight that outlines the issues that the District faces. Again, "It is the District's goal to protect life and safety." It is not the District's goal to delay, but we have to address those issues and we believe that is something that should be done. What I would point out is that the District has a consultant who is going to provide a report on mitigation measures next week. It should be here on Monday. We've provided you with two documents that he has submitted already that evaluates the impacts. The mitigation section is going to discuss what can be done to mitigate those impacts.

Supervisor Tancredi: Do you think that report is going to recommend a lump sum payment in addition to taxes from this applicant?

George Lithco: Not in addition. What the consultant is considering, is a way to structure a tax payment that will be made anyway so that it can be utilized---for example, if Fairview comes in and adds 5% or so to the estimated service calls, it increases the District's population by 7 or 8%---we really have no capability to put in more volunteers, or more staff during the day. Yes.

Councilman Krakower: If I may throw out a suggestion in, the proposed change to the resolution had suggested that the pilot and the restrictive covenants were subject to Town Attorney approval; I would suggest that that should be at the Town Board approval. This way, this thing can keep on moving forward. The Pilot agreement and restrictive covenants could be put together and at some point come back to the Town Board for one more look at it.

Councilman Carlos: Mr. Lithco, I understand the problem in Fairview. The Fairview Fire District is its own Taxing authority, correct? (Yes) and Fairview Fire District levies taxes on the people who own property up there, whether it's me or whoever, based on the cost they need for the budget for the fire department. (Correct) Ok, this particular piece of property is a piece of private property, it's a taxpayer and it will pay to Fairview Fire District the assessed value as any other building up there pays. (Well, any other non-profit building) I understand that, but, that's not what this project is scoped as and what has been presented. This is a

tax payer. This is going to pay taxes to the Fairview Fire District. In return for those taxes, they want coverage from whatever Fairview's coverage level is. If Fairview can't provide the level of coverage, then should it not raise its taxes more? What I seem to think, it seems to be, we need or we want a new fire truck, new fire house, whatever the need up there and I'm not saying it isn't a legitimate need, but are you asking the people who own the property now, to pay more taxes than they would normally pay? (No) So, Fairview is not asking for an increase in taxes, because they are going to pay taxes. What is Fairview asking for?

George Lithco: They are asking for a Zoning Change.

Councilman Carlos: No, what is the Fire District asking from this?

George Lithco: That's an excellent question and I can tell you, we do not know the answer yet. That's what the purpose is of having a consultant review that and evaluate those accumulative impacts. The lawsuit that was commenced is basically about whether the Planning Board should have reviewed cumulative impacts of these projects that are coming along.

Councilman Carlos: Ok, I don't think the Counsel will let me discuss the ins and outs of that with you, but, I'm concerned about the points with respect of the money because it appears to someone in my background to be, "Well, you're not going to pay enough taxes, so we want you to pay more." Isn't that what this is about? Are we saying to private property owners, "We have a lot of cost in our fire department and it costs us a lot of money to provide the services and since you are the new kid on the block, instead of paying your normal share, we want you to pay your normal share plus 10 or 15% or whatever number the district is looking for. Isn't that backwards? Isn't the District the one responsible to provide the services to their property and isn't the district then responsible if they need more services, to increase the tax rate?"

George Lithco: I can tell you one simple answer to that and that is, on the day that property begins service, they won't have paid anything other than the tax on whatever the previous assessed value was. We will all have to provide that service.

Councilman Carlos & Supervisor Tancredi continued speaking on this matter.

Basically, what I would ask tonight,-- we have a concern to see documents and to understand how they are going to work, but most importantly is we need to get to see our report and to share that with you so you understand the impact and the mitigation opportunities are and ultimately it needs to get taken care of in terms of SEQRA in which you can work with the Planning Board to accomplish making this process work efficiently, but, that is a point of information that needs to be provided to us so we know what our responsibilities are, but I think it is important for the Town to have it as well. Your next meeting is in two weeks? I don't think it would

be appropriate to continue the hearing until then considering that ---I do want to look at that provision regarding covenants and if there is something of concern, I will send it to your Counsel and I assume he will make it available to the Board.

Kathy Maloney, President and CEO of Dutchess County Economic Development Corporation: DCEDC is supportive of this project. The additional 151 new, safe, and modern apartments in the community will be served by increased amenity and physical improvements to the area as outlined in the presentation earlier. With a planned at least 26 million dollar investment the project will create 12 permanent jobs and 175 construction jobs over a period of three years. The benefit to the community is significant with anticipated property taxes paid over \$800,000 annually. Additionally there will be a spin off affect with the purchase of local products resulting in benefit to local vendors and anticipated sales tax revenue. With the anticipated ground breaking of October 2014, they are hoping to have 1/3 of the units ready for the fall of 2015 to provide housing for local residents. I think this is a worthwhile project and hope you could support it.

Doreen Tignanelli: She just mentioned construction jobs, I don't know how many of those construction jobs will be local, because these days, if you ride past Marist College and Vassar College, there have been Union Workers outside with their signs for various reasons and some that they haven't hired local labor. So, I don't know that they will be local construction jobs. Also, I do have a question as to how this is to allow residential building because without the PROD that wouldn't be allowed, so is the taxing going to be residential on the overlay or is it the underlying Zoning which I think was industrial?

Supervisor Tancredi: I believe it's going to be on the Multi-family and then it will be more of a commercial tax rate. Once it's four apartments or more, it goes to the commercial tax rate.

Doreen Tignanelli: Ok, so it's commercial and not homestead then? (Yes) Ok, then the last thing, having 151 units clustered, is not necessarily going to solve all your problems with students, because, as you are aware, I just sent some Town Board Members an e-mail that there were in the month from August to September, approximately 17 calls for intoxicated students to Vassar College, 14 of the 17 were underaged and plus there were something like approximately 35 automatic fire alarms in that month and so this is certainly not going to eliminate all problems--

Supervisor Tancredi: I'm sure no one assumes it will solve all problems.

Doreen Tignanelli: So, you will have additional police and fire calls for that cluster. In all of these projects, I've been looking at over the last 12 or 13 years, a lot of times we say we never have any traffic impacts on things, but a lot of times you see on the environmental assessment form, "What's the impact to community services" and how many times do they answer "None"? It's highly unlikely that if there was a robbery you wouldn't call the Police or if there was a fire you wouldn't call the fire

department. I think all along, if there were a little more honesty and accountability by the Planning Board, things wouldn't get to this point.

Rob Rubin: Amen to Doreen for the last points she made. Viewing what I've seen here publicly on this particular item is that, when they were showing pictures of multilevel housing, I think, Councilman Krakower, you got this exactly right, unless they are talking about elevated buildings, they are not catering to a population of seniors or young families, with babies and shopping carts, etc. It doesn't seem as if they are catering to a general population or general need, it seems that they are looking at a specific area. The only other thing I wanted to comment on is, question was posed as to what their long range planning is for this project and for others. I kind of think it's not really a fair thing to ask another agency only because of the contact between supervisors and leaders it's hard for them to plan when they don't know what's happening.

Supervisor Tancredi: I would disagree with you there, Mr. Rubin, but I won't. Our Public Hearings are on the website and that is well known in the area and I would have a hard time comprehending that anybody isn't aware that the sites on the property is going to be a major development in the Town of Poughkeepsie and in fact, many residents in Fairview have said to me, personally, over the last ten years, I hope it is, because we need relief in our fire taxes. I don't know if they are going to see that relief based on what we are hearing, but that's been the idea. Taxables in Fairview to help with the fire situation and fire tax problem. The residents in the Fairview Area are paying \$7.10 with the fire tax. Arlington residents are paying \$5.55 and I think I'm paying my fair share. There is a lot being paid currently and the idea has always been, the more taxables, the better off we are going to be.

Mr. Casement: I have a question on why are you giving them tax free status and then getting an agreement for a pilot equal to the taxes? It just seems to be reversing back to where you started from.

Supervisor Tancredi: It's not a tax abatement, the pilot language was put in there because of discussion concerning potentially having a not-for-profit some day buy the property and so the thought was, if we do a pilot and some how tie that fee to the land, the not-for-profit would not necessarily be attracted or not attracted to the property or be able to get away without paying. There never has ever been any discussion with anyone on this Board and the applicant concerning tax abatement. That's not the issue.

Mr. Casement: This is for the future? (Yes) They are going to be taxed though?

Supervisor Tancredi: Yes, they will be paying their fair share. Whether it is a pilot or a non-pilot, they are going to pay whatever their rate will be based on the assessed value and will pay all the same as the taxes in Fairview would be for the same size property, yes.

Motion made to close the public hearing: Supervisor Tancredi/J. Conte

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi.**

Nays: None

CARRIED: 7-0

Supervisor Tancredi: Now, we have a resolution and then we have five amendments that are coming to us from the Planning Board and so what I thought we would do is read the Resolution and then before the “BE IT RESOLVED”, add these five amendments in as part of the resolution.

10:01-04 PUBLIC HEARING

**Fairview Commons – Overlay
District Designation**

**AMENDED
RESOLUTION**

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 1st day of October, 2014 at 7:00 PM at Town of Poughkeepsie Town Hall, One Overocker Road, Poughkeepsie, New York does hereby amend the Town Code, Chapter 210, entitled “Zoning” specifically Section 210-21, which amendment is as follows:

An application addition for designation in the Planned Residential Overlay District (PROD) for parcel known as Fairview Commons, 66 Fulton Street, Poughkeepsie, New York, and further identified as a parcel consisting of +/- 13.895 acres, parcel grid number 6162-05-161788.

AND BE IT FURTHER ENACTED, that the Planning Board of the Town of Poughkeepsie has heretofore been designated as Lead Agency and has determined that the proposed action is an Unlisted Action; and

BE IT FURTHER ENACTED, that the Legal Notice of Public Hearing was posted on September 18, 2014 and published in the Poughkeepsie Journal on September 20, 2014; and

BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does hereby approve said amendment as above noted conditioned upon the following:

- 1. Subject to final site plan approval by the Planning Board the property shall be developed in substantial accordance with the site plan for the Fairview Commons project as shown on a site plan prepared by the LRC**

Group dated February 24, 2014 and bearing a latest revision date of September 22, 2014.

2. The Applicant shall prepare for Town Board review and approval a Declaration of Restrictive Covenant which shall include language stating, *“To require continued multi-family use in housing available to the general public without discrimination towards (or restricted to) any particular group or class of person; this restriction to be applied regardless of any PILOT agreement the Town Board may or may not require. Such a restriction shall be in accordance with the stated PROD Purpose, namely, “...to encourage the provision of housing opportunities for working individuals, couples, families and seniors as part of a multiple unit development”*.
3. The Applicant shall prepare for Town Board review and approval a payment-in-lieu-of-taxes agreement in accordance with Section 210-21(H) of the Town Code.
4. The Applicant shall prepare for Town Board review and approval a Declaration of Restrictive Covenant to ensure that the non-residential building portion of the development is not later converted to a residential use, in accordance with Section 210-21(I(2)(b)) of the Town Code.
5. The Applicant shall prepare for Town Board review and approval a Declaration of Restrictive Covenant to preserve the proposed open space, in accordance with Section 210-21(I(3)) of the Town Code.

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

SO MOVED: M. Cifone/J Conte

ROLL CALL ON AMENDMENT: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Krakower, Councilwoman Shershin and Supervisor Tancredi.

Nays: None

CARRIED: 7-0

ROLL CALL ON RESOLUTION: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Councilwoman Shershin and Supervisor Tancredi

Nays: None

Abstain: Councilman Krakower

CARRIED: 6-0-1

Motion made to suspend the rules for public comments on agenda items: Supervisor Tancredi/W. Carlos

CARRIED: 7-0

Doreen Tignanelli: For Special Consent Item #1, what is the total repayment and what Budget would that be coming out of?

Supervisor Tancredi: Its \$256,000 Total. It's in the Budget. I can't actually tell what line item it was in. Our repayment is over five years as agreed to by HUD. \$50,000 was in 2014 Budget and \$50,000 is in the 2015 Budget and to get the exact Budget line, you would have to call tomorrow, I don't know off the top of my head.

Doreen Tignanelli: Ok, so \$256,000 was the total, but you are paying over five years? (Yes)

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

CARRIED: 7-0

**10:01-05 SET DATE FOR
PUBLIC HEARING**

**O'Neill Group-Dutton-
Waterfront Housing Overlay
District**

RESOLUTION

WHEREAS, the Town Board has received a communication from the Director of Municipal Development to change the zoning designation of the project known as O'Neill Group-Dutton, LLC, consisting of ± 3.88 acres, and further known as tax parcel number 6062-02-763508 located at One Dutchess Avenue to Waterfront Housing Overlay District (WHOD); and

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

WHEREAS, the Town Board has determined that the proposed amendment must be referred to the Dutchess County Department of Planning and Economic Development for review and recommendation; and

WHEREAS, amending the Zoning Map requires a public hearing.

NOW THEREFORE BE IT RESOLVED THAT:

- 1. The Town Board hereby sets a public hearing on the proposed amendment for November 5, 2014, at 7:00 PM, or as soon thereafter as the matter may come to be heard, in the Town Hall, One Overocker Road, Poughkeepsie, New York; and**
- 2. The Town Board hereby states that because only the Town Board can consider and adopt changes to the Town Code that it is the only involved**

agency, and the Board hereby declares that it is the Lead Agency for purposes of coordinating the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law; and

3. The Town Board refers this matter to the Dutchess County Department of Planning and Economic Development for a recommendation pursuant to GML 239-m; and

4. The Town Board directs the Town Clerk to notify the surrounding towns of the public hearing pursuant to GML 239-nn

SO MOVED: S. Krakower/M. Cifone

**ROLL CALL: Ayes: Councilmen Baisley, Conte, Cifone,
Councilwoman Shershin and Supervisor Tancredi.**

Nays: Councilman Krakower and Councilman Carlos

CARRIED: 5-2

**10:01-06 SET DATE FOR
PUBLIC HEARING**

**Community Development Block
Grant – 2015**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 15th day of October, 2014 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the date, time and place of a public hearing to consider and thereafter vote on applications for monies from the County of Dutchess through the Community Development Block Grant Program for the year 2015, of which the Town of Poughkeepsie is a member.

SO MOVED: A. Shershin/W. Carlos

Supervisor Tancredi: This is going to be a project which our Recreation Director will be here on the 15th, but it's a project that we are hoping if it gets funding and it works out it will be a joint project between the Town and the Village of Wappinger and I think the Town of Wappinger for a kayak and canoe type arrangement along the creek.

Councilman Krakower: With the change of demographics and the bad economy, has that area that's basically permitted into the Economic Development Block Grant Program, has that changed?

Supervisor Tancredi: A little bit, yes. Surprising for years it hadn't changed and we have that information. I'll get you a map.

ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Krakower,

Councilwoman Shershin and Supervisor Tancredi.

Nays: None

CARRIED: 7-0

10:01-07 APPOINT

Part Time Fire Inspector – Peter Longi

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Peter M. Longi to the position of Permanent Part-Time Fire Inspector, at the Grade 10, Step 1 salary of \$26.59 per hour effective immediately, which appointment is subject to a probationary period of not less than 8 nor more than 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: Supervisor Tancredi/J. Conte

Supervisor Tancredi indicated that Mr. Longi was in the audience and felt he would be a great addition to the Town staff.

Councilman Baisley: Welcome aboard, it's a definitely a much needed spot, it's been empty for a few years and Planning could definitely use your help down there.

Peter Longi: I want to thank everyone for giving me the opportunity to be able to serve the people of the Town. I will do my best to assure that my job to make the places safe, and that they are safe, that's my goal and compliance with the Code and I'm looking forward to starting as soon as possible.

Supervisor Tancredi: And another Town resident, by the way.

SO MOVED: Supervisor Tancredi/J. Conte

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

Nays: None

CARRIED: 7-0

10:01-08 APPOINT

**Planning Board Member
Benedetto Paganelli**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Benedetto Paganelli to fill the 7 year unexpired term on the Town of

Poughkeepsie Planning Board, previously held by Robert Gorman, which said term runs through December 31, 2019.

SO MOVED: J. Baisley/W. Carlos

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi.**

Nays: None

CARRIED: 7-0

10:01-09 APPOINT

**Substitute Court Attendant –
Charles R. Lattin, Jr.**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Charles R. Lattin, Jr. to the position of Substitute Court Attendant, not to exceed 15 hours per week, at the salary of \$15.00 per hour, effective immediately.

SO MOVED: W. Carlos/J. Conte

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi.**

Nays: None

CARRIED: 7-0

10:01-10 APPROVE

**Croft Corners Volunteer Fire
Company – Halloween Parade**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the application submitted by Gerard Philipp and does hereby grant approval to the Croft Corners Volunteer Fire Company to hold its annual Halloween Parade on Friday, October 31, 2014 at 7:00 PM, which parade will start at the corner of Hasbrouck Drive and Spackenkill Road and travel the north side of Spackenkill Road proceeding west to the Croft Corners Firehouse at 7 Spackenkill Road; and

BE IT FURTHER RESOLVED, that the Town Clerk is in receipt of a Certificate of Liability Insurance naming the Town of Poughkeepsie as an additional insured.

SO MOVED: J. Conte/J. Baisley

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi.**

Nays: None

CARRIED: 7-0

10:01-11 ACCEPT

**Resignation of David Delio –
Town Clerk's Office**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the resignation of David Delio from the Town of Poughkeepsie Clerk's Office, effective Friday, September 26, 2014.

SO MOVED: M. Cifone/J. Conte

Supervisor Tancredi: I would just like to thank David, he was a great addition, sorry to loose him, but he just can't continue.

Town Clerk Salvatore: He has a full time job overnight at the hospital, also.

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi.**

Nays: None

CARRIED: 7-0

10:01-12 ACCEPT

**Certificate of Attendance –
Peter Fanelli**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Certificate of Attendance for Peter Fanelli from Dutchess County Planning Federation, for a course entitled "Historic Preservation", a copy of which is attached.

SO MOVED: S. Krakower/J. Conte

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi.**

Nays: None

CARRIED: 7-0

CERTIFICATE ATTACHED TO FINAL BOOK COPY

10:01-13 APPROVE

**Walk and Fireworks - Vassar
College Leukemia & Lymphoma
Society**

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Vassar College to include a fireworks display at the Leukemia & Lymphoma Society Light the Night event to be held on Saturday, October 25, 2014; 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, October 25, 2014 at 9:00 PM on Vassar College property, Raymond Avenue, Poughkeepsie, New York.

SO MOVED: A. Shershin/M. Cifone

Councilman Baisley: Felicia, is this open to the public, do you know?

Supervisor Tancredi: Yes, it is open to the public.

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi.**

Nays: None

CARRIED: 7-0

10:01-14 NOTIFICATION

**The Following Petition Has Been Referred To the Legal Department
1. Fairview Fire District v. Town Of Poughkeepsie Planning Board, et al**

REFERRED TO LEGAL DEPARTMENT

10:01-15 RETAIN

Joshua Mackey – Fairview Fire District V. Town of Poughkeepsie Planning Board et al

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby retain Joshua Mackey, Esq. of Iseman, Cunningham, Riester & Hyde, LLP at the hourly rate of \$185.00 for Partners, \$155.00 for Associates and \$65.00 for

Paralegals, to represent the Town's interest in a proceeding instituted by the Board of Fire Commissioners of the Fairview Fire District, et al.

SO MOVED: Supervisor Tancredi/J. Conte

Councilman Carlos: This is for the Article 78 proceeding? (Yes)

Councilman Krakower: The only thing I would like to say is, there was an issue where we had litigation resulting from a Planning Board/Zoning Board decision previously and I believe it should be the Town's position that the applicant bear the brunt of the legal expenses that we are the second chair and we are not subsidizing the applicants legal proceedings. I would just ask Mr. Mackey to be aware of that and be sure that we allow them to spend their money, since it's their project.

Supervisor Tancredi: I agree with you 100%.

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

Nays: None

CARRIED: 7-0

10:01-16 WAIVER

**Liquor License Waiver For YOLO
You Only Live Once, LLC – Located
At 260 North Road**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby acknowledge receipt of a request from Glen F. Kubista & Associates on behalf of YOLO You Only Live Once, LLC, 260 North Road, Poughkeepsie, NY, for a waiver of the 30 day review period for a liquor license application; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the Town Clerk's forwarding of a waiver and consent, pursuant to the attached request.

SO MOVED: J. Baisley/J. Conte

Councilman Carlos: We are going to reduce their 30 day waiting period, at what point do people, who are around this place, make a comment? During the 30 days? If we waive it, what happens then?

Councilman Cifone: In the past if we've had issues with a certain area, we've made application with the Chief and he's contacted the Liquor Authority and we've gone after them in that manner.

Town Clerk Salvatore: This is a new application, as well.

Councilman Cifone: The only question I have regarding this is, in that location previously, we had live music and they wound up moving all the tables and they had too many people in there and so, and the music kind of scares me because I forgot the name of the business, it was within the last two or three years where they've had live music in there and they pushed all the tables and the Building Department had to go in and close it down and I'm a little concerned about the live music.

Supervisor Tancredi: Which building is this?

Councilman Cifone: The building to the left of K&D Deli.

Supervisor Tancredi: Do you want to hold off on this until the 15th?

Councilman Krakower : What's this property zoned? Is it Business Neighborhood or Business Highway, would it allow a bar or restaurant? My concern is the proximity to the College, this could become a college bar which would have a whole new impact.

Supervisor Tancredi: I agree with you and I think as far as this waiver goes, it's a formality, I don't think we have to take action, they get it anyway. But, I think what Councilman Cifone ought to do is to check with Building and Zoning and see if there are any applications before them, I agree with you, but that's an entirely different subject.

Supervisor Tancredi: I make a motion we adjourn this item to the meeting of the 15th. Seconded by Councilman Carlos.

CARRIED: 7-0

ADJOURNED TO THE MEETING ON THE 15TH OF OCTOBER

10:01-17 AUTHORIZE

**Special Consents SC 1, SC 2, and
SC 3**

RESOLUTION

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

- | | |
|--|--|
| 1. Authorize Supervisor to Sign | HUD's Repayment Agreement |
| 2. Appointment | Kelly Tremper – Deputy Town Clerk |
| 3. Ratify | Memorandum of Agreement – CSEA |

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: W. Carlos/J. Conte

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

Nays: None

CARRIED: 7-0

**10:01-SC 1 AUTHORIZE SUPERVISOR
TO SIGN**

**HUD's Repayment
Agreement**

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign and submit to the U.S. Department of Housing and Urban Development a Repayment Agreement in substantially the form annexed, with the repayment commencement date to be determined by the Town Supervisor, and

BE IT FURTHER RESOLVED, that such acceptance and authorization by the Town Board of the Town of Poughkeepsie is subject to the approval of the final Agreement by the Supervisor, Attorney for the Town, and the Director of Municipal Development for the Town of Poughkeepsie,

SO MOVED: J. Conte/W. Carlos

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

Nays: None

CARRIED: 7-0

10:01-SC 2 APPOINTMENT

Kelly Tremper – Deputy Town Clerk

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby recognize the Town Clerk's appointment of Kelly Tremper as Full Time Deputy Town Clerk, and does authorize the annual salary of \$35,552.00 for said Deputy Clerk, effective October 6, 2014

SO MOVED: M. Cifone/J. Conte

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

Nays: None

CARRIED: 7-0

10:01-SC 3 RATIFY

Memorandum Of Agreement –
CSEA

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby ratify the Memorandum of Agreement between the Town of Poughkeepsie and The Civil Service Employees Association, Inc. (“Memorandum”) a copy of which is attached; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor or his designee to sign the final collective bargaining agreement that incorporates all terms set forth in the Memorandum.

SO MOVED: S. Krakower/M. Cifone

Councilman Krakower: I just want to thank the Supervisor for his efforts here and Councilman Cifone also for the long effort to try and come to an agreement with the CSEA and also for the CSEA finally coming to the point where we have an agreement. Presuming we are all in favor of this, we will now have an agreement with the PBA, the CSEA going forward, I think they are fair to the union members and the employees of the Town, and the taxpayers of the Town. It is nice to see something where it works out and the Supervisor has stressed that we have really good people and he wanted to make sure we got this done and I think this is a very good result. Thank you.

Supervisor Tancredi: I agree, just for those watching and listening, CSEA has been out of contract since the end of 2010 and this is a six year deal that covers 2011, 2012, 2013, 2014, 2015, and 2016 and it carries a no increases for years 2011, 2012 and 2013 and for 2014, the year we are now in, a 2% increase. 2015 and 2016 a 2% and the other new item is, new hires will now contribute 20% toward their medical. The most any CSEA member currently pays is 15% and so I agree with Councilman Krakower, I’m glad we are able to get that done. I don’t believe it’s 100% on either side as far as happiness, but it’s enough to get a deal done that is good for the Town. It gives us continuity and some stability going forward with our employees. We all want them to understand and realize that we appreciate their hard work every day and we do have a lot of employees who work very hard for us and so I’m happy we can get this done.

Councilman Baisley: Todd, I agree with you 100%. Both parties worked hard and this is not a short term agreement. It took a long time to get this down and even over the last couple of months, there was a lot of communications between your

office and the guys working on both sides of the fence and it is nice to see that being times as hard as they are, everybody got something. As you said, these are good and dependable employees, when you go to Town Hall you are always greeted nice by them and the ones out in the field and so it's nice this worked out.

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi.**

Nays: None

CARRIED: 7-0

Motion made to suspend the rules for public speaking on Town issues: Supervisor Tancredi/W. Carlos

CARRIED: 7-0

Rob Rubin: The first question I have is, you made a statement before on, and I'm glad we have a new contract with CSEA because those folks do work hard. But, you just said CSEA is out of a contract and unless things are a little different, my understanding is, at least from my point of view on the School Board, under Tri-boro the old contract remains in effect until there is a new signed contract, so, is it really true that they were out of a contract or just we didn't have a current one?

Councilman Cifone: The old contract stayed in place, they just didn't get any raises.

Supervisor Tancredi: The old contract expired 12/31/2010.

Rob Rubin: And the terms of that contract remain in effect until the new contract came in. Ok, thank you. I was out today checking out in our Wappinger's School District, while I was out doing tours there, I noticed that in one of our schools there is a scoreboard that has corporate logos on that and when I inquired about that, I was told that that scoreboard was donated to the district, it didn't cost anything and part of the donation was that the corporate logo remain on that score board and it got me to thinking that, I noticed on a lot of our Town Parks and baseball fields there are advertisements along the outfield wall and I'm just wondering how does that work? Do we collect revenues on that advertising or did those folks pay for the fence around the outfield ?

Councilman Krakower: Those, whether soccer, little league, whatever, are generally done by the sports leagues so that the contribution goes back to the league and they use that to pay for equipment and supplies. The league also during the course of the year helps pay for fencing, dirt for the infield and so it's the leagues are the ones going out soliciting the advertisement and collecting revenue.

Rob Rubin: Does the Town have to review those ads and have a final yea or nay on them?

Councilman Krakower: I don't think we have. I think if anything was inappropriate, it would have been brought to the Town pretty quickly.

Rob Rubin: There are so many governmental organizations and I would just hope that if one governmental agency has been providing services to another agency, if they are going to do something for whatever reason, budgetary, etc. the actions of governmental agency A are going to impact B, that a phone call be made and say "Hey we are going to do this and we don't want to spring it on you in the public."

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

CARRIED: 7-0

Motion made to close the meeting: Supervisor Tancredi/J. Conte

CARRIED: 7-0

MEETING CLOSED AT 8:58 PM

FS:lkm