

MINUTES OF TOWN BOARD MEETING
HELD ON JANUARY 18, 2017 AT 7:00 PM
AT TOWN HALL, ONE OVEROCKER ROAD
POUGHKEEPSIE, NEW YORK

CALL TO ORDER
SALUTE TO THE FLAG
ROLL CALL OF TOWN BOARD:

PRESENT: Supervisor Baisley ABSENT: Councilman Conte
 Councilman Carlos
 Councilman Cifone
 Councilman Lepore
 Councilwoman Shershin
 Town Attorney Nelson
 Town Clerk Salvatore

SUSPENSION OF THE RULES TO ALLOW PUBLIC COMMENT ON AGENDA ITEMS

Joseph Armstrong asked a few questions regarding the Agenda

AGENDA ITEMS:

	RESOLUTION	
01:18-01		AUTHORIZE SUPERVISOR TO SIGN AGREEMENT DC DRUG TASK FORCE

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute the agreement between the County of Dutchess, the City of Poughkeepsie, the City of Beacon, Town of East Fishkill and the Town of Poughkeepsie, for the Dutchess County Drug Task Force, for the period January 1, 2017 through December 31, 2021, a copy of which is attached hereto.

So Moved: W. Carlos/ M. Cifone

**Roll Call: Ayes: Supervisor Baisley, Councilman Carlos, Cifone, Lepore,
 Councilwoman Shershin**
Nays: None **CARRIED: 5-0**

	RESOLUTION	
01:18-02		APPROVE POLICE DCJS GRANT

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor or his designee to execute all papers necessary and proper to effectuate the acceptance of a DCJS Legislative Initiative Grant in the amount of \$46,000 which funds will be used by the Town of Poughkeepsie Police Department to purchase a 2017 Ford Utility Police Interceptor SUV, a next generation MVRE System, a new Mobile Data Terminal and Tablet PC, and an E/Z Rider K-9 Platform and K-9 Hot-N-Pop Pro System.

So Moved: M. Cifone/ W. Carlos

**Roll Call: Ayes: Supervisor Baisley, Councilman Carlos, Cifone, Lepore,
Councilwoman Shershin**

Nays: None

CARRIED: 5-0

RESOLUTION

01:18-03

**ACCEPT RESIGNATION
BONITA CARLON**

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the resignation of Bonita M. Carlon from her position as School Crossing Guard, effective immediately.

So Moved: J. Lepore/ A. Shershin

**Roll Call: Ayes: Supervisor Baisley, Councilman Carlos, Cifone, Lepore,
Councilwoman Shershin**

Nays: None

CARRIED: 5-0

RESOLUTION

01:18-04

**SET DATE PUBLIC HEARING
TO REZONE 2628 SOUTH RD**

WHEREAS, the Town Board has received a communication from the Director of Municipal Development to suggest that it change the zoning designation for a portion of the property located at 2628 South Road, tax parcel number 6160-01-235760 from Residence Single Family 2 Acre (R-2A) to Highway Business (B-H) District; and

WHEREAS, the change of zone would involve ±10 acres of a ±139.23 acre site, and 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 and to the Town Planning Board 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 March 1, 2017, 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 has determined that the action should be subject to a coordinated review because the proposed use of the property will, among other permits and approvals, require Site Plan Approval by the Town Planning Board, therefore the Town Board consents to the Planning Board acting as the Lead Agency to coordinate the environmental review of the proposed action pursuant to Article 8 of the Environmental Conservation Law; and
3. The Town Board refers this matter to the Dutchess County Department of Planning and Economic Development for a recommendation pursuant to GML 239-m; and
4. The Town Board refers this matter to the Town Planning Board for an advisory report.
5. The Town Board directs the Town Clerk to notify the surrounding towns of the public hearing pursuant to GML 239-nn.

So Moved: A. Shershin/ M. Cifone

Neil Wilson Director of Development, spoke briefly and turned it over to Rebecca Valk, from Mackey Butts & Wise LLP and Dr. Anthony Bacci. Anthony Bacci gave a brief overview of his intentions to establish offices at the Country Club site for two companies, Telestat and Monitor Me which develop medical devices. The Public Hearing on the rezoning is set for Wednesday, March 1st, 2017 at 7:00 PM.

Roll Call: Ayes: Supervisor Baisley, Councilman Carlos, Cifone, Lepore,
Councilwoman Shershin
Nays: None

CARRIED: 5-0

RESOLUTION

01:18-05

AUTHORIZE SUPERVISOR
TO SIGN CONTRACT WITH
MUNICIPAL

WHEREAS, the Receiver of Taxes, Karen Schubert, has advised that the current credit card provider charges the Town 2.99% together with a \$.50 swipe fee or a \$2.00 minimum charge; and

WHEREAS, there have been operational difficulties with the current provider, IMAS, LLC and PowerPay; and

WHEREAS, the Receiver has discussed replacement systems with four (4) providers, and advises that Municipay will reduce the credit card charge to the Town from 2.99% to 2.65%, will maintain the minimum \$2.00 charge per transaction and also offer an Echeck charge at \$1.50 per transaction, and

WHEREAS, no other provider can provide the Town the ability to apply its water and sewer payments directly to the Town's Munis computer system, which direct application ability is offered by Municipay and will save the Receiver's office approximately one (1) hour of labor per day, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie finds that it would not be in the best interest of the Town to do a formal procurement given the unique nature of the service which Municipay can offer and its favorable pricing, and the Town Board does hereby authorize the Supervisor to execute a contract with Municipay on terms which are acceptable to the Attorney for the Town.

So Moved: J. Baisley/ W. Carlos

Roll Call: Ayes: Supervisor Baisley, Councilman Carlos, Cifone, Lepore,
Councilwoman Shershin

Nays: None

CARRIED: 5-0

RESOLUTION

01:18-06

AUTHORIZE SUPERVISOR
TO SIGN CHANGE ORDER
WITH BLUE HERON AWWTP

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign a Time Extension Change Order with Blue Heron Construction Company in reference to the Arlington WWTP Rehabilitation Project, to change the completion of the waterline to January 20, 2017, a copy of said Change Order is attached.

So Moved: W. Carlos/M. Cifone

Roll Call: Ayes: Supervisor Baisley, Councilman Carlos, Cifone, Lepore,
Councilwoman Shershin

Nays: None

CARRIED: 5-0

RESOLUTION

01:18-07

**SET DATE PUBLIC HEARING
PROPERTY MAINTENANCE
5 MAHAR DRIVE**

WHEREAS, Orders to Remedy, copies of which are attached hereto, have been issued for property located at 5 Mahar Drive, Town of Poughkeepsie, State of New York, pursuant to Chapter 159 of the Town of Poughkeepsie Town Code; and

WHEREAS, said Orders to Remedy have not been complied with, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 15th day of February, 2017 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and place of a public hearing to consider a recommendation from the Zoning Administrator that the Town or its contractor remove and as needed continue to remove all solid waste, debris and litter, fallen tree limbs, cut grass to a height not to exceed 6 inches and maintain throughout the growing season all at the above property, so it will not become overgrown and unsightly, all at the above property, the cost of which work shall constitute a lien and charge on the above real property until paid, satisfied or discharged and shall be collected in the same manner as other Town charges.

So Moved: M. Cifone/ W.Carlos

**Roll Call: Ayes: Supervisor Baisley, Councilman Carlos, Cifone, Lepore,
Councilwoman Shershin**

Nays: None

CARRIED: 5-0

RESOLUTION

01:18-08

**ACCEPT/RELEASE EASEMENT/BOND
INWOOD LAKE**

WHEREAS, the developer of the Park at Inwood has tendered a sewer access easement to the Town of Poughkeepsie, which easement will allow the Town access to the sewer main and appurtenances in this private project for emergency purposes, without the Town assuming any obligation to enter or take action, and further provides that in the event that the Town were to take action that all Town expenses would be reimbursed to the Town, and be included in the developer's and owner's sewer bills if unpaid, now therefore

BE IT RESOLVED the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to accept and execute the attached Inspection, Maintenance and Access Agreement with Easement on behalf of the Town upon the developer fulfilling the other conditions for the approval of this site plan development, and

BE IT FURTHER RESOLVED, that upon acceptance of the Easement, the Supervisor is authorized to release the bond, Letter of Credit and other security received for the completion of the required site development work.

So Moved: A. Shershin/ M.Cifone

Roll Call: Ayes: Supervisor Baisley, Councilmen Carlos, Cifone, Councilwoman Shershin,
Nay: -0-
Abstain: Councilmen Lepore
Absent: -1- CARRIED: 4-0-1

RESOLUTION

01:18-09

**AUTHORIZE LAND TRANSFER
MALMROS TERRACE**

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to sign all papers necessary and proper to effectuate a transfer of surplus property owned by the Town of Poughkeepsie to Thomas and Nancy Mahar, which property is situated on Malmros Terrace in the Town of Poughkeepsie and described on Exhibit A, for the sum of \$750.00, as valued by the Town Assessor, such sale to be by the Town of Poughkeepsie on a quitclaim basis with the closing only to occur after the expiration of the required term for the filing of a Permissive Referendum without the filing of such a petition, and that all advertising, filing and recording expenses of the Town shall be reimbursed to it by the purchasers, and

BE IT FURTHER RESOLVED, that the Town Board determines that this is an Unlisted Action involving the transfer of approximately .054 acres of undeveloped real property and further determines that the transfer of this property will not result in any potentially significant adverse environmental impacts, and

BE IT FURTHER RESOLVED, based on the foregoing the Town Board authorizes the execution of the annexed Environmental Assessment Form by the Supervisor or his designee and the execution of the annexed required Negative Declaration documentation.

So Moved: J. Baisley/ W.Carlos

Roll Call: Ayes: Supervisor Baisley, Councilman Carlos, Cifone, Lepore,
Councilwoman Shershin
Nays: None CARRIED: 5-0

RESOLUTION

01:18-10

**APPOINT 1ST WARD COUNCILMAN
JEFFREY D. RENIHAN**

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Jeffrey D. Renihan, effective immediately to fill the unexpired term of First Ward Councilman, which appointment shall expire on December 31, 2017.

So Moved: W. Carlos/ M. Cifone

Jeff Renihan thanks the Town Board for his appointment and tells us a bit about himself and his background.

Roll Call: Ayes: Supervisor Baisley, Councilman Carlos, Cifone, Lepore,
Councilwoman Shershin
Nays: None

CARRIED: 5-0

RESOLUTION

01:18-11

AUTHORIZE SPECIAL CONSENT

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

1. Retain Van DeWater & Van DeWater-People
(Supervisor Baisley) v. Ramos – Notice of Appeal

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: M. Cifone/ W.Carlos

Roll Call: Ayes: Supervisor Baisley, Councilman Carlos, Cifone, Lepore,
Councilwoman Shershin
Nays: None

CARRIED: 5-0

RESOLUTION

01:18-SC1

RETAIN VAN DEWATER & VAN DEWATER PEOPLE V. RAMOS

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby retain Van DeWater & Van DeWater, 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 an appeal to the Appellate Term of the Supreme Court in the proceeding known as *People v. Hector Ramos*.

So Moved: J. Lepore/ M. Cifone

Roll Call: Ayes: Supervisor Baisley, Councilman Carlos, Cifone, Lepore,
Councilwoman Shershin
Nays: None

CARRIED: 5-0

SUSPENSION OF THE RULES TO ALLOW PUBLIC COMMENT ON TOWN ISSUES

New Hamburg Resident David Cullen speaks on behalf of the New Hamburg Neighborhood Association for several minutes in regard to the Bottini Lawsuit and would like a copy of any agreement or settlement should one become available.

Doreen Tignanelli asks about same document should it become available for FOIL, and also asks if Joseph Lepore has any Business dealing with project at 2628 South Road.

01:18-ES

EXECUTIVE SESSION

Be it Resolved, the Town Board of the Town of Poughkeepsie is hereby adjourned to Executive Session to consider the following matters to wit:

- 1. Litigation to discuss litigation strategy of the cases known as Bottini**
- 2. Confidential Communication Between Attorney and His Client, The Town Board, Based on Attorney/Client Privilege**

And Be it further resolved, there will be no action taken appropriating money.

TOWN BOARD MEETING ADJOURNED AT 7:40 PM

TOWN BOARD ENTERED EXECUTIVE SESSION AT 7:41 PM

TOWN BOARD RETURNED TO TOWN BOARD MEETING AT 9:27 PM

NO ACTION TAKEN IN EXECUTIVE SESSION

TOWN BOARD MEETING ADJOURNED AT 9:28 PM

***ALL TOWN BOARD MEETINGS MAY BE VIEWED IN FULL VIDEO AT LINK BELOW**

https://www.youtube.com/channel/UCjeRDRCg17z3K2GhMIJ_Y5Q/videos