

**TOWN BOARD MEETING AGENDA
Dutchess Junction Fire House**

September 09, 2006

Supervisor Pagones opened the Summer Town Board meeting at 10:00 am, Dutchess Junction Fire House, Slocum Road, Fishkill, New York and led the audience with "Pledge of Allegiance".

Present: Supervisor Joan A. Pagones; Joe Ruggiero – Supervisor Town of Wappingers; Town Board members, Steve Ferguson, Ronald Leenig, Heather Malvarosa, Dennis Zack; Town Attorney – Ronald Blass, Rebecca Valk; Town Engineer – John Andrews; Allison MacAvery – County Legislator, John Morabito – Morris Associates; James A. Foy – Receiver of Taxes; John Darcy – Housing Assistant; Steven Turk – Splash Down Beach; Joel Hanig, Kurt Kuehner – Magnolia Townhouses; Karen Hagstrom, Esq. – Corbally, Gartland & Rappleyea; Residents – Nick Sialmas, John Shebanie, Karen Bozsik, Ms. Hudson, Victor Lioy, David Eberle, Azem Albra; and Town Clerk – Darlene Bellis

PUBLIC HEARING(s)

Authorization to participate in a Coordinated Assessment Program

Supervisor Pagones read (**copy attached to original minutes**) the notice of public hearing authorizing the participation of the Town of Fishkill in a Coordinated Assessment Program with the Town of Wappinger.

Public hearing opened at 10:00am

Supervisor Pagones announced that the Board is joined with Joe Ruggiero, Supervisor for the Town of Wappingers and that this legislation has been talked about doing this for two years.

Joe Ruggiero, Supervisor Wappingers, thanked the board for working well with the Wappingers Town Board to craft this legislation. He continued in giving a history of their towns, their assessments and their assessors. Now the towns will have a joint assessor. This agreement will give a shared savings to both municipalities, will be getting significant state aid, will be one of the largest cooperative assessment program in the state of New York, and other municipalities in the county are now considering going forward with a similar plan.

Supervisor Pagones asked the audience for any comments.

David Eberle, resident, asked if Beacon is in the agreement and Supervisor Pagones answered no. She continued by stating that the bottom line is that the Town of Wappingers and the Town of Fishkill are served by two school districts.

Ronald Blass, Town Attorney, really goes to the variations of the equalization rates which causes municipal potentially have different school taxes. The Town of Fishkill and Town of Wappingers are bringing their assessments to full value, and will converge in reaching that goal for the 2007 tax year. Beacon is really not part of that consortium of revaluation which will equalize the equalization rates.

Joe Ruggiero, Wappingers Supervisor, commented that in order for both towns to go into the agreement, had the towns not done the revalue, the Towns would not have been able to just join up, our rolls have to be at the

same equalization rate. He went into the logistical issues regarding how many parcels one assessor can manage.

Carmella Leva stated that she noticed a change in property value on her tax bill and asked if the revalue has change been done. She also asked how can the houses values be determined when the house values fluxuate with the economy being what it is.

**TOWN BOARD MEETING AGENDA
Dutchess Junction Fire House
Page 2**

September 09, 2006

Supervisor Pagones answered Ms. Leva in that the revalue has not kicked in yet but on the bills is a comparison of values.

After discussion with David Eberle and Nick Sialmas regarding the value of the homes, how the equalization rate will be taken into consideration, and the market value of the homes, Supervisor Pagones stated that John Watch has that information and when this project is finished for 2007, the towns will be at 100%, whatever happens in the market place will be geared to the this. She continued by saying that John Watch's group has been all over the state in these revalues.

Azem Albra asked what the rate is that the Town's will be getting back – answer is 17/per parcel this year alone and then will drop down to 5/per parcel.

After discussion regarding tax levy / school district tax levy / it was stated the towns have no control over the school tax levies. Joe Ruggiero, Wappingers Supervisor, explained the levy vs. dollar amount of tax.

Allison MacAvery, County Legislator, asked if there will be one assessor hired, a shared municipality for the assessor position. Answer was yes, both municipalities will be sharing the salary down the middle.

Motion made by Councilman Zack **to close the public hearing.**

Seconded by Councilman Ferguson

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried unanimously 5-0

Public hearing closed at 10:23 am

Establishment of Rombout Village Lighting District

Supervisor Pagones read (**copy attached to original minutes**) the notice of public hearing for the establishment of the Rombout Village Lighting District.

Public hearing opened at 10:24 am

John Andrews reviewed the history of the Rombout Village Lighting District and the request to have a lighting district.

Asked the audience – hearing none

Motion made by Councilman Ferguson **to close the public hearing.**

Seconded by Councilwoman Malvarosa

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried unanimously 5-0

Public hearing closed at 10:27 am

SEQR Hearing – DEIS Magnolia Townhouses

Supervisor Pagones read (**copy attached to original minutes**) the notice of completion of Draft EIS and notice of SEQR hearing lead agency for the Magnolia Townhouse located on the east side of Route 9D.

Public hearing opened at 10:27 am

Joel Hanig gave a short over view of the Magnolia Townhouses project.

TOWN BOARD MEETING AGENDA

September 09, 2006

Dutchess Junction Fire House

Page 3

John Andrews stated that there are still some minor clarifications and issues that need to be resolved (storm water management, traffic) and agreements that need to be put in place between the town and the development in regards to water and sewer.

Azem Albra asked if R-40 is ½ acre zoning? 1 acre zoning.

With the rezoning the town is allowing the developer to go from 15 to 70 units if approved. He asked about how the cost of the Rombout Water and Sewer District will be dispersed to the new homeowner.

The answer was the developer gets the water and sewer there and the user pays for it.

Motion made by Councilwoman Malvarosa **to close the public hearing.**

Seconded by Councilman Zack

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried unanimously 5-0

Public hearing closed at 10:38 am

Allison Mac Avery – County Legislator

She gave an update on the county legislature's resolutions, proposals and meetings.

PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS

Motion made by Councilman Zack **to go into the privilege of the floor for agenda items.** **Seconded** by Councilwoman Malvarosa

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried unanimously 5-0

Supervisor Pagones addressed Ms. Leva stating that the Town has an answer on the installment payment on taxes – the software company was contacted and it was determined that it can only deal with county and town taxes and cannot do it with the school taxes. She suggested that Ms. Leva contact the Wappinger Central School District, as the Town is only a vehicle in collecting the school district's taxes.

ANNOUNCEMENTS

Thank you letter to Simon Barker – GAP

Supervisor Pagonis read (**copy attached to original minutes**) from Jeff Girton to Simon Barker, GAP for his donation to the Fishkill Teen Travelers Camp.

DISCUSSION(s):

Bozsik-Sunnyside Road – Discussion of noise variance

Rebecca Valk gave a background on the noise variance complaint.

Karen Hagstrom, Esq. representative for the Bozsik's reviewed her letter to the town in regards to the Bozsik's work and the variance they got for noise.

TOWN BOARD MEETING AGENDA

September 09, 2006

Dutchess Junction Fire House

Page 4

Karen Bozsik answered Joan's question in regards to the petition from Ms. Hudson and showed the board pictures.

Mrs. Hudson informed the board of her concern about the work and excavation in regards to the noise and the consideration she is not getting from the Bozsik's.

Ron Blass, Town Attorney, stated that the Board gave a variance to work on Sundays, if any area in which the board would like to get a resolution it would be framed around whether the board would want to continue with the approval of the noise variance, or deny the noise variance if the Board cannot get a reasonable resolution to the situation. It would be incumbent upon everyone involved to work this out so the Board can take care of other business. There is a real simple question here and that is how long?

Karen Bozsik stated it has not been six years, the beginning was in 2003.

Supervisor Pagonis stated that the Board is going to authorize Rebecca Valk to work with Karen Hagstrom to come up with a reasonable solution to work this all out.

MOTION(s) TO APPROVE/ADOPT

Nullify provision of amplified equipment

Supervisor Pagonis read (**copy attached to original minutes**) letter from Steven Turk requesting the nullification of condition precluding amplified music or voice systems within the project site at any time and provide an allowance for Splash Down Beach to have amplification equipment.

Steven Turk explained the situation and stated he wants to remain very close with the neighbors while running an amusement park, primarily family audience, would basically like to have what any other operation in town is entitled to.

Supervisor Pagonis advised Mr. Turk that the stadium comes in for a variance to the noise ordinance when they have fireworks every now and then.

Victor Liroy, 207 Osborne Hill Road, stated that there was an agreement with the Town Planning Board that there would be no amplification system on the premises.

Supervisor Pagones asked where Mr. Liroy lives relative to Splashdown Beach. Mr. Liroy answered he lives at 207 Osborne Hill Road and described the landscaping of property between his house and Splashdown Beach. He continued by saying that the amplification is like it is in his own back yard due to the fact that sound travels. He stated he does not have a problem with special events that Splashdown Beach has but does not want to see the nullification of amplification equipment stipulation pulled for everyday use.

John Andrews stated the Planning Board is the only board who could make decision on the request of nullification of the amplification equipment.

Supervisor Pagones stated that this board is the only board who could give a variance for specific events.

**TOWN BOARD MEETING AGENDA
Dutchess Junction Fire House
Page 5**

September 09, 2006

After discussion about concerns of the planning board in regards to the amplification of noise and requiring only amplification for emergency purpose which is the ordinary / customary event, the board's intention was to exclude the ongoing music while people go down slides, etc. (no amplification), it was determined that a letter should be filed with town requesting a variance for such special events and goes through the permit requirements.

Motion made by Councilman Ferguson **to approve the noise variance for the motorcycle event on Saturday, 09-16-06, up to 7:00pm and on Sunday, 09-17-06, up to 6:00pm.** **Seconded** by Councilman Leenig Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried unanimously 5-0

Support of the NYS Real Property Tax Administration Technology Improvement Grant Program

Supervisor Pagones read (**copy attached to original minutes**) a letter to Kathleen Myers, Director Dutchess County Real Property Tax Service relaying the support and cooperation to the County in its application for the NYS Real Property Tax Administration Technology Improvement Grant Program,

Motion made by Councilman Zack **to approve the letter in support of the grant application for the NYS Real Property Tax Administration Technology Improvement Grant Program.** **Seconded** by Councilman Leenig Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried unanimously 5-0

2006-2007 County Highway Snow-Ice Control Work Resolution

Supervisor Pagones read (**copy attached to original minutes**) the resolution approving the Town Highway Superintendent to perform work for the 2006-2007 County Snow & Ice control work.

Motion made by Councilman Ferguson to **approve the 2006-2007 County Snow & Ice control work resolution.** **Seconded** by Councilman Zack Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried unanimously 5-0

Amendment to the Fee Schedule

Supervisor Pagones read (**copy attached to original minutes**) the draft amendments to the Town of Fishkill Fee Schedule.

Motion made by Councilman Zack to **approve the amendment as submitted to the fee schedule.** **Seconded** by Councilman Ferguson Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried unanimously 5-0

TOWN BOARD MEETING AGENDA

September 09, 2006

Dutchess Junction Fire House

Page 6

Personnel Manual Update

Supervisor Pagones read (**copy attached to original minutes**) the personnel manual update.

Motion made by Councilman Ferguson to **approve the submission of the personnel manual update.** **Seconded** by Councilman Zack Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried unanimously 5-0

Reservation of Town Hall meeting room Military Academy interviews on 11-18th, 25th – 2006

Supervisor Pagones read (**copy attached to original minutes**) a letter from Sue Kelly requesting the use of Town Hall meeting room for Saturday November 18th and 25th for the purpose of interviewing high school students who are seeking nominations to the U.S. service academies.

Motion made by Councilman Zack to **approve the request for the use of Town Hall for the above mentioned dates and reasons.** **Seconded** by Councilman Ferguson Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried unanimously 5-0

Liquor license renewal – East Hook Sportsmen Association, Inc

Liquor license renewal – Hilton Garden Inn

Motion made by Councilman Ferguson **to approve the liquor license renewals for the above mentioned.** **Seconded** by Councilwoman Malvarosa
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried unanimously 5-0

Police Monthly Statistic Report – August 2006

Councilman Ferguson read (**copy attached to original minutes**) the Police monthly statistics report for August 2006 and made a **Motion to approve/accept report as submitted.** **Seconded** by Councilman Zack Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried unanimously 5-0

MOTION(s) TO ACCEPT RESIGNATION

Police Assistant – Angela DiNapoli

Motion made by Councilman Ferguson **to accept the resignation of Angela DiNapoli as police assistant.** **Seconded** by Councilman Zack Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried unanimously 5-0

TOWN BOARD MEETING AGENDA
Dutchess Junction Fire House
Page 7

September 09, 2006

Summer Recreation personnel effective 09-08-2006

Motion made by Councilwoman Malvarosa **to accept the termination of the summer recreation personnel.** **Seconded** by Councilman Zack Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried unanimously 5-0

Local Law Coordinated Assessment Program

Supervisor Pagones read (**copy attached to original minutes**) resolution to adopt a local law to authorize the participations of the Town of Fishkill in a coordinated assessment program with the Town of Wappinger.

Motion made by Councilman Zack **to adopt the local law to authorize the participation of the Town of Fishkill in a coordinated assessment program with the Town of Wappinger.** **Seconded** by Councilman Ferguson

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| Roll Call | Councilman Ferguson | aye |
| | Councilman Leenig | aye |
| | Councilwoman Malvarosa | aye |
| | Councilman Zack | aye |
| | Supervisor Pagones | aye |

Motion Carried unanimously 5-0

Rombout Village Lighting District

Supervisor Pagones read (**copy attached to original minutes**) a resolution for the Establishment of Rombout Village Lighting District.

Motion made by Councilman Zack **to approve the Establishment of the Rombout Village Lighting District. Seconded** by Councilman Ferguson

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| Roll Call | Councilman Ferguson | aye |
| | Councilman Leenig | aye |
| | Councilwoman Malvarosa | aye |
| | Councilman Zack | aye |
| | Supervisor Pagones | aye |

Motion Carried unanimously 5-0

Motion made by Councilman Zack **to authorize the preparation of bid plans/ specs and to authorize to go out to bid for the Rombout Village Lighting District. Seconded** by Councilman Ferguson

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried unanimously 5-0

Rombout Water District – Extension #3

Town Engineer, John Andrews, reviewed his letter recommending the Town award the contract to Nenni Equipment Corp. in the amount of \$489,525.00 and to authorize the Town Engineer to notify the contractor to Town Supervisor to execute the contract documents.

TOWN BOARD MEETING AGENDA

September 09, 2006

Dutchess Junction Fire House

Page 8

Motion made by Councilman Ferguson **to award the bid to Nenni Equipment Corp. in the amount of \$489.525 to include the necessary authorizations and authorize the contractor and Town Supervisor to execute said contracts. Seconded** by Councilman Leenig

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried unanimously 5-0

Bozsik's noise variance

Rebecca Valk stated that her recommendation is that the Bozsik's will limit the work on Saturdays between 3:00pm to 8:00pm and on Sundays between 12:00 noon to 7:00pm and will be allowed to construct during the week between the hours within the Town Code. She stated that Ms. Hudson has reservations about this recommendation. The variance is being modified as of today with the agreed conditions

Motion made by Councilman Zack **to modify the variance to limit the Bozsik's to work on Saturdays between 3:00pm to 8:00pm and Sundays between 12:00 noon to 7:00pm, allowed to construct during the week between the hours within the Town Code. Seconded** by Councilman Ferguson

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried unanimously 5-0

Seed Foundation

Supervisor Pagones read (**copy attached to original minutes**) a resolution approving and authorizing the Supervisor to execute a proposed agreement between the Town and the SEED Foundation for the preparation of educational pamphlets regarding environmental issues, including water cycles, riparian zones, vegetation and watersheds.

Motion made by Councilman Zack **to approve and authorize the Supervisor to execute a proposed agreement between the Town and the SEED Foundation. Seconded** by Councilwoman Malvarosa

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| Roll Call | Councilman Ferguson | aye |
| | Councilman Leenig | aye |
| | Councilwoman Malvarosa | aye |
| | Councilman Zack | aye |
| | Supervisor Pagones | aye |

Motion Carried unanimously 5-0

Introduction of a Local Law

Supervisor Pagones read (**copy attached to original minutes**) the introduction to a local law amending Schedule A of Chapter 143, Section 143-16 to designate additional stop intersections and to set a public hearing on 09-20-2006 @ 9:30 am

TOWN BOARD MEETING AGENDA

September 09, 2006

Dutchess Junction Fire House

Page 9

Motion made by Councilman Ferguson **to set a public hearing on September 20, 2006 at 9:30am, for the purpose of introducing a local law amending Schedule A of Chapter 143, Section 143-16 to designate additional stop intersections. Seconded** by Councilman Leenig

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| Roll Call | Councilman Ferguson | aye |
| | Councilman Leenig | aye |
| | Councilwoman Malvarosa | aye |
| | Councilman Zack | aye |
| | Supervisor Pagones | aye |

Motion Carried unanimously 5-0

BUDGET TRANSFERS

Motion made by Councilwoman Malvarosa **to approve the budget transfers as submitted as follows:**

Personnel \$ 100 to cover supplies for office move

Highway \$ 959 to record insurance check receipt and repair

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|-------------|----------|--|
| Recreation | \$ 5,600 | to cover 1 st session of 2006/20067 In-School |
| Recreation | | with revenues received |
| Comptroller | \$ 99 | to cover seminar for receptionist |
| Parks | \$ 6,500 | to transfer funds to cover employee transfer from |
| Town | | Clerk to Building Department |
| Parks | \$ 4,000 | to transfer from capital expenses to fuel and facility |
| | | repairs |
| Recreation | \$ 1,000 | to cover cost of senior trip to Pennsylvania with |
| donations | | received |
| Recreation | \$ 2,150 | to cover cost of senior picnic with donations already |
| | | received |

(copies attached to original minutes)
Seconded by Councilman Ferguson
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried unanimously 5-0

NEW and OLD BUSINESS

Councilwoman Malvarosa

Has all positive letters from campers

The Town's 911 Ceremony will be following the Villages at 9:30 am for reflections of the Pentagon and Pennsylvania

On 10-22-2006 there will be a rabies clinic at Town Hall between 1-4pm

TOWN BOARD MEETING AGENDA

September 09, 2006

Dutchess Junction Fire House

Page 10

Councilman Zack

none

Councilman Ferguson

Working on the FEMA courses for disaster recovery, the Elected officials, police and highway departments will be required to take the courses

Councilman Leenig

Mark Purcell is working with the veterans and a BOCES trainer and will be forwarding a contract to Mr. Blass for his review

ADJOURNMENT

Motion made by Councilman Ferguson **to adjourn the meeting.**

Seconded by Councilman Leenig

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried unanimously 5-0

Meeting adjourned at 12:06 pm

Respectfully submitted,

Darlene Bellis
Town Clerk