

Supervisor Pagones opened the Town Board meeting at 9:30am, Town Hall, 807 Route 52, Fishkill, New York and led the audience with the “Pledge of Allegiance”.

Present: Joan A. Pagones, Supervisor; Town Board members, Steve Ferguson, Ronald Leenig, Heather Malvarosa, Dennis Zack; Town Attorney – Ronald Blass, Rebecca Valk; Town Engineer – John Andrews; Pamela Garnot – Supervisor’s Assistant; Paul Gromkowski – Housing Director; John Darcy – Assistant Housing Director; Robert Wheeling – Comptroller; James A. Foy – Receiver of Taxes; Residents – Azem Albra, Pauline Reirdan, Maureen Cotter, Ann LaGoy, Diane Assefi, and Town Clerk – Darlene Bellis

PUBLIC HEARING(s)

WAIVER OF APPLICATION ON LAND USE – RICHARD SHEA

Supervisor Pagones read (**Copy attached to original minutes**) the notice of public hearing for the waiver of application on land use moratorium adopted by Local Law #6 of 2007 covering the Beacon Hills area submitted by Richard Shea, Pine View Road and tax map parcel # 6154-05-039847, 029870, 030965, 034851.

Public hearing opened at 9:33am

Supervisor Pagones read Richard Shea’s application.

Rebecca Valk, Esq., explained the set back requirements for Richard Shea’s application and what Richard Shea is requesting.

After discussion regarding the subdivision application, septic approvals from the health department and the water problems in that area the Town Board stated that they will respond within sixty days.

Supervisor Pagones then stated she would open this public hearing to the floor.

Pauline Reirdan stated she worked on petitions in that area and further commented that they have problems with that stream in that area.

John Andrews, Town Engineer, responded that he is not disputing that the stream overflows but the issue is all the water off that mountain reaches that stream at one point in time or another, the houses that front Pineview have issues with the water jumping out of the ditch coming across their properties and finding its way to the stream. He stated that the minor development of those two lots will not increase the flow to that stream.

Maureen Cotter asked who was speaking.

Supervisor Pagones answered Ms. Cotter that it was John Andrews, Town Engineer for the Town Board and the Planning Board.

Maureen Cotter continued by saying that with talking with the Beacon Hills residents, there are other issues besides the flooding. Some issues are the water pressure and the environment in general.

Supervisor Pagones stated that this Board is going consider each and every application and rule on each one singly.

Maureen Cotter felt that the moratorium should stay until all studies are complete and feels very strong about this issue that she wrote a letter to the Southern Dutchess News and the Poughkeepsie Journal which she read (**copy attached to original minutes**) for the record.

Pauline Reirdan stated she agrees with Ms. Cotter. She then handed the Board more names to the petition requesting the moratorium on building.

Azem Albra stated that this moratorium came about once a certain developer wanted to build a home adjacent to a town councilperson's resident. Whether it is political or not, that is an issue and a valid issue. He also hopes the right thing happens.

Supervisor Pagonis stated that within sixty days Mr. Shea will have an answer and that on November 10th, 2007 an answer will be had for the other applications.

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

Seconded by Councilwoman Malvarosa

Pagonis (aye), Ferguson (aye), Malvarosa (aye), Zack (aye)

Leenig (abstained – resident)

Motion carried 4-0

Public hearing closed at 9:44am

PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS

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

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

Motion Carried 5-0 unanimously

Azem Albra asked if there will be a public hearing today for the 2008 Town of Fishkill budget.

Supervisor Pagonis answered that the board is going to set the public hearing for November 10th, 2007 at 10:00am for the Special District Assessment rolls and the 2008 Town of Fishkill Budget.

Azem Albra stated that last year the hearing was in October.

Supervisor Pagonis stated yes but there have been changes to the law and she will explain that later down below when this board sets the public hearing.

Motion made by Councilwoman Malvarosa **to go back into the regular order of business. Seconded** by Councilman Leenig

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

Motion Carried 5-0 unanimously

APPROVAL OF MINUTES

Supervisor Pagonis stated the minutes of September 19, 2007 were distributed for the Board's review and stated she would entertain a motion to approve said minutes.

Motion made by Councilwoman Malvarosa **to approve the minutes of September 19, 2007 as submitted. Seconded** by Councilman Leenig Pagonis (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried 5-0 unanimously

PRESENTATION(s)

Update on Greenway Trail by the Environmental Advisory Board

Ann LaGoy advised the Board that Bob Hoose is at another presentation and thought this was an evening board meeting and requested that is item be rescheduled for the next Town Board meeting.

Supervisor Pagonis stated the next meeting will be on Saturday morning, 11-10-2007. This item can begin the meeting that day.

MOTION(s) TO APPROVE/ADOPT

Set public hearing 2007-2008 Special District Assessment Rolls

Motion made by Councilwoman Malvarosa **to set a public hearing on the 2007-2008 Special District Assessment Rolls to be held on November 10, 2007 at 10:00 am, here at Town Hall, 807 Route 52, Fishkill, New York. Seconded** by Councilman Leenig Pagonis (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried 5-0 unanimously

Set public hearing 2008 Town of Fishkill budget

Supervisor Pagonis stated that rules for the fire districts had changed for the preparation of their budgets and the time frame in which they needed to submit it to the town so the town will wait it out. Preliminary figures will be brought up the town clerk.

Azem Albra asked if the modified budget for 2007 was 9.6.

Supervisor Pagonis answered 9.384690

Azem Albra asked what the original budget was.

Robert Wheeling, Comptroller, answered a couple hundred thousand dollars less. He explained what the reasoning is behind that.

Motion made by Councilwoman Malvarosa **to set a public hearing on the 2008 Town of Fishkill Budget to be held on November 10, 2007 at 10:00 am, here at Town Hall, 807 Route 52, Fishkill, New York. Seconded** by Councilman Leenig Pagonis (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried 5-0 unanimously

Waiver of application on land use – Ronald Wudarsky

The Town Clerk was instructed to set a public hearing on the waiver of application of the land use moratorium adopted by Local Law #6 of 2007 covering Beacon Hills area submitted by Ronald Wudarsky – pine View Road, tax map #6154-05-039847, 029870, 032858, 030865, 034851, to be held on November 10, 2007 at 10:00 am, here at Town Hall, 807 Route 52, Fishkill, New York.

Add to Consultant's List as Appraisers

Motion made by Councilman Ferguson to retain Empire State Appraisal Consultants, Inc. and Barry M. Herbold as appraisers for the Town of Fishkill for the tax certiorari proceedings instituted by Elevado against the Town of Fishkill for the 2007 assessment roll. Seconded by Councilwoman Malvarosa

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried 5-0 unanimously

Proposed Rhinebeck Savings Bank re-zoning

Town Engineer, John Andrews, advised the Board that he needs authorization to prepare a negative declaration for the proposed Rhinebeck Savings Bank.

Motion made by Councilman Ferguson to authorize the Town Engineer to prepare a negative declaration for the proposed rezoning application of Rhinebeck Savings Bank. Seconded by Councilman Leenig

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried 5-0 unanimously

MOTION(s) TO ACCEPT RESIGNATION

None

MOTION(s) TO APPOINT

None

BUDGET TRANSFERS

None

NEW and OLD BUSINESS

Village of Fishkill Water Supply Connection

Supervisor Pagones read (**copy attached to original minutes**) a letter from Dennis E. Walden, L.S. requesting on behalf of Iraj and Diane Assefi the permission to connect into the village of Fishkill water supply for their proposed two lot subdivision.

Motion made by Councilman Leenig to authorize the town engineer and town attorney to prepare the necessary paper work to make the connection into the Village of Fishkill water supply and approve the applicant to go before the Village Board for same request. **Seconded** by Councilman Ferguson

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried 5-0 unanimously

New Chapter 94 – “Illicit Discharges to Storm Sewers

Supervisor Pagones read (**copy attached to original minutes**) a resolution introducing a local law creating a new Chapter 94 “Illicit Discharges to Storm Sewers” and setting a public hearing on November 10, 2007 at 10:00 am and she made a **Motion to approve the resolution and to set a public hearing on 11-10-2007 at 10:00 am.** **Seconded** by Councilman Ferguson

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

Motion Carried

Stormwater Management and Erosion & Sediment Control

Supervisor Pagones read (**copy attached to original minutes**) a resolution introducing a local law creating Chapter 130 “Stormwater Management and Erosion & Sediment Control” and setting a public hearing on November 10, 2007 at 10:00 am and she made a **Motion to approve the resolution and to set a public hearing on 11-10-2007 at 10:00 am.** **Seconded** by Councilman Ferguson

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

Motion Carried

Amendment to Chapter 138 “Alternative Veterans Exemption”

Councilman Leenig read (**copy attached to original minutes**) a resolution introducing a local law amending Chapter 138 – Article II “Alternative Veterans Exemption” and setting a public hearing on November 10, 2007 at 10:00 am and she made a **Motion to approve the resolution and to set a public hearing on 11-10-2007 at 10:00 am.** **Seconded** by Councilman Ferguson

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

Motion Carried

No Parking signs

Supervisor Pagones read (**copy attached to original minutes**) a request from Glenn Scofield for no parking signs on private roads.

Motion made by Councilman Ferguson **to authorize the town attorney to prepare the introduction resolution for the no parking signs and setting a public hearing. Seconded** by Councilwoman Malvarosa Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried 5-0 unanimously

EXECUTIVE SESSION

Motion made by Councilman Ferguson **to go into executive session. Seconded** by Councilwoman Malvarosa Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried 5-0 unanimously
Executive session at 10:25am

Regular Order of Business

Motion made by Councilwoman Malvarosa **to go back into the regular order of business. Seconded** by Councilman Ferguson Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried 5-0 unanimously
Regular order of business at 10:37am

ADJOURNMENT

Motion made by Councilman Ferguson **to adjourn the meeting. Seconded** by Councilman Zack Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried 5-0 unanimously

Meeting adjourned at 10:38am

Respectfully submitted,

Darlene Bellis
Town Clerk