

TOWN BOARD MEETING

DECEMBER 12, 2007

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: Supervisor Joan A. Pagones; Town Board member, Steve Ferguson, Ronald Leenig, Dennis Zack; Town Attorney – Rebecca Valk; Town Engineer – John Andrews; Pamela Garnot – Assistant to Supervisor; Paul Gromkowski – Housing Director; Nancy Lecker – Zoning Appeals Secretary; Robert LaColla – town board elect; and Town Clerk – Darlene Bellis

Absent: Town Board member, Heather Malvarosa

PUBLIC HEARING(s)

Local Law amending Chapter 74

Supervisor Pagones read (**copy attached to original minutes**) notice of public hearing for the local law amending Chapter 74 regarding compliance with 19 NYCRR Pat 1203.

Public hearing opened at 9:31am

Hearing no comments **Motion** made by Councilman Ferguson **to close the public hearing. Seconded** by Councilman Leenig

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

Motion Carried

Public hearing closed at 9:34am

Local Law amending Chapter 50

Supervisor Pagones read (**copy attached to original minutes**) notice of public hearing for the local law amending Chapter 50 regarding compliance with 19 NYCRR Pat 1203.

Public hearing opened at 9:34am

9:34am

Hearing no comments **Motion** made by Councilman Ferguson **to close the public hearing. Seconded** by Councilman Leenig

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

Motion Carried

Public hearing closed at 9:35am

Local Law amending Chapter 150

Supervisor Pagones read (**copy attached to original minutes**) notice of public hearing for the local law amending Chapter 150 to make it consistent with Chapter 50 of the Code of the Town of Fishkill.

Public hearing opened at 9:35am

Hearing no comments **Motion** made by Councilman Ferguson **to close the public hearing. Seconded** by Councilman Leenig

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

Motion Carried

Public hearing closed at 9:36am

Local Law amending Section 143-10

Supervisor Pagones read (**copy attached to original minutes**) notice of public hearing for the local laws amending Section 143-10 to establish not parking zones along Ridge Road.
Public hearing opened at 9:37am

Hearing no comments **Motion** made by Councilman Ferguson **to close the public hearing. Seconded** by Councilman Leenig
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (absent), Zack (aye)
Motion Carried
Public hearing closed at 9:10am

Adoption of Local Law amending Chapter 50

Supervisor Pagones read (**copy attached to original minutes**) resolution adopting the local law amending Chapter 50 to bring the code of the Town of Fishkill into compliance with 19 NYCRR Part 1203 and made a **Motion to adopt Local Law #14 of 2007 amending Chapter 50 as read.**

Seconded by Councilman Ferguson

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

Motion Carried

Adoption of local law amending Chapter 74

Supervisor Pagones read (**copy attached to original minutes**) resolution adopting the local law amending Chapter 74 to bring the code of the Town of Fishkill into compliance with 19 NYCRR Part 1203 and made a **Motion to adopt Local Law #15 of 2007 amending Chapter 74 as read.**

Seconded by Councilman Ferguson

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

Motion Carried

Adoption of local law amending Chapter 150

Supervisor Pagones read (**copy attached to original minutes**) resolution adopting the local law amending Chapter 150 to make it consistent with Chapter 50 of the Code of the Town of Fishkill and made a **Motion to adopt Local Law #16 of 2007 amending Chapter 50 as read. Seconded** by Councilman Ferguson

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

Motion Carried

Adoption of local law amending Section 143-10

Supervisor Pagones read (**copy attached to original minutes**) resolution adopting the local law amending Section 143-10 to establish no parking zones along Ridge Road and made a **Motion to adopt Local Law #13 of 2007 amending Section 143-10 as read. Seconded** by Councilman Ferguson

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

Motion Carried

PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS

None

MOTION(s) TO APPROVE/ADOPT

Authorize consent judgment

After discussion regarding the 2004, 2005, and the 2006 tax certiorari proceedings and the possibility if this would affect the Town's 2008 budget, it was decided to pull this item off agenda and place on agenda for the 21st of December meeting.

Authorize connection to Forge Brook Sewer District

Motion made by Councilman Ferguson **to authorize the connection of 33 Van Steuben Road to the facilities of the Forge Brook Sewer District and that the property owner be allowed to connect at such time as all appropriate permits are in place and he has made arrangements with the Building Inspector and CAMO Pollution Control, Inc. to inspect the work. Seconded** by Councilman Zack

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

Motion Carried

Resolution awarding the Recreation Program (YDDP) \$4,514

Motion made by Councilman Leenig **to approve / accept the 2008 OCFS funds for the recreation program in the amount of \$4,514. Seconded** by

Councilman Ferguson

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

Motion Carried

Resolution awarding the Juvenile Aid Bureau Program \$4,001

Motion made by Councilman Ferguson **to approve / accept the 2008 OCFS funds for the juvenile aid bureau program in the amount of \$4,001. Seconded** by Councilman Ferguson

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

Motion Carried

Request to hook up to sewer system for 831 and 841 Route 52

Motion made by Councilman Ferguson **to authorize the connection of 831 and 841 Route 52 to the facilities of the Dutchess Park Sewer District and that the Town Board authorizes the Town Attorney and the Town Engineer to take the steps necessary to negotiate and prepare suitable out-of-district tenant agreements for the connection of these parcels. Seconded** by Councilman Leenig
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (absent), Zack (aye)
Motion Carried

Parking ticket enforcement

Table to the 21st of December meeting – needs more information regarding the program, who is going to be hired, and what the salary is going to be.

Resolution for facsimile signatures

Motion made by Councilman Ferguson **to approve and adopt the resolution for facsimile signatures with M&T Bank. Seconded** by Councilman Leenig
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (absent), Zack (aye)
Motion Carried

Service contract 2008 for Highway

Motion made by Councilman Ferguson **to approve the service contract for the year 2008 submitted by highway superintendent for NYCOMCO, METREORLOGIX, TECH AIR, SAFECO, CAPITAL UNIFORM. Seconded** by Councilman Zack
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (absent), Zack (aye)
Motion Carried

Service contract 2008 submitted by Buildings Superintendent

Motion made by Councilman Leenig **to approve the service contract for the year 2008 submitted by building superintendent for MEI elevator annual maintenance work. Seconded** by Councilman Ferguson
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (absent), Zack (aye)
Motion Carried

Liquor license renewal – Nonna Concetta

Motion made by Councilman Ferguson **to approve the liquor license renewal submitted by Nonna Concetta. Seconded** by Councilman Leenig
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (absent), Zack (aye)
Motion Carried

MOTION(s) TO ACCEPT RESIGNATION

Dustin R. James - Police Assistant

Motion made by Councilman Ferguson **to accept the resignation of Dustin R. James as police assistant. Seconded** by Councilman Zack Pagonis (aye), Ferguson (aye), Leenig (aye), Malvarosa (absent), Zack (aye)
Motion Carried

MOTION(s) TO APPOINT

Charles G. Theiss - BAR member

Motion made by Councilman Leenig **to re-appoint Charles G. Theiss retroactive to 10-01-2007 for another five year term as a Board of Assessment Review member. Seconded** by Councilman Ferguson Pagonis (aye), Ferguson (aye), Leenig (aye), Malvarosa (absent), Zack (aye)
Motion Carried

BUDGET TRANSFERS

Motion made by Councilman Ferguson **to approve the budget transfers as submitted as follows:**

Recreation	\$ 1,107	to cover end of the year expenses
Parks	\$ 32,241	to cover funds needed to cover some shortfall on certain budget lines

(copies attached to original minutes)

Seconded by Councilman Leenig
Pagonis (aye), Ferguson (aye), Leenig (aye), Malvarosa (absent), Zack (aye)
Motion Carried

Service contract 2008 submitted by Accounting Department

Motion made by Councilman Leenig **to approve the service contract for the year 2008 submitted by the accounting department for MUNIS software, GUI support and OSDBA support. Seconded** by Councilman Zack
Pagonis (aye), Ferguson (aye), Leenig (aye), Malvarosa (absent), Zack (aye)
Motion Carried

NEW and OLD BUSINESS

Councilwoman Malvarosa
absent

Councilman Zack
nothing

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Councilman Ferguson

He stated that Councilwoman Malvarosa attended the village meeting where they had discussion about the no left turns out of Carey and the problem with the enforcement of no left turns.

Councilman Leenig

He attended the winter party for the children on Saturday and commented that there were a lot of activities for the children.

Short term interim water agreement

Supervisor Pagonis read (**copy attached to original minutes**) a resolution regarding the short-term/interim source of water supply authorizing a proposed agreement with Toll VanWyck LLC and Toll Brothers with the Town and Village of Fishkill.

Motion made by Councilman Leenig **to approve and authorize the Supervisor to execute a proposed agreement with Toll VanWyck LLC and Toll Brothers with the Town/village of Fishkill agreements and riders – short term/interim source of water supply. Seconded** by Councilman Ferguson

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	absent
	Councilman Zack	aye
	Supervisor Pagonis	aye

Motion Carried

Short rider to extend

Supervisor Pagonis read (**copy attached to original minutes**) a resolution approving a third rider to the short term / interim water agreement with the Village of Fishkill.

Motion made by Councilman Ferguson **to approve and authorize the Supervisor to execute a proposed third rider to the short term / interim water agreement with the Village of Fishkill. Seconded** by Councilman Leenig

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	absent
	Councilman Zack	aye
	Supervisor Pagonis	aye

Motion Carried

Sale of Wood Place property –

Supervisor Pagones read (**copy attached to original minutes**) a resolution approving the terms of a contract of sale and authorizing the Supervisor to execute the contract of sale to convey the interest in the wood Place parcels to the Village of Fishkill subject to permissive referendum.

Motion made by Councilman Ferguson **to approve the terms of a contract of sale and authorizing the Supervisor to execute the contract of sale to convey the interest in the wood Place parcels to the Village of Fishkill subject to permissive referendum. Seconded** by Councilman Leenig

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

Motion Carried

Pedaling / soliciting laws

Supervisor Pagones read (**copy attached to original minutes**) a resolution introducing a local law creating a new chapter 112 “Peddling and Soliciting” and setting a public hearing.

Motion made by Councilman Ferguson **to set a public hearing on December 21, 2007 at 9:30am for the introduction of a local law creating Chapter 112 “Peddling and Soliciting”. Seconded** by Councilman Leenig

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

Motion Carried

Revision on moratorium – Beacon Hills

Supervisor Pagones read (**copy attached to original minutes**) a resolution introducing a local law amending Chapter 150 to add a new Section 150-99 entitled “Regulation for a interim period of development and use within the Beacon Hills Area of the Town of Fishkill and setting a public hearing.

Motion made by Councilman Ferguson **to set a public hearing to be held on January 02, 2008 at 9:30am for the introduction of a local law amending Chapter 150 adding a new Section 150-99. Seconded** by Councilman Zack

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	abstained

Councilwoman Malvarosa	absent
Councilman Zack	aye
Supervisor Pagones	aye

Motion Carried

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Supervisor Pagones made a **Motion to authorize the town to notify the county to keep the town's rate at \$1.10, and that the rate will be held at \$1.10 with minor changes made by Robert Wheeling the Comptroller.** **Seconded** by Councilman Ferguson
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (absent), Zack (aye)
Motion Carried unanimously 4-0

EXECUTIVE SESSION

Motion made by Councilman Ferguson **to go into executive session for an on going litigation issue - Fairfax Road.** **Seconded** by Councilman Zack

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (absent), Zack (aye)
Motion Carried unanimously 4-0
Executive session at 10:31am

REGULAR ORDER OF BUSINESS

Motion made by Councilman Zack **to go back into the regular order of business.** **Seconded** by Councilman Ferguson

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (absent), Zack (aye)
Motion Carried unanimously 4-0
Regular session at 10:48am

ADJOURNMENT

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

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried unanimously 4-0

Meeting adjourned at 10:49am

Respectfully submitted,

Darlene Bellis
Town Clerk

