

Supervisor Pagones opened the Special 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 members, Steve Ferguson, Ronald Leenig, Heather Malvarosa, Dennis Zack; Town Attorneys – Ronald Blass, Rebecca Valk; Town Engineer – John Andrews; Paul Gromkowski – Housing Director; John Darcy – Assistant Housing Director; Bob Wheeling - Comptroller; James A. Foy – Receiver of Taxes; Resident – Otto Klassen; and Town Clerk – Darlene Bellis

### **PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS**

none

### **ANNOUNCEMENTS**

#### **Greenway Trail grant award**

Supervisor Pagones announced that the Town of Fishkill was awarded \$5,000 for the Town’s Trails project from the Greenway on an 80/20 share basis.

#### **Thank you to the Town of Fishkill – providing the dog park**

Supervisor Pagones read (**copy attached to original minutes**) a thank you which consisted of a list of names of those who use the dog park submitted by Susan Neil.

#### **Reading letters regarding amended sign ordinance**

Supervisor Pagones read comments (**copy attached to original minutes**) from DCDPD – Jennifer Coccozza, Jeffrey Anzevino - AICP, and Ziggy Rutan regarding the proposed amendments to the sign ordinance.

### **DISCUSSION(s)**

#### **Rhinebeck Savings Bank - comments**

Town Engineer, John Andrews stated that an application for rezoning has been filed, made an application for site plan approval to the Planning Board has been filed, circulation for lead agency has been circulated, substantive comments were asked for from himself, John Morabito, and Ronald Blass; John Morabito and he did make comments to the Planning Board of which were forwarded to this Board, the board still has to wait the thirty days at which time the board could accept lead agency status. Rhinebeck savings bank does have all their comments and they should be asked to address the comments.

**MOTION(s) TO APPROVE/ADOPT**

**Klassen Subdivision Maintenance Bond**

Town Attorney – Ronald Blass stated that the installation of public improvements, by the developer and contractor, resulted in an encroachment of property and damaged property in all of which required mediation. At the cost of developer and contractor is the efforts to mediate which has not been started or complete and he doesn't know why the release should be done until the corrections are made.

Town Engineer – John Andrews stated there needs to be some clarification. The public improvement for this subdivision breaks down into three components, the road / storm water drainage system, the water system, and the wastewater disposal collection/ pumping system. The road and drainage system, the Highway Superintendent is satisfied and it has been signed off. The water system is up and running, really no substantive issues with respect to that. What happened as construction of the sanitary pumping station, there was an encroachment from the material that was used to fill the area and went over onto a neighbor's property which altered some runoff onto neighbor's property. Things were corrected on a couple of occasions but the adjacent neighbor has been completely uncooperative. By the time this all came to a head, things were snow covered. There is some of fill that needs to be moved away from property line and he suggested that it would be doable in the spring. He recommended that the Board be empowered to release a portion of the maintenance bond, hold on that which would be necessary to cover the fill in the remediation effort.

Otto Klassen responded by saying he agreed with John Andrews and he will gladly move the fill but would like a portion of the bond released.

John Andrews stated that if the Board should reduce the maintenance bond by 50% there would more than sufficient funds to cover what ever remediation work would need to be done.

Supervisor Pagonos suggested the release of \$77,000 and hold onto the \$100,000.

Ronald Blass stated that the Mr. Klassen would have to get a new \$100,000 CD and then swap the \$177,460 with the new one. He stated that he would also like to have this memorialized by having the maintenance bond.

Supervisor Pagonos stated that the Board will reduce the maintenance bond to \$100,000 and the attorney's will fill in the blanks regarding what needs to be done. Van DeWater's office will be contacting Ms. Martin regarding all the legal paperwork.

**Motion made by Councilman Zack to approve the reduction of the maintenance bond to \$100,000 and to authorize Van DeWater's office to contact Ms. Martin in regards to all the legal paperwork necessary for the reduction of said bond money. Seconded by Councilman Ferguson**

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

Pilot Resolution – Views at Rocky Glen

Town Attorney – Ronald Blass stated that the Dutchess County Department of Planning and Development has revised their comments and there is one order of business that this board needs to take care of. The Pilot resolution needs to be approved subject to the planning board’s approval tomorrow evening.

Supervisor Pagones read (**copy attached to original minutes**) a resolution approving and authorizing the Supervisor to execute an agreement of defense and indemnification. She stated that this is a state funded application and this procedure needs to be done.

**Motion** made by Councilman Ferguson **to approve and authorize the Supervisor to execute an agreement of defense and indemnification concerning issues related to a workforce housing project known as The Views at Rocky Glen, LLC. Seconded** by Councilman Leenig

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

Motion Carried

Supervisor Pagones read (**copy attached to original minutes**) a resolution approving and authorizing the Supervisor to execute an agreement for payment in lieu of taxes subject and conditioned upon the Planning Board’s approval.

**Motion** made by Councilwoman Malvarosa **to approve and authorize the Supervisor to execute an agreement for payment in lieu of taxes (pilot) by and between the Town of Fishkill and the Views at Rocky Glen, LLC subject and conditioned upon the Planning Board’s approval. Seconded** by Councilman Leenig

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

Motion Carried

Wilson subdivision – Sunset Hill Road East

Town Engineer, John Andrews, reviewed (**copy attached to original minutes**) his letter regarding the Wilson Subdivision – Sunset Hill Road East. He recommended that the board authorize the Town Attorney, Ronald Blass, to investigate, straighten the item out, and make sure that the action will not circumvent the boards intention that this is not to be a through road. This was supposed to be town property and Mr. Wilson should not be taxed on it.

**Motion** made by Councilman Zack to authorize the town attorney's office to investigate, straighten item out and make sure that the action will not circumvent the board's intention that this is not to be a through road. **Seconded** by Councilwoman Malvarosa  
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)  
Motion Carried unanimously 5-0

Lilac Corp. – request waiver of recreation fees

Supervisor Pagones stated that Lilac Corp. turned over 200 acres to Stonykill Farm which will become recreation property for town residents. Due to the extenuating circumstances she recommended the board grants the waiver of recreation fees.

**Motion** made by Councilman Leenig to grant the waiver of recreation fees for the Lilac Corp due to the extenuating circumstances. **Seconded** by Councilman Zack  
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)  
Motion Carried unanimously 5-0

Juvenile Aid Bureau Grant Resolution

Supervisor Pagones read (**copy attached to original minutes**) the grant resolution for the Juvenile Aid Bureau in the amount of \$3,873.

**Motion** made by Councilman Ferguson to approve the grant resolution for the Juvenile Aid Bureau in the amount of \$3,873. **Seconded** by Councilman Leenig  
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)  
Motion Carried unanimously 5-0

Waterfront @ Fishkill Phase IV Lighting District Map, Plan and Report

Town Engineer, John Andrews, reviewed (**copy attached to original minutes**) his letter regarding the lighting district map, plan and report for the Waterfront at Fishkill Phase IV – Rivercrest Apartments.

**Motion** made by Councilwoman Malvarosa to authorize the town attorney and town engineer to proceed for the formation of the lighting district for the Waterfront at Fishkill Phase IV Rivercrest Apartments. **Seconded** by Councilman Ferguson  
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)  
Motion Carried unanimously 5-0

Installation of a dry hydrant within the Beacon Hills section of the Town of Fishkill

Councilman Ferguson reviewed (**copy attached to original minutes**) a letter from John Steele, Commissioner of Glenham Fire District requesting the board to consider installing a dry hydrant in the area of along the Fishkill Creek on Old Town Road at the intersection of Brookside Road in Beacon Hills. The ultimate charge will be in the Beacon Hills Water District and made a **Motion to approve said request for the installation of a dry hydrant in Beacon Hills. Seconded** by Councilman Leenig Pagonis (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)  
Motion Carried unanimously 5-0

Lost Wheels Motorcycle Club – use of part of Dutchess Stadium

Councilman Ferguson reviewed (**copy attached to original minutes**) a letter from Dan Armstrong, President of the Lost Wheels Motorcycle Club, requesting a permit to use part of the parking lot at the Dutchess Stadium on Sunday, September 09, 2007 for their Annual Poker Run and made a **Motion to approve said request. Seconded** by Councilman Zack Pagonis (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)  
Motion Carried unanimously 5-0

Proposed street name – overlook Pointe Subdivision

Supervisor Pagonis read (**copy attached to original minutes**) a memo from Christopher Colsey regarding the proposed street names for the Overlook Pointe Subdivision.

**Motion** made by Councilwoman Malvarosa **to approve the street names of Sylvan Loop, Taconic Way, Placid Circle, Champlain Way, Esopus Way, Superior Court, Sacandaga Loop located in the Overlook Pointe Subdivision as submitted. Seconded** by Councilman Leenig Pagonis (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)  
Motion Carried unanimously 5-0

Environmental Advisory Board appointment(s)

**Motion** made by Councilman Zack **to appoint Brian C. Wrye and Ann LaGoy as members of the Environmental Advisory Board. Seconded** by Councilman Ferguson Pagonis (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)  
Motion Carried unanimously 5-0



Supervisor Pagones

She read (**copy attached to original minutes**) a resolution approving the settlement of a matter captioned as Town of Fishkill v. Fishkill Glen Home Owners' Association, Dutchess County Index No. 2006/6066 and authorizes Janis M. Gomez-Anderson, Esq. to execute same on behalf of the Town.

**Motion** made by Councilman Zack to approve the settlement filed in the Dutchess County Clerk's office, Index No. 2006/6066 and authorized Janis M. Gomez-Anderson to execute same on behalf of the Town.

**Seconded** by Councilman Ferguson

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

Motion Carried unanimously 5-0

Rider to water agreement with Village of Fishkill

Supervisor Pagones read (**copy attached to original minutes**) a resolution approving and authorizing the supervisor to execute a proposed rider to the May 21, 2003 water agreement with the Village of Fishkill.

**Motion** made by Councilman Zack to approve and authorize the Supervisor to execute a proposed rider to the May 21, 2003 water agreement with the Village of Fishkill. **Seconded** by Councilwoman Malvarosa

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

Motion Carried unanimously 5-0

Second rider to interim water agreement

Supervisor Pagones read (**copy attached to original minutes**) a resolution approving and authorizing the supervisor to execute a proposed second 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 second rider to the short term/interim water agreement with the Village of Fishkill.

**Seconded** by Councilwoman Malvarosa

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

Motion Carried unanimously 5-0

Proposed Sewer Easement

Supervisor Pagones read (**copy attached to original minutes**) a resolution approving and authorizing the supervisor to execute a proposed sewer easement granting the Town an easement over a portion of the Property for the purpose of constructing, operating and maintaining a sewer line.

**Motion** made by Councilman Ferguson **to approve and authorize the Supervisor to execute a proposed sewer easement granting the Town an easement over a portion of the Property for the purpose of constructing, operating and maintaining a sewer line. Seconded** by

Councilman Leenig

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

Motion Carried unanimously 5-0

**Motion** made by Councilman Ferguson **to authorize the Town Attorney to communicate with the City of Beacon that the Town is not going to annex the underwater property offshore as described in Mayor Clara Lou Gould's letter dated March 15, 2007. Seconded** by

Councilwoman Malvarosa

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

Motion Carried unanimously 5-0

#### **EXECUTIVE SESSION**

**Motion** made by Councilwoman Malvarosa **to go into executive session. Seconded** by Councilman Ferguson

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

Motion Carried unanimously 5-0

Executive session at 10:38am

#### **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 unanimously 5-0

Regular order of business at 11:34am

#### **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 5-0

Meeting adjourned at 11:35am

Respectfully submitted,

Darlene Bellis

Town Clerk