

## TOWN BOARD MEETING

JUNE 13, 2007

Supervisor Pagones opened the regular town board meeting at 9:34am, 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; Town Attorney – Ronald Blass, Rebecca Valk; Town Engineer – John Andrews; Pam Garnot – supervisor’s Assistant; James A Foy – Receiver of Taxes; Paul Gromkowski – Housing Director; John Darcy – Assistant Housing Director; Cindy Starke – Recreation Director; Jay Maietta – Recreation; Nancy Lecker – ZBA Secretary; Robert Wheeling – Comptroller; Magnolia Townhomes - Art Brod, Kurt Kuehner, Stan Schutzman, Esq. and Town Clerk – Darlene Bellis

Absent: Town Board member - Dennis Zack

### **Certificate of appreciation – Fishkill Historical Society**

Supervisor Pagones asked the Fishkill Historical Society reps and Councilman Ron Leenig to come forward to be presented a certificate of appreciation for the Silver Ribbon Tour which highlighted several homes in Fishkill. A Dutchess County Historical Society representative represented the Fishkill Historical Society and Ron Leenig went on the tour to all the beautiful historical homes in Fishkill, it was a great job and fun time was had by all.

Supervisor Pagones read and presented the plaque for the outstanding community service to the residences of the Town of Fishkill to the Fishkill Historical Society.

The D.C. Historical Society rep thanked Ron Leenig, Heather Malvarosa and the Town of Fishkill for the opportunity.

### **Award plague to Town of Fishkill for Ant-tobacco**

Bob Wheeling presented the Town Board with the Reality Check Plague Award from the Department of Health for the efforts of creating a smoke-free environment. This award was for the efforts in promoting smoke-free schools.

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

none

### **ANNOUNCEMENTS**

#### Resolution extending gratitude for the exceptional police work

Supervisor Pagones read (**copy attached to original minutes**) the resolution extending their gratitude for the exceptional police work of Lieutenant John Berlingieri over and above the call of duty in his collaborative efforts in the apprehension of the suspects and the arrest and indictment of two local residents by a Dutchess County Grand Jury.

**Motion** made by Councilman Ferguson **to approve and present the resolution to said officer. Seconded** by Councilwoman Malvarosa

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

Motion Carried

Letter thanking Walter Brozman – Animal Control Officer

Supervisor Pagonos read (**copy attached to original minutes**) letter Thanking the Town's Dog Control Officer, Walter Brozman for his help, advice and contacts in finding Mr. Brannen's dog who got loose and ran away from home.

**APPROVAL OF MINUTES**

Supervisor Pagonos advised the board that the minutes of March 10, 2007 – Regular town board meeting were distributed for review and stated she would entertain a motion to approve said minutes.

**Motion** made by Councilman Ferguson **to approve the minutes of March 10<sup>th</sup>, 2007 as submitted. Seconded** by Councilman Leenig

Pagonos (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (absent)  
Motion carried unanimously 4-0

**DISCUSSION(s)**

Magnolia Townhouses FEIS – review for completeness

Stan Schutzman, Esq. asked the board for a resolution accepting the FEIS as completed as submitted to the Town Clerk.

John Andrews reviewed his memo (**copy attached to original minutes**) dated May 14<sup>th</sup>, 2007 regarding the Magnolia Townhouses FEIS as complete. He cautioned the Board in accepting the FEIS as the clock starts running at that time and there are relatively tight timeframes once you accept the FEIS.

Town Attorney - Ron Blass stated that the negotiations for the public sewer and public water contracts have been done. With respect to the other contents of the FEIS, he has not much to add. He did say that GreenPlan does have the document but has not yet commented on it. Ron Blass suggested that a work session might be set up with less of a quorum, the consultants and the applicant to gauge how the lead agency feels about this document.

Supervisor Pagonos stated it will be scheduled for the next consultant meeting on June 25<sup>th</sup>, 2007 at 9:30am and Pam, my assistant, will make sure Mr. Fink's group will be there to prepare a comment in regards to the FEIS.

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

Rebecca Valk

Town Attorney – Rebecca Valk handed the Short EAF for the New Recreation Building (**copy attached to original minutes**) to the Board and was accepted by the Town Board.

Supervisor Pagones read (**copy attached to original minutes**) the Negative Declaration Notice of Determination of Non-Significance for the New Recreation Building.

**Motion** made by Councilman Leenig **to approve and issue the Negative Declaration for the New Recreation Building as read. Seconded** by Councilwoman Malvarosa

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

Motion Carried

Bid award recommendation

John Andrews reviewed his letter (**copy attached to original minutes**) dated June 12<sup>th</sup>, 2007 requesting the award of bids as follows:

Contract No. 4 General Construction – base bid + add. Alternates #2&3 to Construction Services LLC in the amount of \$1,615,700

Contract No. 5 HVAC – base bid to DJ Heating & Air Conditioning Inc. in the amount of \$339,700

Contract No. 6 Plumbing – base bid to Mid-Orange Mechanical Corporation in the amount of \$111,184

Contract No. 7 electrical & Telecom – base bid – del alt. #2 + add alt. #3 to Hudson Valley Electrical Construction & Maintenance Inc. in the amount of \$166,722

Contract No. 8 Sprinklers – base bid to Mid-Orange Mechanical Corporation in the amount of \$57,706.

Supervisor Pagones read (**copy attached to original minutes**) a resolution approving the plans, specifications and estimates and authorizes the town recreational improvement at a cost not to exceed \$3,600,000 and to award the contracts for the construction of the improvement consistent with the recommendation of Rhode, Soyka and Andrews and that this resolution is subject to a permissive referendum.

**Motion** made by Councilman Ferguson **to approve the plans, specifications and estimates, authorize the town recreational improvement at a cost not to exceed \$3,600,000, award the contracts for the construction of the improvement consistent with the recommendation of Rhode, Soyka and Andrews, and subject to a permissive referendum. Seconded** by Councilwoman Malvarosa

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

Motion Carried

Bond resolution – construction of new recreation facility

Supervisor Pagones read (**copy attached to original minutes**) a bond resolution for the construction of new recreation facility in and for the Town of Fishkill at a maximum estimated cost of \$3,600,000

**Motion** made by Councilwoman Malvarosa **to approve the bond resolution authorizing the issuance of \$3,600,000 for the construction of a new recreation facility in and for the Town of Fishkill.**

**Seconded** by Councilman Ferguson

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

Motion Carried

Resolutions for the formation of the Waterfront at Fishkill Phase IV Lighting District

John Andrews refreshed the board regarding the Waterfront at Fishkill Phase IV Rivercrest Apartments Town of Fishkill Lighting District Formation.

Supervisor Pagones read (**copy attached to original minutes**) a resolution for the Rivercrest Lighting District setting a public hearing on July 14<sup>th</sup>, 2007 at 10:00am, Shepheard Memorial Park.

**Motion** made by Councilwoman Malvarosa **to set a public hearing on July 14<sup>th</sup>, 2007 at 10:00am at Shepheard Memorial Park for the Rivercrest Lighting District.** **Seconded** by Councilman Leenig

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

Motion Carried

Street name – Clove Creek Lane

Supervisor Pagones read (**copy attached to original minutes**) a letter from James Tompkins, Program Assistant Dutchess County emergency Response suggesting the name of Clove Creek Lane located in the Regency at Fishkill subdivision.

After discussion of the street name, it was determined that that name would be too close to Clove Road in the Town of Fishkill. It was suggested that another name be thought of and that the Town Clerk contact Peter Galotti and come up with another name due to the fact that it is too close to Clove Road. It was also suggested that the Town Clerk refer Mr. Galotti to Willa Skinner, the Town Historian.

Resolution approving grant request to the New York State Unified Court System Justice Assistance Program

Supervisor Pagones read (**copy attached to original minutes**) a resolution supporting and approving a grant request to the New York State Unified Court System Justice Assistant Program not to exceed \$20,000

**Motion** made by Councilman Leenig **to approve and support a grant request from the Court to the NYS Unified Court System not to exceed \$20,000 as submitted. Seconded** by Councilwoman Malvarosa Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (absent)  
Motion carried unanimously 4-0

Proposed concert in the Park at Splashdown Beach

Supervisor Pagones read (**copy attached to original minutes**) a memo from Jeff Marino requesting a variance to the noise ordinance Chapter 108 for the proposed concert in the park series at Splashdown Beach on 06-22-07 and 08-24-07.

After discussion of different concerts that were held in the Town, it was directed to give to Councilman Steve Ferguson and Lt. John Berlingieri to come up with a plan and action on how the Town will consider how to handle the amount of people expected.

Reduction request – Toll Brothers – VanWyck at Merritt Park

John Andrews reviewed (**copy attached to original minutes**) the letter for the reduction request of letter of credit for Van Wyck at Merritt Park. He stated he does not have a problem with the request.

Rebecca Valk suggested that it be subject to the town attorney's office to reviewing this request to check the map and contract to make sure it is all in order.

**Motion** made by Councilwoman Malvarosa **to approve the reduction of the Letter of Credit #515736019 subject to the Town Attorney's confirmation that all required information is in order. Seconded** by Councilman Leenig  
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (absent)  
Motion carried unanimously 4-0

Reduction request in the Labor and Material Payment Bond

John Andrews reviewed (**copy attached to original minutes**) a letter from Mary Owen requesting a reduction the Labor and Material Payment Bond up to 50% of the value completed. He stated that he does have lien waivers; he needs to verify all the numbers make sure it is appropriate, and he does not have a problem with request. He suggested that the board does not go any lower than 50% reduction of labor and material payment bond.

**Motion** made by Councilwoman Malvarosa **to approve 50% reduction of the labor and material payment bond as requested subject to confirmation of the Town Engineer that all lien waivers by subcontractors have been received. Seconded** by Councilman Ferguson

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

Police Monthly Statistics Report – May 2007

Councilman Ferguson read (**copy attached to original minutes**) the Police Monthly Statistics Report for May 2007 and made a **Motion to accept said report as submitted. Seconded** by Councilwoman Malvarosa

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

Liquor license renewal – Maya Café & Catina

**Motion** made by Councilwoman Malvarosa **to accept the liquor license renewal notification as submitted and ok by Police Chief Donald Williams. Seconded** by Councilman Ferguson

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

Maternity Leave request

**Motion** made by Councilman Ferguson **to approve the maternity leave request as submitted by Syndi Zolko to be effective September 2007 – May 2008. Seconded** by Councilman Leenig

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

MOTION(s) TO APPOINT

**Motion** made by Councilman Ferguson **to appoint Police Officers Nicholas Caparco, Craig Wood, Gary Hoysradt as submitted. Seconded** by Councilman Leenig

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

NEW and OLD BUSINESS

Councilwoman Malvarosa

She announced again that the Dog Park is closed on every Thursday for routine maintenance. This announcement is on the website and the television station. It has begun to be a meeting place with individuals and dogs and has become a great idea. The Town is looking at having tags and cadets there checking to see town of Fishkill residents

Councilman Ferguson

He got interviewed on well testing law from the Poughkeepsie Journal and this was another first for the town of Fishkill. He attended with Supervisor Pagones a sexual predator seminar here at town hall and stated it was well attended.

Councilman Leenig

He stated it was nice weather for Memorial Day. He stated all the displays for the silver ribbon tour award are on the wall in the back. Bill Ratigan is working on camp foster.

Bill Ratigan stated that everything is coming along and he is getting ready to install the new fence, hydro seeding, etc. He stated that Joey has completed his Eagle Scout work

Ron Leenig stated that Rebecca Valk and Ron Blass are working on minor changes regarding the contract with the veterans group. He continued stating that he will start working on Hudson-Fulton 2009 project.

Supervisor Pagones

She announced that she and Paul Gromkowski attended at Suny New Paltz a seminar on affordable housing. She commented that if there were any stars there yesterday, the Town of Fishkill was noted on its progressive work.

John Andrews

Town Engineer, John Andrews, handed to the Board and reviewed (**copy in Town Clerk's project files**) the Engineer's Report for the Rombout Sewer District Wastewater Treatment Plant dated June 2007, with an estimated cost of \$12,176,775.00

Supervisor Pagones read (**copy attached to original minutes**) a resolution ratifying the preparation of the map and plan by Rohde, Soyka & Andrews, considering the map and plan for the proposed increase and improvement of the facilities of the Rombout Sewer District and setting a public hearing on July 14<sup>th</sup>, 2007 at Shephard Memorial Park at 10:00am.

**Motion** made by Councilman Ferguson **to ratify the preparation of the map and plan, consider the map and plan for the proposed increase and improvement of the facilities of the Rombout Sewer District and setting a public hearing on July 14<sup>th</sup>, 2007 at 10:00 am at Shephard Memorial Park. Seconded** by Councilwoman Malvarosa

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

Motion Carried

John Andrews

He stated there are two approvals needed. One is the SEQRA determination authorizing the increase in the improvements and to enhance the funding and the other is DEC has to review the treatment plant, approve the design and issue the SPEDES modification. It will be an unlisted action but should be subject to coordinated review. He suggested that the Board adopt a motion declaring the Board's intent to be lead agency and circulate to DEC with the EAF.

**Motion** made by Councilman Ferguson **to declare the intent of this Board to be lead agency and circulate to DEC with the appropriate EAF for Rombout Sewer District.** **Seconded** by Councilman Leenig Pagonis (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (absent)  
Motion carried unanimously 4-0

Supervisor Pagonis read (**copy attached to original minutes**) a resolution authorizing the previously designated consultants to coordinate the preparation of the map and plan and an estimate of costs for a new wastewater treatment plant not to exceed \$750,000.

**Motion** made by Councilman Ferguson **to authorize the previously designated consultants to coordinate the preparation of the map and plan and estimate of costs for a new wastewater treatment plan not to exceed \$750,000.** **Seconded** by Councilwoman Malvarosa

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

Motion Carried

Supervisor Pagonis read (**copy attached to original minutes**) a bond resolution authorizing the issuance of \$650,000 for the preparation of plans, specifications and estimates in connection with the improvement of the facilities of the Rombout Sewer District.

**Motion** made by Councilwoman Malvarosa **to approve the bond resolution authorizing the issuance of \$650,000 for the preparation of plans, specifications and estimates in connection with the improvement of the facilities of the Rombout Sewer District.**

**Seconded** by Councilman Ferguson

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

Motion Carried

**ADJOURNMENT**

**Motion** made by Councilwoman Malvarosa **to adjourn the meeting.**

**Seconded** by Councilman Ferguson

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

Motion carried unanimously 4-0

Meeting adjourned at 10:50am

Respectfully submitted,

Darlene Bellis  
Town Clerk