

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 members – Steve Ferguson, Robert LaColla, Ronald Leenig, Heather Malvarosa; Town Attorney – Ronald Blass; Town Engineer – John Andrews; Pamela Garnot – Supervisor’s Assistant; James A. Foy – Receiver of Taxes; Susan McGuire – Personnel; Paul Gromkowski – Housing Director; John Darcy – Assistant Housing Director; Joel Petrus – Building Inspector; Robert Wheeling – Comptroller; Christian Harkins – Assessor; John Butler, Steve Zahn, Scott Parr – Verizon representatives; Roger Connor, Scott Valkman – Cablevision representatives, Norma Wenderlee, Tom DeAngelo, Bob Wasaree, Walter Slagle; Residents - Azem Albra; and Town Clerk – Darlene Bellis

**PUBLIC HEARING(s)**

Local Law amending Chapter 112 Peddling and Soliciting’

Supervisor Pagones read (**copy attached to original minutes**) the public hearing notice for the amendment of Local Law adopting Chapter 112 “Peddling and Soliciting”

Public hearing opened at 9:32am

No comments from the audience

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

**Seconded** by Councilman Leenig

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

Motion Carried unanimously 5-0

Public hearing closed at 9:34am

Proposed Franchise Agreement with Verizon New York, Inc

Supervisor Pagones read (**copy attached to original minutes**) the public hearing notice for the proposed franchise agreement for cablevision with Verizon New York, Inc.

Public hearing opened at 9:34am

Verizon obtained a Stenographer for this public hearing

Town Attorney Ronald Blass made a brief statement describing what this franchise agreement with the following: it is not exclusive, draft franchise agreement has been negotiated to completion subject to public hearing comments, subject to this Board’s determination, it provides franchise revenue back to the municipality, and does not get involved in areas of defining programming.

John Butler – representative of Verizon New York, Inc., read a statement stating that the action will be historic and asked to vote yes on the franchise.

Steve Zahn, outside council for Verizon, read a statement voicing the advantages of having the franchise agreement with Verizon.

Scott Parr, consultant to Verizon, stated he would answer questions from the public.

Roger Connor, director of Cablevision, stated they have no issue with current contract with Verizon but there are 2 issues they feel need to be addressed: Section 5 – 5.3 indemnifications for PEG and Section 5.6.2 audio signal for Verizon

Scott Parr answered Mr. Connor to the best of his ability in outlining the meaning of each section/sub-section.

Norma Wenderlee, Tom DiAngelo, Bob Wasaree all stated they felt competition is good and is looking to the opportunity to choose a technology they would like to use

In favor of

Roger Connor (overall)

Norma Wenderlee  
Tom DiAngelo  
Bob Wasaree  
Walter Slagle  
Azem Albra

In opposition of

Roger Connor with two issues -  
Section 5.3 and 5.6.2 and Exhibit B

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

**Seconded** by Councilman Ferguson

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

Motion Carried unanimously 5-0

Public hearing closed at 10:15am

**PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS**

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

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

Motion Carried unanimously 5-0

Hearing none

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

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

Motion Carried unanimously 5-0

**ANNOUNCEMENTS**

City of Beacon Public hearing notice

Supervisor Pagones read (**copy attached to original minutes**) the notice of public hearing submitted by the City of Beacon.

**APPROVAL OF MINUTES**

**Motion** made by Councilman Ferguson **to approve the minutes of June 25, 2008 – Special; July 31, 2008 – Special; August 20, 2008 –**

**Regular; September 06, 2008 – Regular. Seconded** by Councilwoman Malvarosa

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

Motion Carried unanimously 5-0

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

Acceptance of Short EAF – Peddling & Soliciting Local Law

**Motion** made by Councilman Ferguson **to accept the Short EAF for the local law amending Chapter 112 “Peddling and Soliciting to specify certain exemptions.** **Seconded** by Councilwoman Malvarosa Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)  
Motion Carried unanimously 5-0

Adoption of Negative Declaration – Peddling & Soliciting Local Law

**Motion** made by Councilman Ferguson **to adopt the Negative Declaration for the local law amending Chapter 112 “Peddling and Soliciting”** **Seconded** by Councilwoman Malvarosa

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

Motion Carried

Adoption of Local Law amending Chapter 112 – Peddling & Soliciting

**Motion** made by Councilman Ferguson **to adopt the local law amending Chapter 112 “Peddling and Soliciting to specify certain exemptions.** **Seconded** by Councilwoman Malvarosa

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

Motion Carried

Set public hearing for the reintroduction of local law rezoning Magnolia Townhouses

**Motion** made by Councilman Leenig **to set a public hearing on 11/01/2008 @ 10:00am for the purpose of reintroducing the local law for the Magnolia Townhouses rezoning.** **Seconded** by Councilman LaColla

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

Resolution authorizing the Amended and Restated Emergency Access Easement – Fishkill Waterfront Development Corp.

Supervisor Pagones read (**copy attached to original minutes**) the resolution approving and authorizing the Supervisor to affix her signature on the Amended and Restated Emergency Access Easement.

**Motion** made by Councilman Ferguson **to approve and authorize the Supervisor to affix her signature on the Amended and Restated Emergency Access Easement Agreement.** **Seconded** by Councilwoman Malvarosa

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

Resolution authorizing the stipulation of settlement – The Great Atlantic and Pacific Tea Co., Inc

**Motion** made by Councilman LaColla to authorize David D. Hagstrom to enter into a Stipulation of Settlement settling the tax certiorari proceedings brought by The Great Atlantic and Pacific Tea Co. for tax rolls of 2004, 2005, and 2007. **Seconded** by Councilwoman Malvarosa Pagonis (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)  
Motion Carried unanimously 5-0  
(copy attached to original minutes)

Inventory of Highway Machinery, Tools, Equipment

**Motion** made by Councilman Ferguson to accept/approve the Inventory of Highway Machinery, Tools, and Equipment per Highway Law Section 1423(3). **Seconded** by Councilwoman Malvarosa Pagonis (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)  
Motion Carried unanimously 5-0  
(copy attached to original minutes)

Resolution approving and endorsing application for grant under the 2008 Greenway Conservancy for the Hudson River Valley Annual Grant Program

**Motion** made by Councilman Ferguson to approve/endorse the grant application for the 2008 Greenway Conservancy for the Hudson River Valley Annual Grant Program for project known as Hudson Fjord / Route 9D Scenic Byway Hike / Bike Trail Capital Improvements Feasibility Study. **Seconded** by Councilwoman Malvarosa Pagonis (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)  
Motion Carried unanimously 5-0  
(copy attached to original minutes)

Approving and accepting the Quadricentennial Community Mini-grant

**Motion** made by Councilman Ferguson to approve and endorse the 2008-2009 Community Mini-Grant Program / Hudson – Fulton – Champlain Quadricentennial. **Seconded** by Councilwoman Malvarosa Pagonis (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)  
Motion Carried unanimously 5-0  
(copy attached to original minutes)

Approving and accepting the Justice Court Assistance Program Grant

**Motion** made by Councilman Ferguson to approve and endorse the application for a grant for a Justice Court Assistance Program. **Seconded** by Councilwoman Malvarosa Pagonis (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)  
Motion Carried unanimously 5-0  
(copy attached to original minutes)

Approving and accepting the Motor Vehicle Theft and Insurance Fraud  
Prevention grant/funding

**Motion** made by Councilman Ferguson **to approve and endorse the application for a grant / funding for Motor Vehicle Theft and Insurance Fraud Protection** **Seconded** by Councilwoman Malvarosa Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)  
Motion Carried unanimously 5-0  
(copy attached to original minutes)

**MOTION(s) TO ACCEPT RESIGNATION**

Summer Camp Personnel effective 09/01/2008

**Motion** made by Councilman Leenig **to terminate the 2008 summer Recreation personnel effective 09/01/2008 as read.** **Seconded** by Councilman Ferguson  
Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)  
Motion Carried unanimously 5-0  
(copy attached to original minutes)

Resignation of Kathleen DiSimone effective 09/28/2008

**Motion** made by Councilman Leenig **to accept the resignation of Kathleen DiSimone effective 09/28/2008 as read.** **Seconded** by Councilman Ferguson  
Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)  
Motion Carried unanimously 5-0  
(Copy attached to original minutes)

**MOTION(s) TO APPOINT**

In School Recreation Personnel effective 09/01/2008

**Motion** made by Councilman Leenig **to appoint the In School Recreation personnel effective 09/01/2008 as read.** **Seconded** by Councilman Ferguson  
Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)  
Motion Carried unanimously 5-0  
(copy attached to original minutes)

Barry Silverstein

**Motion** made by Councilwoman Malvarosa **to reappoint Barry Silverstein as Chairman for the ZBA for another five year term.** **Seconded** Councilman Ferguson  
Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)  
Motion Carried unanimously 5-0

**BUDGET TRANSFERS**

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

Comptroller	\$30,000	C. Harkins outside services for John Taylor covered from payroll expense account
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Recreation	\$1,010	to cover Senior Center supplies and overtime for Winter Basketball
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Recreation	\$220	to cover costs of a new printer
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Recreation	\$ 9,540	to help cover this session expenses of In School Recreation and Winter Basketball
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**Copies attached to original minutes)**

**Seconded** by Councilman Leenig

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

Motion Carried unanimously 5-0

**Motion** made by Councilwoman Malvarosa **to set the public hearing on 11/01/2008 for the 2009 Town of Fishkill Budget. Seconded** by

Councilman Ferguson

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

Motion Carried unanimously 5-0

## **NEW and OLD BUSINESS**

### Councilman LaColla

He attended a meeting last week for historians, there is are new programs for town historians, and he brought back 5 pages for the EAB

### Councilwoman Malvarosa

She made a **Motion to approve and authorize the Supervisor to execute a proposed agreement for the purpose of obtaining an interim interconnection of the Village of Fishkill's water supply to the wells of the Town's Snook Road Water Improvement area.**

**Seconded** by Councilman Ferguson

Roll Call	Councilman Ferguson	aye
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	Councilman LaColla	aye
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	Councilman Leenig	aye
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	Councilwoman Malvarosa	aye
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	Supervisor Pagones	aye
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Motion Carried

**(copy attached to original minutes)**

### Councilman Ferguson

He made a **Motion to adopt, effective January 01, 2009, the revised Employee Benefits covering Section 801-804 of the Employee Handbook as well as the 2009 Holiday schedule. Seconded** by Councilwoman Malvarosa

Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)  
Motion Carried unanimously 5-0  
**(copy attached to original minutes)**

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He made a **Motion to authorize John Andrews, Town Engineer, to investigate the availability to hook into Village of Fishkill sewer system as requested by Ann H. Priore, 32 Givens Lane, Fishkill, New York. Seconded** by Councilwoman Malvarosa  
Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)  
Motion Carried unanimously 5-0  
**(copy of request by Ann Priore attached to original minutes)**

Supervisor Pagones made a **Motion to authorize John Andrews, Town Engineer, signature on applications on behalf of the Merritt Park Water District – backflow prevention devices. Seconded** by Councilman Ferguson  
Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)  
Motion Carried unanimously 5-0

Councilman Leenig

He made a **Motion to approve the fee schedule changes as on file in town clerk's office and submitted on 10/14/2008. Seconded** by Councilman Ferguson  
Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)  
Motion Carried unanimously 5-0  
**(copy attached to original minutes)**

He stated that the Veterans Day ceremony on 11/11/2008 is ready to go and there will be contest awards give out to those students who wrote an essay "What Veteran's Day means to me".

Supervisor Pagones made a **Motion to add Adler Consulting Transportation Planning & Traffic Engineering, PLLC as requested by the Planning Board for the Fishkill II site development plan. Seconded** by Councilman Leenig  
Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)  
Motion Carried unanimously 5-0

Councilwoman Malvarosa made a **Motion to approve the one day waiver of no dogs at park for the Fall Festival. Seconded** by Supervisor Pagones  
Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)  
Motion Carried unanimously 5-0

**EXECUTIVE SESSION**

**Motion** made by Councilman Ferguson **to go into executive session for a proposed legal agreement. Seconded** by Councilwoman Malvarosa Pagonis (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)  
Motion Carried unanimously 5-0  
Executive Session at 10:41am

Regular Order of Business

**Motion** made by Councilman Ferguson **to go back into the regular order of business. Seconded** by Councilman LaColla Pagonis (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)  
Motion Carried unanimously 5-0  
Regular Order of Business at 11:02am

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**ADJOURNMENT**

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

Meeting adjourned at 11:02am

Respectfully submitted,  
Darlene Bellis  
Town Clerk