

SPECIAL TOWN BOARD MEETING

November 15, 2008

Supervisor Pagones opened the Special Town Board meeting at 9:00am, 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; Christian Harkins, Assessor; Residents – Tom Shefalo, Mr. Wygery, Dean Chenarides, Geegee Lamprecht, Nick Deluca, Tom Powers, Robert Rodgers, Frank Ranalli, Mr. Mosier, Linda Mosier, Azem Albra; and Deputy Town Clerk – Rebecca Tompkins

PUBLIC HEARING(s)

2009 Special District Assessment Roll

Supervisor Pagones read (**copy attached to original minutes**) the public hearing notice to hear and consider any objections which may be made to the assessment roll.

Public hearing opened at 9:02am

Town Attorney, Ronald Blass, gave the history of the requirement for the notification of the public hearing notices to be sent to each individual who is in a special district assessment.

Supervisor Pagones opened the floor for questions from the public.

Dean Chenarides asked if there were any recourse until next May. Christian Harkins, Town Assessor, answered that the assessment rolls are only done once a year.

GeeGee Lamprecht asked when does the Dutchess County require these rolls. Christian Harkins answered twice a year (once in July and once in January).

Mr. Wygery asked regarding the assessment roll, if they have to assess the value of their house, when do they have to grieve if they so chose.
May

Tom Shefalo asked if there were any restrictions in mailing of the notice. He was very confused and read the notice several times.

Supervisor Pagones answered that they were going to work with the State Legislators and somehow to put language in the body of the notice so that individuals would not be concerned.

Motion made by Councilman Ferguson **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 9:21am

PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS

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

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

Motion Carried unanimously 5-0

Hearing none

Motion made by Councilman Ferguson **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

MOTION(s) TO APPROVE/ADOPT

2009 Town Budget

Motion made by Councilwoman Malvarosa **to adopt the 2009 Town of Fishkill budget.** **Seconded** by Councilman Ferguson

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

Motion Carried

Local Law amending the zoning map for proposed Magnolia Townhouses

Supervisor Pagones read (**copy attached to original minutes**) the resolution of adoption for Local Law #10 of 2008 amending the zoning map of Chapter 150 to change the district designation of Fishkill Tax Parcel 6055-01-00-302873, located at the east side of Route 9D near Castle Point Road, from R-40 to RMF-5 to accommodate a specific proposed multi-family use known as Magnolia Townhouses and made a **Motion to adopt Local Law #10 of 2008 as read.** **Seconded** by Councilman Leenig

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

Motion Carried

Siscar Sewer District / Extension No. 1

Supervisor Pagones read (**copy attached to original minutes**) a letter from the Town Engineer, John Andrews, regarding the scope of work and preliminary timeline for the Siscar Sewer District / Siscar Sewer District Extension No. 1.

Town Attorney, Ronald Blass, advised the residents what needs to be done and how it would be done.

Nick Deluca asked if the 750,000 in an interest bearing account.

Supervisor Pagones answered no, it is part of the Dutchess Park Sewer. If for some reason this is not done, it will be used for some other project.

Nick Deluca asked if the legal document will be circulated around and the other petition was an informal petition.

Supervisor Pagones stated that the signatures need to be notarized and the Town could have the signing of the petitions done here with the Town Clerk's office available at that time to notarize those individuals who attend the meeting.

Tom Powers commented that the approval of Rocky Glen was the worst decision he felt the Town has made in fifty years (he lived here all his life). In lieu of that decision, what constitutes 51%?

Town Attorney, Ronald Blass, gave Mr. Powers the equation of coming up with the 51%.

Mr. Powers then asked if that included every property in Siscar Development.

Answer – yes.

Mr. Powers had a concern as to the location of the sewer lines in relation to the streets.

Councilman LaColla answered that typically the mains are run down the center of the road.

Mr. Powers asked about the sewer rates – answer was Town Clerk's office has that information file.

Mr. Powers asked if there were going to be bids put out for this construction. Answer was yes

Mr. Powers asked that if the Town gets 51% and they proceed with the project, the lines are put in, is there a time frame for the resident(s) to hook into it.

Town Attorney, Ronald Blass, stated there is not obligation to hook up but a strong incentive. It is usually optional.

Robert Rodgers asked if anyone gave thought as to how expensive it will be for the residents to hook into the line. Was it considered on how truly rock that ground really is and that blasting of the rock will have to be done right next to others homes.

Supervisor Pagonos stated that it is an engineering question and one she believes John Andrews, Town Engineer, answered. She continued to say that those are the types of questions that John Andrews would be able answer at the time of the public hearing.

Frank Ranalli commented lets get it done so we can get out of here. He stated that the sewer is needed up there. He stated he felt it is better for everyone and will bring the value of their homes up.

Mr. Mosier asked what happens if the cost goes over the \$750,000.

Supervisor Pagonos answered that the map, plan and report has to be prepared and we need to see said report.

Linda Mosier asked what the contingency is, and where do you go from there. Town Attorney answered that the contingency is built in the map, plan and report.

Azem Albra stated that back in December of 2006 when they first got the petition, the cost was going to be \$53,000 each household.

Supervisor Pagonos stated that was before anyone came forward and it couldn't be done.

Motion made by Councilman Ferguson to authorize the Town Attorney and the Town Engineer to proceed with the preparation of a map, plan and report for the formation of the Siscar Sewer District and the Siscar Sewer District Extension No. 1. Seconded by

Councilwoman Malvarosa

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

Motion Carried unanimously 5-0

2008 Releived water and sewer charges

Motion made by Councilman Ferguson **to approve the breakdown of releived water and sewer charges for 2008 as submitted. Seconded** by Councilman LaColla
Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)
Motion Carried unanimously 5-0
(copy attached to original minutes)

Sewer Hook-up – Mann’s Paint & Body Shop North, Inc.

Motion made by Councilman Ferguson **to authorize Town Attorney and Town Engineer to investigate the feasibility and cost to Mr. Mann for the hook up into the sewer line being installed for the apartment complex currently under construction. Seconded** by Councilwoman Malvarosa
Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)
Motion Carried unanimously 5-0

MOTION(s) TO ACCEPT RESIGNATION

Leave of absence - Syndi Acampora, Police Officer

Motion made by Councilman Ferguson **to approve the leave of absence request submitted by Police Officer, Syndi Acampora to be effective 11/01/2008 through 08/01/2009. Seconded** by Councilwoman Malvarosa
Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)
Motion Carried unanimously 5-0

NEW and OLD BUSINESS

Councilman LaColla

Stated an intern came down from the State of Hudson Valley on Thursday to interview the Supervisor and Deputy Supervisor.

Councilwoman Malvarosa

Stated that Veterans Day ceremony was wonderful and the essay winners did a great job

Councilman Ferguson

He made a **Motion to up revise, once again, the Section 803 Sick Leave of the Employees Benefits Manual. Seconded** by Councilman LaColla
Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)
Motion Carried unanimously 5-0

Councilman Leenig

Thanked everyone who was involved with the preparation of Veteran’s Day ceremony.

Resolution for preparation of a Notice of Claim

Supervisor Pagones read (**copy attached to original minutes**) a resolution authorizing the preparation and filing of a notice of claim to recover damages against the stated entities, pursuant to the Court of Claims Act and authorizing the Supervisor to execute and verify a notice of claim and made a **Motion to approve resolution and authorize the Supervisor to execute said notice of claim. Seconded** by Councilman Ferguson

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

Motion Carried

Soft Cost Resolution(s)

Supervisor Pagones read (**copy attached to original minutes**) a resolution authorizing the preparation of a map and plan of proposed improvement of the facilities of the Merritt Park Water District and the issuance of \$25,000 serial bonds to pay the cost thereof.

Motion made by Councilman Ferguson **to approve the preparation of a map and plan of the proposed improvement of the facilities of the Merritt Park Water District and the issuance of \$25,000 serial bonds to pay the cost thereof. Seconded** by Councilwoman Malvarosa

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

Motion Carried

Supervisor Pagones read (**copy attached to original minutes**) a resolution authorizing the preparation of a map and plan of proposed improvement of the facilities of the Brinckerhoff Water District and the issuance of \$25,000 serial bonds to pay the cost thereof.

Motion made by Councilman Ferguson **to approve the preparation of a map and plan of the proposed improvement of the facilities of the Brinckerhoff Water District and the issuance of \$25,000 serial bonds to pay the cost thereof. Seconded** by Councilwoman Malvarosa

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

Motion Carried

Special District Assessment Roll

Motion made by Councilman Ferguson **to accept the Special District Assessment rolls as submitted. Seconded** by Councilman LaColla Pagonis (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)
Motion Carried unanimously 5-0

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 10:26am

Respectfully submitted

Darlene Bellis
Town Clerk