

TOWN BOARD MEETING

FEBRUARY 02, 2008

Supervisor Pagones opened the Town Board meeting at 10:00am, 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; John Morabito – Planning Consultant; Pamela Garnot – Supervisor’s Assistant; Paul Gromkowski – Housing Director; John Darcy – Assistant Housing Director; Bill Ratigan – Parks Superintendent, Joel Petrus – Building Inspector; Alison MacAvery – County Legislator, James Miccio – County Legislator; Willa Skinner – Town Historian; Kurt Kuehner – Magnolia, Resident(s) – Kelly Aponte, Pauline Rierdan, Kenneth Stenger; and Town Clerk – Darlene Bellis

PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS

Motion made by Councilman Ferguson **to dispense of rules. Seconded** by Councilman Leenig

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

Regular Order of Business

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

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

APPROVAL OF MINUTES

Motion made by Councilwoman Malvarosa **to approve the minutes of October 10, 2007 Regular, November 10, 2007 Regular, December 07, 2007 Special, December 12, 2007 Regular, December 21, 2007 Special, January 02, 2008 Re-organizational ; and 01-18-2008 Special as submitted. Seconded** by Councilman Ferguson

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

PRESENTATION(s)

Dutchess County Legislator – Allison MacAvery – report

Legislator Allison MacAvery gave her report. **(copy attached to original minutes)**

Ken Stenger asked County Legislator, Allison MacAvery if she voted for both resolutions regarding the legislative council, Scott Volkmann.

Allison MacAvery stated that the council will serve at the pleasure of the Chair.

After dialogue between County Legislator MacAvery and Mr. Stenger, Dutchess County Legislator Miccio was asked to give his report.

Dutchess County Legislator – James A. Miccio – report

Legislator James Miccio gave his report stating the following stated there was a resolution changing one meeting for the Jewish holiday and the time changed to 7:00pm.

Supervisor Pagones thanked both Legislators for their service and stated she appreciates the e-mails that she receives on what is going on at the County level.

Town Historian's Annual Report

Willa Skinner, Town Historian, read (**copy attached to original minutes**) her Town of Fishkill Historian's 2007 report

MOTION(s) TO APPROVE/ADOPT

Set public hearing for proposed sign code

Supervisor Pagones stated this is not ready and will be reschedule for 03-19-2008 meeting at 9:30am

Set public hearing for waiver of application – 6 Old Town Road

Supervisor Pagones stated the Board has received an application from Maximo Aponte, 6 Old Town Road, for the waiver of application to local law #6 of 2007 and a public hearing should be scheduled on March 19, 2008 at 9:30am.

Motion made by Councilman Ferguson **to set a public hearing for the waiver of application submitted by Maximo Aponte, 6 Old Town Road to be held on March 19, 2008 at 9:30am. Seconded** by Councilwoman Malvarosa

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

Motion Carried

Records of Findings/Notice of Decision – Ronald Wudarsky

Supervisor Pagones read (**copy attached to original minutes**) the Record of Findings for Ronald Wudarsky, 122 Belvedere Road regarding the waiver of application to local law #6 of 2007.

She then read (**copy attached to original minutes**) the Decision on the application of Ronald Wudarsky for a variance from local law #6 of 2007 denying his request as he failed to show that he cannot realize a reasonable return, and the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.

Motion made by Supervisor Pagones **to deny the application of waiver submitted by Ronald Wudarsky as stated above. Seconded** by Councilman Ferguson

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

Motion Carried

Association of Towns Certificate of Designation

Supervisor Pagones read (**copy attached to original minutes**) the Certificate of Designation for the Association of Towns delegating herself as the Voting delegate and Deputy Supervisor Steve Ferguson as the Alternate Voting delegate.

Motion made by Supervisor Pagones **to delegate Supervisor Joan A. Pagones as the voting delegate and Steve Ferguson as the Alternate Voting delegate for the Association of Towns. Seconded** by Councilman Leenig

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

Magnolia Townhouses

Supervisor Pagones read (**copies attached to original minutes**) a letter dated January 25, 2008 from John Morabito, AICP-Morris Associates regarding the Magnolia Townhouses, the Notice of Completion of Final EIS dated February 02, 2008, and the Resolution accepting Final EIS for Magnolia Townhouses, Route 9D and Blossom Court.

Motion made by Supervisor Pagones **to accept the Final EIS statement prepared by Planners East Inc. and directs the town clerk to cause related distribution for receipt not later than February 05, 2008 and make available for public review copies of the Final EIS at Town Hall. Seconded** by Councilman Leenig

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

Motion Carried

Resolution – Van Wyck Mews – Property Transfer

Supervisor Pagones read (**Copy attached to original minutes**) a resolution approving the conveyance of parcel to the Town of Fishkill and authorizing the Supervisor to sign and deliver to the WCSD all legal documents.

Motion made by Supervisor Pagones **to approve the conveyance of land to the Town of Fishkill subject to permissive referendum and authorized the Supervisor to sign and deliver to the WCSD all legal documents.** **Seconded** by Councilman LaColla

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

Motion Carried

Authorize evaluations – Blodgett Sewer District

Supervisor Pagones read (**copy attached to original minutes**) a letter from Town Engineer-John Andrews, regarding the Blodgett Sewer District – Regency at Fishkill Wal-Mart Pumping Station Acceptance.

The cost of getting this district ready will be by Toll Brothers, there will be no charge to anyone in the town. As with other districts, if there are any charges going forward, it would be district responsibilities.

Motion made by Councilman Leenig **to authorize the operational, legal and engineering evaluations needed to be performed prior to acceptance of the Wal-Mart pumping station, which would require an identification of a party responsible for the costs related thereto.** **Seconded** by Councilman LaColla

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

Authorization to file legal action in T/Fishkill Justice Court

Supervisor Pagones read (**copy attached to original minutes**) an e-mail from Rebecca Valk, Esq. requesting authorization to file legal action in the Town of Fishkill Justice Court and/or the Dutchess County Supreme Court for Zoning enforcement on 146 Cherrywood Drive.

Motion made by Councilman Ferguson **to authorize said filing of legal action for zoning enforcement on 146 Cherrywood Drive as requested.** **Seconded** by Councilwoman Malvarosa

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

Resolution appointing a Town Prosecutor for Trooper tickets

Councilman Ferguson read (**copy attached to original minutes**) a resolution authorizing Van DeWater to prosecute non-criminal vehicle and traffic violations that are filed by members of the New York State Police on behalf of the Town of Fishkill.

Motion made by Councilman Ferguson **to authorize Van DeWater to prosecute non-criminal vehicle and traffic violations as stated.**

Seconded by Councilwoman Malvarosa

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

Motion Carried

Create a position of Town of Fishkill Parking Enforcement Officer

Councilman Ferguson read (**copy attached to original minutes**) a resolution creating the part-time position of Parking enforcement Officer to enforce the parking and related regulations of the Town Code including but not limited to on-street parking, fire zones, handicap parking, and snow season limitations on parking and made a **Motion approve said resolution and the creation of a part-time position.** **Seconded** Councilman

Leenig

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

Motion Carried

2008 fees for Town and Planning Board Engineering Services

Supervisor Pagones read (**copy attached to original minutes**) the proposed 2008 Basis of Fees for Town of Fishkill Municipal Work and Planning Board Engineering Services.

Motion made by Councilman Leenig **to approve the 2008 fees for the Town of Fishkill Municipal Work and the Planning Board Services as submitted.** **Seconded** by Councilman Ferguson

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

Motion Carried unanimously 5-0

Resolution adopting Annual statement of disclosure form

Supervisor Pagones read (**copy attached to original minutes**) a resolution that adopts a document entitled "Annual Statement of Disclosure for Public Officers or Employees of the Town of Fishkill for annual distribution.

Motion made by Supervisor Pagones **to adopt the Annual Statement of Disclosure for Public Officers or Employees of the Town of Fishkill for annual distribution as read above.** **Seconded** by Councilman

Ferguson

Roll Call	Councilman Ferguson	aye
	Councilman LaColla	aye

Councilman Leenig aye
Councilwoman Malvarosa aye
Supervisor Pagones aye

Motion Carried

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Housing Priority Lottery

Paul Gromkowski drew names for the housing priority lottery and the names are following

- Position #2 - Tamara Kelly
- Position #3 – Eileen Murnane
- Position #4 – Barbara Sedlacek
- Position #5 – Geraldine Brozowski
- Position #6 – Margaret Reilly
- Position #7 – Charles & Frances Hillock
- Position #8 – Eileen DiYeso
- Position #9 – Renaldo & Linda Sardonopoli
- Position #10 – Pete & Janet Peters
- Position #12 – May Taylor
- Position #13 – Shirley Baltich

Resolution to accept the WIC goals for 2007-2010

Supervisor Pagones read (**copy attached to original minutes**) a resolution to accept the Wappinger Creek Watershed Inter-municipal Council (WIC) goals for the period of 2007-2010.

Motion made by Supervisor Pagones **to accept the WIC goals as submitted for the period of 2007-2010. Seconded** by Councilman Ferguson

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

Recommendation to accept three vendors for the Town of Fishkill Towing Agreement

Motion made by Councilman Ferguson **to accept Mann’s Paint & Body Shop, NTC Collision Services Inc., and Cervone Auto Body for the Town’s Towing vendors for towing service as recommended by Police Chief, Donald Williams. Seconded** by Councilwoman Malvarosa
Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)
Motion Carried unanimously 5-0

Town of Fishkill Babe Ruth League, Inc Agreement

Supervisor Pagones read (**copy attached to original minutes**) the agreement between the Town of Fishkill Babe Ruth League, Inc. and the Town of Fishkill.

Motion made by Councilman Leenig **to approve the Town of Fishkill Babe Ruth League Inc. agreement with the Town of Fishkill as read above. Seconded** by Councilman Ferguson

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

Motion Carried unanimously 5-0

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Town of Fishkill Little League, Inc Agreement

Supervisor Pagones read (**copy attached to original minutes**) the agreement between the Town of Fishkill Little League, Inc. and the Town of Fishkill.

Motion made by Councilman Leenig **to approve the Town of Fishkill Little League Inc. agreement with the Town of Fishkill as read above. Seconded** by Councilman Ferguson

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

Service contracts submitted by Building/Parks Superintendent – Bill Ratigan

Supervisor Pagones read (**copy attached to original minutes**) a request for approval of the 2008 service contracts for the police facility and town hall as submitted by Bill Ratigan – Building/Parks Superintendent.

Motion made by Councilman Ferguson **to approve the 2008 service contracts as submitted by Bill Ratigan – Building/Parks Superintendent. Seconded** by Councilman Leenig

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

Service contracts submitted by Police Chief – Donald Williams

Supervisor Pagones read (**copy attached to original minutes**) a request for approval of the 2008 service contracts as submitted by Donald Williams, Police Chief.

Motion made by Councilman Ferguson **to approve the 2008 service contracts as submitted by Police Chief, Donald Williams. Seconded** by Councilman Leenig

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

Service contracts submitted by James A. Foy

Supervisor Pagones read (**copy attached to original minutes**) a request for approval of the 2008 service contracts as submitted by James A. Foy – Receiver of Taxes.

Motion made by Councilman Ferguson **to approve the 2008 service contracts as submitted by James A. Foy – Receiver of Taxes. Seconded** by Councilman Leenig

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

Service contract submitted by Town Clerk – Darlene Bellis

Supervisor Pagones read (**copy attached to original minutes**) a request for approval of the 2008 service contracts as submitted by Darlene Bellis – Town Clerk.

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Motion made by Councilman Ferguson **to approve the 2008 service contracts as submitted by Darlene Bellis – Town Clerk. Seconded** by Councilman Leenig
Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)
Motion Carried unanimously 5-0

Liquor license renewal – Sierra Suites

Liquor license renewal – Pizza Hut

Motion made by Councilman Ferguson **to accept the liquor license renewals for the Sierra Suites and Pizza Hut as okay's by Donald Williams, Police Chief. Seconded** by Councilwoman Malvarosa
Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)
Motion Carried unanimously 5-0

Liquor license renewal – Fishkill Golf

Liquor license application – Mezzaluna

Motion made by Councilman Ferguson **to accept the liquor license renewal for the Fishkill Golf and the liquor license application for Mezzaluna as okay's by Donald Williams, Police Chief. Seconded** by Councilwoman Malvarosa
Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)
Motion Carried unanimously 5-0

MOTION(s) TO ACCEPT RESIGNATION

Disaster Preparedness Committee member – Marc A. Breimer

Motion made by Councilwoman Malvarosa **to accept the resignation of Marc A. Breimer as a Disaster Preparedness Committee member with regrets. Seconded** by Councilman Ferguson
Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)
Motion Carried unanimously 5-0

MOTION(s) TO APPOINT

Disaster Preparedness Committee member – Jeff Marino

Motion made by Councilwoman Malvarosa **to appoint Jeff Marino as a Disaster Preparedness Committee member to replace Marc A. Breimer's position. Seconded** by Councilman Ferguson
Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)
Motion Carried unanimously 5-0

In-School Counselor – Jennifer Harrison

Motion made by Councilman Leenig **to appoint Jennifer Harrison as a counselor for the In-School Recreation program at \$10.25/hour retroactive to 01-22-2008.** **Seconded** by Councilwoman Malvarosa Pagonis (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)
Motion Carried unanimously 5-0

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Environmental Board members

Motion made by Councilman LaColla **to appoint Herm London as an Environmental Advisory Board member with the term to expire on 12-31-2010.** **Seconded** by Councilman Ferguson Pagonis (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)
Motion Carried unanimously 5-0

Motion made by Councilman LaColla **to appoint Laura Dachenhausen as an Environmental Advisory Board member with the term to expire on 12-31-2009.** **Seconded** by Councilman Ferguson Pagonis (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:**

Recreation	\$ 126	to cover cost of Junior Size basketballs
Comptroller	\$ 1,019	to adjust budget for training from other budget line items
Comptroller	\$ 21,175	top establish budget for grant awarded for new police equipment
Police	\$ 500	used toward purchase of bar coder for evidence room
Recreation	\$ 11,147	to cover In-School Recreation costs
Recreation	\$ 1,465	to cover cost of the Youth Winter Basketball Program

(copies attached to original minutes)

Seconded by Supervisor Pagonis Pagonis (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)
Motion Carried unanimously 5-0

NEW and OLD BUSINESS

Councilman LaColla

none

Councilwoman Malvarosa

Disaster meeting, will be our first meeting with Jeff Marino, the agenda will be on the basis exercises, the past floods done well, and the animal annex was put to test and done well.

In 2006 the pet evacuation transportation standard act of 2006, was signed into law, in a declared emergency people who have pets may have similar claims to financial aide. The Governments are looking at relations with pets to owners.

The Dog Show Off will be held on 04-27 from 1-4 highlighting our dog park. Invitations are going out to vendors for our signature dog show off.

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Councilman Ferguson

Working with Royal Carting to set up the two clean up days

Councilman Leenig

Accepted the Board's sympathy on the loss of his mother
He stated he attended the last meeting of the VFW, he is the youngest member, and they just voted him as Senior Vice Commander, he is trying to recruit new members. He also attended the last planning board meeting and their professionals are just superb.

Bill Ratigan updated the Board on the new Senior / Recreation building by stating they ran into a few weather issues, otherwise it is moving along good and is pretty much on schedule, should be up and running this year.

ADJOURNMENT

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

Seconded by Councilman Ferguson

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

Motion Carried unanimously 5-0

Meeting adjourned at 11:15am

Respectfully submitted,

Darlene Bellis
Town Clerk

