

TOWN BOARD MEETING

MARCH 25, 2009

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; Town Planning Consultant – John Morabito; John Darcy – Assistant Housing Director; James A. Foy – Receiver of Taxes; Magnolia Townhouses – Joel Hanig, Esq., Kurt Kuehner; Residents – Azem Albra, Al Campanaro, and Town Clerk – Darlene Bellis

PUBLIC HEARING(s)

Establishment of Rocky Glen Sewer District

Supervisor Pagones read (**copy attached to original minutes**) the public hearing notice to consider the establishment of Rocky Glen Sewer District. Public hearing opened at 9:35am

Town Engineer, John Andrews, stated that this is the 1st of two potential actions in the matter and this public hearing deals with the formation of the Rocky Glen Sewer District. There is a workforce housing project down the street, in keeping with the contingent Negative Declaration issued for this project, the Town is forming a sewer district to encompass the Reagan development alone (Rocky Glen). This is being done with it being a zero (0) cost district and subject to all terms and conditions of any other town district, and will pay any typical M&O cost, and will serve as a launch pad for the Siscar Sewer District if the residents so choose.

Supervisor Pagones asked if the audience would like to speak. Hearing none

Motion made by Councilman Leenig **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 9:38am

Modifying Local Law #10 of 2008

Supervisor Pagones read (**copy attached to original minutes**) the public hearing modifying Local Law #10 of 2008 which amended Chapter 150 to change the district designation of tax parcel 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, said modification of Local Law #10 of 2008 serving to extend the date for fulfillment of conditions attached to Local Law #10 of 2008.

Public hearing opened at 9:38am

Kurt Kuehner stated why they needed the extension and that they are requesting the extension to December 01, 2009.

Supervisor Pagones asked the audience if they wanted to speak. Heard none; she then read comments from the Dutchess County Department of Planning stating it is a matter of local concern.

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

Seconded by Councilwoman Malvarosa

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

Motion Carried unanimously 5-0

Public hearing closed at 9:40am

NYS Trust Fund Corp. Office of Community Renewal 2009 Annual
Competitive Round Application

Supervisor Pagones read (**copy attached to original minutes**) a public hearing announcing the New York State Trust Fund Corporation Office of Community Renewal 2009 Annual Competitive Round Application for a sidewalk project extending along Route 52 from the Town Hall to Rocky Glen apartments.

Public hearing opened at 9:40am

Supervisor Pagones stated the Town has been in a program also known as Small Cities and are required to have two public information sessions, the Town plans putting in sidewalks from Route 52 / Rocky Glen to our new recreation site. This is the first public comment session and will also hold another one on April 01st, 2009. She continued to say that the grants must satisfy low to moderate income projects and the Town is in competition with State of New York.

Supervisor Pagones asked the audience if they would like to speak
Hearing none

Motion made by Councilman Ferguson **to close the public hearing.**

Seconded by Councilwoman Malvarosa

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

Motion Carried unanimously 5-0

Public hearing closed at 9:42am

PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS

None

ANNOUNCEMENTS

Public hearing #2 for NYS TFCOC Renewal 2009 Annual Application on
04-01-2009 @ 9:30am

Announced

Notice of public hearing – Town of LaGrangeville

Supervisor Pagones read (**copy attached to original minutes**) a public hearing notice from the Town of LaGrangeville to be held on March 25th, 2009 at 7:30pm.

Notice of public hearing – Town of Wappinger

Supervisor Pagones read (**copy attached to original minutes**) a public hearing notice from the Town of Wappinger to be held on May 11th, 2009 at 7:00pm.

MOTION(s) TO APPROVE/ADOPT

**Set public hearing for Proposed Final Additions/Revisions – Fishkill
Comprehensive Plan**

Town Attorney, Ronald Blass, described the process of where the comprehensive plan is at and that it is ready for public hearing for purposes of the preparation of the document itself.

Councilman LaColla stated that if the Town could get it in a PDF format, we could then put it on the Town's website.

Supervisor Pagones read (**copy attached to original minutes**) a resolution setting a public hearing to receive public comment on the preparation by the Town Board of a Town of Fishkill Comprehensive Plan, and to share with the public the existing state of its consultant's work product concerning a Comprehensive Plan to be held on April 25, 2009 at 10:00am and made a **Motion to set the said public hearing on April 25, 2009 at 10:00am at Town Hall. Seconded** by Councilman Ferguson

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

Motion Carried

Introduction of Local law creating Chapter 126 entitled "Social Host Law"

Councilman Ferguson read (**copy attached to original minutes**) a resolution introducing a local law creating Chapter 126 of the Town Code entitled "Social Host Law" and made a **Motion to set a public hearing to be held on April 25, 2009 at 10:00am for said local law. Seconded** by Councilwoman Malvarosa

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

Motion Carried

EFC Application – CWSRF Funds

Ronald Blass stated that Rombout Sewer District construction of the new treatment plant, this is all a direct function of the federal stimulus monies and is hoped that the projected monies will trickle down to the EFC (Environmental Facilities Corporation) and down to the Town of Fishkill through this application. It would give significant relief to the Rombout Sewer District. Grants may be available and other opportunities and this is a very extensive application, and in that regard there is three items of business for the Town to consider. EFC will be looking for contracts between the municipality and its consultants. He stated that he has resolutions that the Town needs to approve/adopt so that the Town can apply for the CWSRGF funds and submit their application to the EFC.

Town Engineer, John Andrews, stated that he will probably need the same resolution/motion ratifying their work on this process since the very beginning. In 2005 they were designated the Town Engineer consultant for this project.

Supervisor Pagones read (**copy attached to original minutes**) a resolution approving and authorizing the Supervisor to execute a proposed agreement with Van DeWater & Van DeWater for the purposed described and any other agreement having substantially the same or similar provisions.

Motion made by Councilman Ferguson **to approve and authorize the Supervisor to execute said agreement. 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 approving the use and proposed means of compensation of Orrick, Herrington & Sutcliffe (Thomas E. Myers, Esq.) and authorizes the Supervisor to implement this proposal and agreement for legal services.

Motion made by Councilwoman Malvarosa **to approve and authorize the Supervisor to execute said agreement. Seconded** by Councilman Ferguson

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 approving and authorizing the Supervisor to execute a proposed agreement with Van DeWater & Van DeWater for the purposed described and any other agreement having substantially the same or similar provisions.

Motion made by Councilman Ferguson **to approve and authorize the Supervisor to execute said agreement. 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 approving the aforesaid CWSRF application and authorizes the Supervisor to execute and file same with the EFC on behalf of the Town and Rombout Sewer District.

Motion made by Councilman Leenig **to approve and authorize the Supervisor to execute said agreement. Seconded** by Councilman LaColla

Supervisor Pagones read (**copy attached to original minutes**) a resolution approving and authorizing the Supervisor to execute a proposed agreement with Van DeWater & Van DeWater for the purposed described and any other agreement having substantially the same or similar provisions.

Motion made by Councilman Ferguson **to approve and authorize the Supervisor to execute said agreement. Seconded** by Councilwoman Malvarosa

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

Motion Carried

Motion made by Councilman LaColla **to approve and authorize the Supervisor to execute an agreement in terms in place with Rohde, Soyka & Andrews. Seconded** by Councilman Ferguson

Supervisor Pagones read (**copy attached to original minutes**) a resolution approving and authorizing the Supervisor to execute a proposed agreement with Van DeWater & Van DeWater for the purposed described and any other agreement having substantially the same or similar provisions.

Motion made by Councilman Ferguson **to approve and authorize the Supervisor to execute said agreement. Seconded** by Councilwoman Malvarosa

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

Motion Carried

Little League Inc. contract

Motion made by Councilman Leenig **to approve the contract with Little League Inc. as submitted. Seconded** by Councilwoman Malvarosa
Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)
Motion Carried unanimously 5-0

Babe Ruth contract

Motion made by Councilman Leenig **to approve the contract with Babe Ruth League, Inc. as submitted. Seconded** by Councilwoman Malvarosa
Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)
Motion Carried unanimously 5-0

MOTION(s) TO ACCEPT RESIGNATION

Peggy Jones – Cleaner

Motion made by Councilman Ferguson **to accept the resignation of Peggy Jones as cleaner to be effective March 05, 2009. Seconded** by Supervisor Pagones

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

Jason Fisch – Police Assistant

Motion made by Councilman Ferguson **to accept the resignation of Jason Fisch as Police Assistant. Seconded** by Councilwoman Malvarosa

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

Semira Ansari – Environmental Advisory Board member

Motion made by Councilman LaColla **to accept the resignation of Semira Ansari from the Environmental Advisory Board. Seconded** by Councilwoman Malvarosa

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:**

Recreation \$ 1,000 to cover In-School supplies
(copy attached to original minutes)

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

Stated he is working to get the recreation finalized and working together for a parks video.

Councilwoman Malvarosa

She stated that on April 26th will be the grand opening for recreation center, most of the moving is going on, and waiting for the invitations to be printed.

Councilman Ferguson

nothing

Councilman Leenig

He stated he is working with the VFW on the Memorial Day Parade

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Rocky Glen Sewer District

Supervisor Pagones read (**copy attached to original minutes**) a resolution for the Establishment of Rocky Glen Sewer District after public hearing and made a **Motion to approve the establishment of a sewer district as hereinafter describe to be known as the Rocky Glen Sewer District and that the improvements describe in the Map and Plan be constructed and the service therein described be provided for upon the required funds being made available or provided for. Seconded** by Councilman Ferguson

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

Motion Carried

Resolution approving agreement with Rhinebeck Savings Bank

Supervisor Pagones read (**copy attached to original minutes**) a resolution Approving and authorizing the Supervisor to execute a proposed agreement with Rhinebeck Savings Bank.

Motion made by Councilman Ferguson **to approve and authorize the Supervisor to execute said agreement with Rhinebeck Savings Bank.**

Seconded 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 # 1 of 2009

Supervisor Pagones read (**copy attached to original minutes**) a resolution of adoption for the local law modifying local law #10 of 208 amending the zoning map of Chapter 150 to change the designation of a tax parcel 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.

Motion made by Councilman Leenig **to adopt resolution modifying local law #10 of 2008 as read above. Seconded** by Councilman LaColla

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

Motion Carried

EXECUTIVE SESSION

Motion made by Councilwoman Malvarosa **to go into executive session for the purpose of a proposed contract and proposed action against an individual. Seconded** by Councilman LaColla

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

Motion Carried unanimously 5-0

Executive Session at 10:19am

Regular Order of Business

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

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

Motion Carried unanimously 5-0

Regular order of business at 10:59am

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 11:00am

Respectfully submitted,

Darlene Bellis
Town Clerk