

Supervisor Pagones opened the Town Board meeting at 7:00pm, 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; Robert Wheeling – Comptroller; Christian Harkins – Assessor; Glenn Scofield – Highway Superintendent; Highway personnel; Donald Williams – Police Chief; Thomas Lindert – Lt. Police Dept.; Thomas Adam – Planning Board member; Al Campanaro – Zoning Board member; Brian Callahan – Town Board member elect; Michael Zaran, Esq.; Jonathan Bernz, President Hudson Property Advisors LLC; and David Silver – Hudson View Park; Residents – Jacqueline Vogel; Howard Miller; Mrs. Murname; Azem Albra; Hans Klingzahn; Steve Artie; Town Clerk – Darlene Bellis

PUBLIC HEARING(S)

Special District Assessment Rolls

Supervisor Pagones read (**copy attached to original minutes**) the notice of public hearing for the benefit units and charges for properties within special districts and improvement areas.

Public hearing opened at 7:02pm

Town Attorney, Ronald Blass, gave a brief synopsis about what the special district benefit unit roll public hearing is about.

Supervisor Pagones asked the audience if anyone would like to speak on the public hearing.

Michael Zaran, Esq. representing Hudson View Park, he introduced David Silver, manager of Hudson View Park. Mr. Zaran gave a brief presentation highlighting the following: Hudson View Park is a 510 garden style apartment complex; it is located on 44 acres; address is 29 Hudson View Drive; currently 36 buildings; built in 1965 and renovated in 2005; each unit approximately 850 feet average; litigation has been filed challenging the Town Board’s March 2008 benefit unit allocations regarding what they believe to be an improper, irrational allocation formula; Hudson View Park’s annual assessment went from \$30,000 to \$156,000; that assessment would have to be paid approximately 40 years based on the term of the bond; the benefit unit allocation is not in conformance with the law and does not reflect any type of rational benefit allocation or evaluation to the legal standard that applies; gave a brief history in regards to the mention of current benefit allocations; benefit unit allocation was based on connection to sewer supply; Hudson View Park was assigned 500 x 10 units as their benefit unit allocation; that is flawed because HVP apartments only has 106 connections to the sewer and not 504; calculation is incorrect; couldn’t find any real analysis; they are not sure of legal context that this particular public hearing is being scheduled; looked at other public hearing notices - none of them mentioned these hearings would analyze the propriety and any objections specifically to the benefit unit allocation; obtained an appraiser,

Jonathan Bernz, from the Hudson Properties Advisors, LLC, to present a rational as to why they believe the current allocation is inequitable and recommends two alternative methodology many of which are used in other municipalities.

Jonathan Bernz, President Hudson Property Advisors, LLC – presented to the Board a Special District Analysis dated November 04, 2009 Special Benefit Allocation – Rombout Sewer Special Improvement District for Hudson View Park (**copy in Town Clerk's file – Rombout Sewer District**).

Jacqueline Vogel, 19 Salem Road

She stated that this is the first time she and her neighbors has received anything in writing notification about the benefit units.

Supervisor Pagonos answered that they go out each and every year and may have been in a format of an oversized postcard or a letter. It may not have been in the format as this year the notice went out, but for several years now these notices have been mailed out.

Ms. Vogel asked about what the purpose of this mailing is, is the town retiring the bonds that are on the Brinckerhoff Water District and issuing new bonds?

Supervisor Pagonos answered no, each district that you may be in may have debt or may not have debt, your not in the same district as the people in front of you, each one of those districts have budgets and these are just the benefit units that are used to calculate what you do pay if you have debt or you don't have debt.

John Andrews, Town Engineer, answered Ms. Vogel's question about the retiring of the bonds for the Brinckerhoff Water District in saying that they both are on the way to retirement, they are closer on one than on the other, there are two bonds outstanding in Brinckerhoff right now, one is about 17 years old, and the other one may have been retired by now, each year there would be an annual charge.

Ms. Vogel asked that when the bonds do get retired, does that mean they will no longer have the benefit units assigned unless there is going to be another reissuance of bonds?

Robert Wheeling, Comptroller, answered Ms. Vogel in saying that the benefit units are assigned by the assessor and do not change.

Town Attorney, Ronald Blass, continued to answer Ms. Vogel in saying that the purpose of the hearing is to disclose and have you comment on the number of benefit units you are assigned to on the assessment roll, that tells you how you stand in relation to every other single family homes in terms of contributing to paying the share of debt retirement.

Howard Miller commented that most of the residents in Fishkill are of retirement age and we cannot pay for someone else's mistake, the benefit units will increase because of Toll Brothers, they put a tank up there and be able to tap in and have their water, Brinckerhoff cannot afford to pay for this. He stated they went through this 15 years ago and the State said the Brinckerhoff did not need a water tank. If we are talking about benefit units, then Brinckerhoff will be paying more money, we are going to be taking the water which the village is providing Toll Brothers right now. He feels Toll Brothers get their own water, pay for their own tank and leave us alone.

Mrs. Murname -

Read the notice of public hearing card she received in the mail and commented that it relates to what Mr. Miller was saying. She felt that the card was misleading.

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 7:38pm

Motion made by Councilman Ferguson **to postpone a determination until the next meeting in November to give the Town an opportunity to consider the submission of information from Hudson View**

Apartments. Seconded by Councilwoman Malvarosa

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

Motion Carried

2010 Town Budget

Supervisor Pagones read (**copy attached to original minutes**) the notice of public hearing for the Town of Fishkill 2010 Budget.

Public hearing opened at 7:39pm

Robert Wheeling, Comptroller, made a presentation in relation to the 2010 town budget outlining the expenses and revenues with several slides, describing where the monies go, and budget by departments, and budget by funds (Town wide and Town outside village)

Mrs. Vogel asked if the Town ever do an impact analysis with having a huge community (Toll Brothers), what impact has the development had on the Town budget, did the Town ever give consideration to having them having a special district tax for all their improvements?

Ron Blass, Town Attorney, answers Mrs. Vogel in saying that the Town of Fishkill derives all of its rules and regulations from the State of New York. The Town has absolutely no power to district anything other than for purposes created by the state. It cannot be done.

Mrs. Vogel stated it cannot be done in the State of New York but it most definitely is being done in other states. People who live here are being taxed right out of their own homes.

Al Campanaro replied to Mrs. Vogel regarding Toll Brothers contributing to the services used, he stated that yes there is cost to putting up a new development but the contribution that the developers give out weights the cost, the developers are not taking anything from the Town, contributing to the tax base (clothes, schools, gasoline, food, restaurants). They are not here to take but to contribute.

Azem Albra stated that he is a long time property owner and feels that the board did a good job on the budget

Hans Klingzahn asked if the majority of the homeowners will be getting a decrease in take bill.

Councilman Ferguson answered based on your assessed value.

Hans Klingzahn stated that as a taxpayer he would be happy to pay what he paid last year

Supervisor Pagonos commented that the question is, is the Town going to raise taxes so that budgets don't have to be cut, the answer is no.

Hans Klingzahn stated that he doesn't mind paying the same amount if it could be redesigned so that it wouldn't be that much of an impact on the budget,

Supervisor Pagonos stated the Town is not going to have people paying higher taxes so that these changes are not made.

Steve Artie asked if the employees getting their hours cut.

Supervisor Pagonos answered that everyone's salaries will be staying the same, paying more; the elected officials are on duty 24/7, no matter what they make.

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

Seconded by Councilman Leenig

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

Motion Carried unanimously 5-0

Public hearing closed at 8:11pm

PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS

none

ANNOUNCEMENTS

Public hearing notice from the Town of Wappingers

Supervisor Pagonos read (**copy attached to original minutes**) a notice of public hearing from the Town of Wappinger amending their Town Code regarding Handicap Facilities

APPROVAL OF MINUTE(S)

Motion made by Councilwoman Malvarosa **to approve the minutes of September 23, 2009; October 05, 2009; October 14, 2009 as submitted by the Town Clerk.** **Seconded** by Councilman Ferguson

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

Motion Carried unanimously 5-0

MOTION(s) TO APPROVE/ADOPT

Proposed agreement between Town of Fishkill and Camo Pollution

Motion made by Councilman Ferguson **to approve and authorize the Supervisor to execute the proposed agreement between the Town of Fishkill and Camo Pollution Control, Inc.** **Seconded** by Councilman Ferguson

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

Motion Carried

Award surplus office items

Motion made by Councilman Ferguson **to award the oak colored book shelf to Pamela Garnot in the amount of \$30.00 as bid upon on October 06th, 2009.** **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:**

Comptroller	\$ 21,400	to move money within lines to cover outside service of John Taylor and Christian Harkins
Comptroller	\$ 22,500	to mover recreation bldg rental revenue into budget and budget cleaning and utility expenses
Parks	\$ 5,208	unbudgeted funds used to cover short falls on budget lines
Recreation	\$ 723	to cover Outside Service costs
Recreation	\$ 10,950	to cover In-School Recreation expenses
Recreation	\$ 3,799	to cover Winter Basketball expenses

(copies 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

He stated he is moving ahead with cap assessor agreement.

TOWN BOARD MEETING
Page 6

NOVEMBER 04, 2009

Councilwoman Malvarosa

Stated she is recuperating and is slowly getting back

Supervisor Pagones

Congratulated all the candidates on their victory in the election.

Councilman Ferguson

Made a **Motion to add the firm of Wladis Law Firm to the consultant list for the purpose of obtaining state grants. Seconded** by

Councilwoman Malvarosa

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

Motion Carried unanimously 5-0

Councilman Leenig

Stated he is working with the veterans for Veterans Day ceremony, they have a meeting tomorrow which will be their last meeting; Congressman Hall will be the guest speaker

Siscar Development sewer district

Supervisor Pagones informed the audience that the Siscar individuals have achieved 51% of assessed value and the Town will be moving forward on the establishment of that district.

Supervisor read (**copy attached to original minutes**) a resolution for a public hearing on the establishment of Rocky Glen Sewer District Extension No. 1 and setting a public hearing for 11/19/2009 @ 9:30am

Motion made by Councilman Ferguson **to set the public hearing on 11/19/2009 at 9:30am for the establishment of the Rocky Glen Sewer District Extension No. 1. Seconded** by Councilwoman Malvarosa

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

Motion Carried

Modifying cost of providing health care insurance

Supervisor Pagones read (**copy attached to original minutes**) a resolution Modifying the Town's cost of providing health care insurance to its officers and employees and the cost of individual or family employer health insurance coverage shall be fifteen (15%) percent.

Motion made by Councilman Ferguson **to approve the resolution modifying the cost of individual or family health insurance coverage as read. Seconded** by Councilwoman Malvarosa

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

Motion Carried

Immediate reduction of workforce and personnel cost

Supervisor Pagones read (**copy attached to original minutes**) a resolution which immediately reduces the workforce and personnel costs and eliminates the following three positions: Personnel assistant, Assessor clerk, and one part time code enforcement office; effective November 05, 2009. Highway department employees will go from 40 hours per week to 35 hours per week, and all 40 hour work week positions will be 35 hour work week.

Motion made by Councilman Ferguson **to approve the resolution reducing the workforce and personnel cost as read. Seconded** by Councilwoman Malvarosa

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

Motion Carried

Payroll deferral plan

Supervisor Pagones read (**copy attached to original minutes**) a resolution adopting the Town of Fishkill "Payroll Deferral Plan"

Motion made by Councilman Ferguson **to adopt the Town of Fishkill Payroll Deferral Plan as proposed and submitted. Seconded** by Councilwoman Malvarosa

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

Motion Carried

Payment of special district or improvement area

Motion made by Councilman Ferguson **to authorize the payment by each special district or improvement area of seven percent (7%) of its respective operating revenues to the appropriate Town general fund account and this authorization shall remain in place pending the Comptroller's report and recommendation to the Town Board.**

Seconded by Councilwoman Ferguson

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

Motion Carried

(**copy of resolution attached to original minutes**)

Beacon hills modification of local law

Supervisor Pagones read (**copy attached to original minutes**) a resolution introducing a local law amending the application requirements and permit procedure found within Section 150-50.6 "Beacon Hills District" and setting a public hearing on 11/19/2009 @ 9:30am.

Motion made by Councilman Ferguson **to set a public hearing on 11/19/2009 at 9:30am for the local law amending Section 150-50.6 "Beacon Hills District".** **Seconded** by Councilwoman Malvarosa

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

Motion Carried

Modification of Sewer and water agreements

Motion made by Councilman Leenig **to approve amending SEQRA Findings Statement in the matter of Magnolia Townhomes as proposed.** **Seconded** by Councilman LaColla

Motion made by Councilman Leenig **to approve and authorize the supervisor to execute the currently proposed sewer and water agreements between Route 9D, LLC and the Rombout Sewer District and Rombout Water district.** **Seconded** by Councilman LaColla

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

Motion Carried

(copy of resolution attached to original minutes)

Approving the sewer and water agreements

Motion made by Councilman Leenig **to approve and authorize the supervisor to execute the currently proposed sewer and water agreements between Route 9D, LLC and the Rombout Sewer District and Rombout Water district.** **Seconded** by Councilman LaColla

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

Motion Carried

(copy of resolution attached to original minutes)

Adopt 2010 Budget

Motion made by Councilwoman Malvarosa to **adopt the Town of Fishkill 2010 Budget. Seconded** by Councilman Ferguson

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

Motion Carried

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 8:41pm

Respectfully submitted,

Darlene Bellis
Town Clerk