

**TOWN OF EAST FISHKILL**  
**TOWN BOARD MEETING**  
**SPECIAL MEETING TO PRESENT THE BUDGET**

**October 5, 2017**

**MINUTES**

The Town of East Fishkill's Town Board Meeting held at East Fishkill Town Hall, 330 Route 376, Hopewell Junction, NY was called to order at 3:02 PM by Town Supervisor John L. Hickman, Jr. for the purpose of presenting the Town Board with the tentative budget. As required by NYS Law, the Town Supervisor has filed the Budget with the Town Clerk. By Law, the Town Board must receive and acknowledge receipt of the budget within five (5) days of its filing. The purpose of this meeting is to ensure that these requirements have been met.

In attendance were: Councilpersons, Nicholas D'Alessandro, Emanuele Marinaro, Tom Franco and Supervisor John L. Hickman, Jr. Councilperson Peter Cassidy was absent. Also in attendance was Comptroller Mark Pozniak.

Motion to open the special meeting was made by Councilperson Tom Franco and seconded by Councilperson Emanuele Marinaro at 3:04PM. All voted in favor.

Carol Hurray, Town Clerk presented each of the Town Board Members and the Town Supervisor with the Tentative Budget. Councilperson Cassidy's copy of the budget was placed in his mailbox in the Supervisor secretary's office.

Motion to close special meeting was made by Councilperson Nicholas D'Alessandro and seconded by Councilperson Emanuele Marinaro 3:08 PM. All voted in favor and the meeting was closed.

**Respectfully submitted by Carol Hurray on October 6, 2017**

**MINUTES**  
**TOWN OF EAST FISHKILL**  
**TOWN BOARD MEETING**  
**SEPTEMBER 28, 2017**  
**7:00 p.m.**

**REGULAR BOARD MEETING**

The Town of East Fishkill's Town Board Meeting on September 28, 2017 was called to order at 7:00 p.m. by Supervisor John Hickman, Jr. with the Pledge of Allegiance to the Flag.

**Supervisor's Announcements**

Supervisor Hickman stated they are still waiting to hear from the EPA on beginning the construction of the Hopewell Precision Superfund. They did get the guarantee on the road letter. All indications were that they would be starting next month. If he gets any update he will post it on the website.

Supervisor Hickman asked Attorney Wood if they had any response from Hopewell Service Corp. Attorney Wood stated everything is in the mail but they have not heard yet. He spoke with the other attorney who stated his client signed all the paperwork. Supervisor Hickman stated this is in regards to Worley Homes. Once they get the contract signed they can begin the rest of the process for taking over the water system and upgrading it.

Supervisor Hickman stated three weeks ago GlobalFoundries sold 300 acres of the east complex to a company that does redevelopment of industrial properties called National Resources. It was done as part of an eight lot subdivision. They had to form a Transportation Corporation and now there is a contract with Global to take 200,000 gallons per day of sewage from the Town's Route 52 sewer area. Hopefully there will be redevelopment happening within the next few years in this area. He believes the road on the back of the site will become a public access road. This should be a very big thing.

Supervisor Hickman stated there was a presentation from the Sons of Italy. Supervisor Hickman stated this group does a lot for the community that is not known about and he thanked them for that.

The representative thanked Supervisor Hickman and the rest of the Board for their many years of support. To show their appreciation they presented a check to the town for \$2000. Supervisor Hickman thanked them for that and stated he is glad for the good relationship they have.

**Roll Call:** Supervisor Hickman asked Town Clerk Hurray to call the rolls.

Board Members in Attendance were

Peter            Nicolas            Thomas            Emanuele            John  
Cassidy        D'Alessandro        Franco            Marinaro            Hickman

Also in attendance were:

Tom Wood, Attorney; Scott Bryant, Engineer; and Mark Pozniak, Comptroller.

**Approve Minutes:**

August 24, 2017

Motion to approve the August 24, 2017 minutes: Board Member D'Alessandro. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

**Receive and File:**

Supervisor Hickman stated there was nothing received.

**Public Comments on Agenda Items Only:**

Supervisor Hickman asked if there was anyone to speak on the agenda items only.

**Public Hearing:**

1. Consider a rezone application for a property on 89 Hosner Mountain Road, Hopewell Junction to R1

Motion to open the Public Hearing to consider a rezone application for the property on 89 Posner Mountain Road, Hopewell Junction to R1: Board Member Franco. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

Supervisor Hickman stated this is currently a B1 parcel. They received a memo from the Planning Board supporting this rezone. The properties around this parcel are predominantly R1. Supervisor Hickman stated he believes it is a good use of that property. In the past people have tried to put in businesses there but he believes an R1 would be a less intrusive use. He asked if there were any questions or comments from the Board regarding this rezone application. Board Member D'Alessandro asked if Dutchess County had any comments and Supervisor Hickman said no. Supervisor Hickman stated the Planning Board also stated that there are other lots in this area that should be considered for rezoning. He believes they should review that with the Planner in the future.

Supervisor Hickman asked if there was anyone in the audience to speak for or against this rezone application. There was no one.

a) Close Public Hearing

Motion to close the Public Hearing: Board Member Franco. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

b) Adopt a Negative Declaration and Local Law

**LOCAL LOCAL 3 OF 2017**  
**REZONING PARCEL NO. 6556-00-293362**

**SECTION ONE – LEGISLATIVE INTENT**

Under the Zoning Ordinance property owners are authorized to petition the Town Board to rezone their parcels. Leonard Stanley petitioned the Town Board to rezone a parcel property known as Grid No. 6556-00-293362 located at 89 Hosner Mountain Road from B1 Business Zone to R1 Residential Zone. The Town Board has reviewed the same and inasmuch as said parcel is adjoining other business parcels, it appears to be appropriate.

**SECTION TWO – REZONING**

The zoning map of the Town of East Fishkill be and hereby is amended so as to designate parcel Grid No. 6556-00-293362 to be in the R1 Zoning District.

**SECTION THREE – IMPLEMENTATION**

The Town Clerk is authorized to note on the official zoning map of the Town the above referenced designation of this parcel as R1.

**SECTION FOUR – EFFECTIVE DATE**

This Local Law will take effect immediately upon its filing with the NYS Department of State.

**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF EAST FISHKILL  
CAROL HURRAY, TOWN CLERK**

**Adopted: September 28, 2017  
At a Regular Meeting**

Motion to adopt a Negative Declaration and Local Law rezoning this property at 89 Hosner Mountain Road from a B1 to an R1: Board Member Cassidy. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

2. Consider amending Local Law 5 of 1984 establishing the Ethics Board to Allow Alternate Members

Supervisor Hickman stated there is an Ethics Board made up of five people. There are times when someone may be absent or have to recuse themselves. The alternate would sit at the meetings and take notes and then, in the event of someone being absent or having to recuse themselves, the alternate would be completely versed in any item that is before the Ethics Board and could then fill in for a sitting member. They do have another gentleman who is interested in serving on the Ethics Board. He will be interviewed in the near future.

Motion to open the Public Hearing: Board Member Franco. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

Supervisor Hickman asked if there were any comments from the Board members. Board Member Franco stated this was something that had been discussed in the past and he thinks it is a good idea.

Supervisor Hickman asked if there was anybody in the audience to speak for or against this. There was no one.

a) Close Public Hearing

Motion to close the Public Hearing: Board Member Cassidy. Seconded: Board Member D'Alessandro. All voted in favor. Motion carried.

b) Adopt a Negative Declaration and Local Law

**Local Law No 4 of 2017**

**(AMENDING THE CODE OF ETHICS AND LOCAL LAW 5-1984)**

**Section 1: Legislative Intent**

The Town Board wishes to establish the position of Alternate Ethics Board Member so as to allow the Board to function in the absence or recusal of a permanent member.

**Section II: Alternates**

Add Section 15-9 to read as follows:

Alternate Members:

The Town Board may appoint up to two (2) Alternate Members to the Ethics Board. When a regular member is absent or recused and unable to participate or vote on an issue an alternate member may be designated by the Chairperson to participate in the absent or recused members place and instead. Alternates shall possess the same qualification as the regular member.

**Section III: Effective Date**

This Local Law will be effective immediately upon its filing with the New York State Secretary of State.

**BY ORDER OF THE TOWN BOARD  
CAROL HURRAY, TOWN CLERK**

**ADOPTED: September 28, 2017  
At a Regular Meeting  
East Fishkill, NY**

Motion to adopt a Negative Declaration and Local Law amending Local Law five of 1984 establishing the Ethics Board to allow for two alternate members: Board Member Franco. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

**Resolutions:**

- 1. Authorize the settlement of two Tax Certioraris:  
Paradise Preserve and 46 Foster Road**

**RESOLUTION  
(AUTHORIZING THE SETTLEMENT OF TAX CERTIORARI  
PARADISE PRESERVE vs. TOWN OF EAST FISHKILL)**

**WHEREAS**, from time to time property owners file Article 7 proceedings challenging their assessments following denials by the Board of Assessment review; and

**WHEREAS**, following negotiations between the Town Attorney and the Town Assessor the tax certiorari set forth herein is able to be resolved; and

**WHEREAS**, it would appear to be in the best interest of the Town to resolve these upon these terms and conditions;

**NOW THEREFORE BE IT RESOLVED**, that the Town Attorney be and hereby is authorized to execute Stipulation of Settlement settling the following matter:

**Grid #6756-00-241319**

Assessment Roll	Current Assessment	Reduced Assessment	Amount of Reduction
2016	\$150,000.00	\$100,000.00	\$50,000.00

**BE IT FURTHER RESOLVED**, that the Town Attorney be and hereby is authorized to take all steps necessary and appropriate to effectuate the settlement of these matters; and

**BE IT FURTHER RESOLVED**, that all officials of the Town be and hereby are authorized and enabled to effectuate the intent of the Order once it is entered by a Justice of the Supreme Court.

**RESOLUTION**  
**(AUTHORIZING THE SETTLEMENT OF TAX CERTIORARI**  
**46 FOSTER ROAD LLC vs. TOWN OF EAST FISHKILL)**

**WHEREAS**, from time to time property owners file Article 7 proceedings challenging their assessments following denials by the Board of Assessment review; and

**WHEREAS**, following negotiations between the Town Attorney, the Town Assessor and the Town’s appraisal consultant, the tax certiorari set forth herein is able to be resolved; and

**WHEREAS**, it would appear to be in the best interest of the Town to resolve these upon these terms and conditions;

**NOW THEREFORE BE IT RESOLVED**, that the Town Attorney be and hereby is authorized to execute Stipulation of Settlement settling the following matter:

**Grid#6458-04-663029**

Assessment Roll	Current Assessment	Reduced Assessment	Amount of Reduction
2016	\$950,000.00	\$850,000.00	\$100,000.00

**BE IT FURTHER RESOLVED**, that the Town Attorney be and hereby is authorized to take all steps necessary and appropriate to effectuate the settlement of these matters; and

**BE IT FURTHER RESOLVED**, that all officials of the Town be and hereby are authorized and enabled to effectuate the intent of the Order once it is entered by a Justice of the Supreme Court.

Motion to authorize the settlement of two tax certioraris: Board Member D'Alessandro. Seconded: Board Member Franco. All voted in favor. Motion carried.

**2. Authorize a reduction for the Hopewell Glen Performance Bond**

**RESOLUTION**  
**(BOND REDUCTION FOR HOPEWELL GLEN, PHASE 4)**

**WHEREAS**, there was a Bond from Toll Brothers, Inc. that was previously posted for the Hopewell Glen, Phase 4; and

**WHEREAS**, the Planning Board has voted on September 5, 2017 to reduce the bond for the Hopewell Glen, Phase 4 from \$2,291,000 to \$1,218,794; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does agree to reduce the said bond to \$1,218,794 as recommended by the Planning Board;

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Town Attorney shall approve the above bond.

Motion to authorize a reduction for the Hopewell Glen Performance Bond: Board Member Cassidy. Seconded: Board Member D'Alessandro. All voted in favor. Motion carried.

**3. Award Phase 2 of the Julie's Jungle Playground Contract**

**RESOLUTION**  
**(BOND REDUCTION FOR HOPEWELL GLEN, PHASE 4)**

**WHEREAS**, there was a Bond from Toll Brothers, Inc. that was previously posted for the Hopewell Glen, Phase 4; and

**WHEREAS**, the Planning Board has voted on September 5, 2017 to reduce the bond for the Hopewell Glen, Phase 4 from \$2,291,000 to \$1,218,794; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does agree to reduce the said bond to \$1,218,794 as recommended by the Planning Board;

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Town Attorney shall approve the above bond.

Motion to award Phase 2 of the Julie's Jungle Playground Contract: Board Member Franco. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

**4. Authorize Assessor to attend a Seminar**

**RESOLUTION**  
**(AUTHORIZING TRAVEL AND TRAINING FOR TOWN ASSESSOR)**

**WHEREAS**, the Town Assessor has advised the Town Supervisor that in order to remain certified by the New York State Assessors Association she must attend annual training programs; and

**WHEREAS**, a training program is available for her to attend in Lake Placid, NY from October 1, 2017 through October 4, 2017; and

**WHEREAS**, it is the desire of the Town Board to authorize the Supervisor to approve said travel;

**NOW, THEREFORE, BE IT RESOLVED**, that the Supervisor be and hereby is authorized in accordance with Section 77b of the General Municipal Law of the State of New York to authorize the Assessor to attend a training program sponsored by the New York State Assessors Association to be held out of the area requiring an overnight stay; and

**BE IT FURTHER RESOLVED**, that all reasonable and necessary expenses incurred by the Assessor may be approved by the Supervisor for reimbursement by the Town.

Motion to authorize Assessor to attend a seminar: Board Member D'Alessandro.  
Seconded: Board Member Marinaro. All voted in favor. Motion carried.

**5. Authorize the hiring of a Part Time Recreation/Senior Assistant**

**RESOLUTION**  
**(APPOINT PART TIME RECREATION ASSISTANT)**

**WHEREAS**, a Part-time Recreation Assistant is needed at the Lime Kiln Recreation Facility; and

**WHEREAS**, the Recreation Director has interviewed the applicant and recommends the Town Board hire Kathleen Intravaia.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby appoint Kathleen Intravaia who resides in the Town of East Fishkill, as Part-Time Recreation Assistant. She will not work more than 20 hours a week and will be paid \$9.75 per hour.

Motion to authorize the hiring of a Part Time Recreation/Senior Assistant: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

**6. Recognize the hiring of two Highway Employees**

**RESOLUTION**  
**(ACKNOWLEDGE HIRING OF SEASONAL LABORERS FOR HIGHWAY DEPARTMENT)**

**WHEREAS**, the Highway Superintendent has interviewed and hired two Full-time Seasonal Laborers for the Highway Department, and

**WHEREAS**, the Highway Superintendent has submitted memos to the Town Board; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby acknowledge the hiring of Jeff Vincent and LoriAnne Calciano as Full-time Seasonal Laborers in the Highway Department.

**BE IT FURTHER RESOLVED**, upon completion of their task, Jeff Vincent and LoriAnne Calciano will be removed from payroll.

Motion to recognize the hiring of two Highway Employees: Board Member Franco. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

**7. Authorize the hiring of a Part Time Recreation Assistant at Lime Kiln**

**RESOLUTION**  
**(APPOINT PART-TIME RECREATION ASSISTANT)**

**WHEREAS**, due to staffing changes in the Senior Citizens Program, a Part-Time Recreation Assistant is needed at the Community Center; and

**WHEREAS**, the Recreation Supervisor for the Senior Citizens Program has submitted a request to hire Lina Reynolds as the Recreation Assistant; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby appoint Lina Reynolds as Part-Time Recreation Assistant. Lina will not work more than 20 hours a week and will be hired under the CSEA agreement at Level 3 paid \$13.83 per hour.

Motion to authorize the hiring of a Part Time Recreation Assistant at Lime Kiln: Board Member Franco. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

**8. Schedule a Public Hearing on Special District Benefit Assessments as per Section 239 of Town Law**

**RESOLUTION**  
**(SCHEDULING A PUBLIC HEARING ON SPECIAL DISTRICT BENEFIT ASSESSMENTS PER §239 OF TOWN LAW)**

**WHEREAS**, property owners within Drainage, Sidewalk, Water and Sewer Districts are charged based on the benefit received by them; and

**WHEREAS**, each property is charged benefit units to cover capital costs and O&M charges for usage; and

**WHEREAS**, the benefit assessment roll has been finalized for 2018 and is available at the Town Clerk's office for review; and

**WHEREAS**, the Town Board must offer the affected property owners the right to be heard with respect to the number of units assigned to them.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board will hold a Public Hearing on the 2018 Benefit Assessment Roll on October 26, 2017 at 7:00PM to consider the benefit assessment roll for 2018.

Supervisor Hickman stated this is typically done at the Budget Hearing but since that tends to get busy he would like to schedule this Public Hearing for the October 22, 2017 voting meeting.

Motion to schedule a Public Hearing on Special District Benefit Assessments as per Section 239 of Town Law for the October 22, 2017 meeting: Board Member Cassidy. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

### **Budget Transfers:**

Supervisor Hickman stated there are no transfers at this time.

### **Take Public Comments on General Town Issues:**

Supervisor Hickman asked if there was anybody in the audience who would like to speak on general Town issues.

Supervisor Hickman stated a while back they received a petition from Hillside Lake to dissolve the Special Park District. A vote was held and the residents voted in favor of it. As per the law the Town has six months to put together a plan. There is quite a bit of interest on the part of the Hillside Lake people to have the Town take over the assets of the Park District. The petition clearly stated the lake was of no recreational value. It will be on the ballot for the November election as to whether the taxpayers would like to take over the assets of the Hillside Lake Park District with the wording provided by Bond Council. He displayed a map showing one possible proposal. If money is to be spent to rehabilitate the lake for the Town taxpayers to use, they are looking to put some recreational value into it. They are aware they will have to remove a certain amount of materials and drain the lake. The plan calls for approximately \$90,000. They would also be adopting a Septic Pump Out and Inspection Law. This plan is based on Emmadine Pond. There will be a little dock and a small field area. The swimming area will be filled in but it will be a lake that could possibly be used for fishing and boating. A lot of the cost for this project has always been removing material from the site. They're going to try to keep material on the site. There would also need to be a berm against the shoreline. Emmadine Pond had septic leakage into the pond and was built up with clay. The same thing would be done here. This project also uses the filter project. There would also be a walking path around it. This is still in the proposal phase.

Robert Grasso asked about the Town Assessor and shared services. He also asked about Hillside Lake swimming area being taken away.

Resident #1 stated there have been improvements on the roads in Worley Homes. She spoke about the contract with Hopewell Service Corp. She stated she would call to set up the meeting to ask questions. The two things they would

like to see happen is the water system being taken over and the roads being paved.

Keith Dimaso handed out a packet to the Board regarding the Town's storm water entering Hillside Lake. He spoke about the use of the lake. He is also concerned about the availability of the grant for two years. He implored the Board to commence the filtration system under their riparian rights.

Marty is not in favor of putting more money into Hillside Lake.

Michael Wahlers asked about Plan A and Plan B, which had been discussed at previous meetings. He spoke about the resolution to be voted on in November by the town. He believes there is a third plan to take over the lake and worry about fixing it later. He spoke about the focus groups from 2014. He submitted the petition from March 19, 2015 for the record. There is no recreation in northern East Fishkill and this would now be accessible for public use. He invited the Board members to the October 10 community meeting at 7 PM at the Hillside Lake Firehouse.

Mary Ellen said she would appreciate the Town Board coming to the community meeting to answer questions from the community.

John Jackson thanked the Town for including and recognizing the community farmers during Community Day. He spoke about the Herring Foundation and thanked the Town Police and EMS response for their assistance with the drug issues facing the community. He suggested that the Spotlight on East Fishkill could be used to help deal with this epidemic more directly.

### **Comments from Town Board Members:**

Supervisor Hickman asked if there were any comments from the Town Board. He thanked the Community Day Committee for all of the work they did.

Board Member Marinaro thanked everyone who worked together to make the day the success that it was. He thanked the committee and several individuals as well as the Highway Department and the fire department volunteers and the police departments. He was very impressed with the amount of children that left their parent side to go give candy to the police officer he was standing next to.

Board Member Cassidy gave a special thanks to the Fire Police who came out to do traffic. He thanked everyone who participated and the volunteers also. Starting later helped keep people there all day. The seniors won the float again this year.

Board Member D'Alessandro stated that East Fishkill is truly blessed with all of the volunteers and he thanked everyone who came out for Community Day. He also thanked the Sons of Italy for the donation they presented tonight. They have also

given a donation for the all-inclusive day at the beach at Red Wing and they give every year to the Town camp.

Board Member Marinaro thank Janet McHugh for all of her help.

**Motion for Adjournment: Time:** Motion to adjourn the regular meeting at 8:13 PM: Board Member Franco. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

**Town Board Workshop Meeting:**

**October 12, 2017**

**Town Board Regular Meeting:**

**October 26, 2017**

Respectfully Submitted by Julie J. Beyer on behalf of Town Clerk Carol A. Hurray  
–October 4, 2017