



TOWN OF FISHKILL TOWN BOARD

REGULAR MEETING

~ Minutes ~

807 Route 52
Fishkill, NY 12524
<http://www.fishkill-ny.gov/index.html>

Wednesday, August 21, 2019

7:00 PM

Francois R. Cross Meeting Room

I. Call to Order

Supervisor LaColla called the meeting order.

II. Pledge of Allegiance

III. Roll Call

Attendee Name	Title	Status	Arrived
Raymond Raiche	Council Member	Present	
Jacqueline Bardini	Council Member	Present	
Ori Brachfeld	Council Member	Present	
Robert LaColla	Town Supervisor	Present	
Doug McHoul	Council Member	Late	7:09 PM

IV. Adoption of Agenda

Supervisor LaColla removed resolution no. 2 of this agenda.
Council Member Brachfeld motioned to accept the agenda as amended.
Council Member Bardini seconded the motion.
Motion carried 4-0.
Agenda accepted as amended.

V. Acceptance of Minutes

Council Member Brachfeld motioned to accept the minutes as written.
Council Member Bardini seconded the motion.
Motion carried 4-0.
Minutes accepted as written.

1. Town Board - Regular Meeting - Aug 7, 2019 7:00 PM

VI. Supervisor's Comments and Announcements

The Town Hall sidewalk will be repaired the rest of this week. There will be intermittent door closures. Directional signed will be posted.
Town-wide Cleanup day will by September 14, 2019 from 7 am – 2 pm. There will be shredding, eyeglass and hearing aid collection, unused prescriptions, Soles for Souls. For further information please the Town website at www.fishkill-ny.gov.
Supervisor read a letter from Fishkill Little League regarding Brandon Knapp and his staff.
Supervisor read a letter from a resident complimenting the Town of Fishkill Police Department.
Supervisor LaColla gave a Route 9 bridge repair update. The deck is to be poured 8/29/19 from 8 pm – 6 am. Part of Route 9 will need to be closed. There will be detours set up.
Barbara from the water/Sewer Department has been contacting residents regarding leaks that are being detected. This has been possible since the completion of the water meter replacement project. The department has been receiving numerous letters of thanks for the notifications.
The final concert at Maurer-Geering Park is next Wednesday at 6:30 pm.

VII. Liaison Report

No Board Member had anything to report.

VIII. Privilege of the floor for agenda items

Mary McGeary spoke about the site plan fee. She questioned some fees such as residential vs. commercial. Ms. McGeary spoke about the Zoning Administrator discussion on tonight's agenda. She asked the Board questions. She spoke about the ZBA meeting from last evening also. Ms. McGeary spoke about the Zoning Administrator filing decisions in the Town Clerk's office.
Nan O'Malley spoke about the ZBA meeting and filing of appeals to a decision.
Louise Daniele spoke about site plan fees law needing to be enacted soon to protect the Town. She spoke about the 485b tax initiative program and Dutchess Community College. Ms. Daniele spoke of tax breaks and economic development.
Pat Lewis talked about Dutchess Park Lake and the things that are happening there. She spoke about the failing dam.

Theresa Kraft talked about the proposed Tomlins property acquisition and the proposed Rolling Hills project, loss of green space and overdevelopment.

Maureen Manns spoke about the Herring Sanitation project and her objections.

IX. Presentations

A. Departmental Status Report

Chief James Schepperly gave his report. Report is attached to the minutes. He fielded questions from the Board.

1. (ID # 4931) Departmental Status report - Police Department

RESULT: CLOSE

B. Presentations

X. Discussions

1. (ID # 2742) Discussion of Herring Sanitation Proposal to Expand GB Zoning at 146 Old Route 9, Tax Grid #133089-6156-04-840483.

Larry Poggie, Engineer for Herring Sanitation, summarized the project to date. He spoke of the SEQRA review by the Planning Department.

Ken Stenger, Attorney for Herring Sanitation, spoke about the legal process of this project and legal standard.

The Board reviewed the two different site plans and rezone options; the as-of-right option and the rezone option.

Attorney Dickover discussed the process and the Board consideration of the NEGDEC, petition and the Planning Board determination.

Council Member Raiche spoke about a case law and asked Attorney Dickover to write a memo to the Board outlining such. Council Member Raiche would like to review this information and totally understand the Planning Board determination.

Attorney Dickover suggested that public comment be suspended until the public hearing is held. He stated it is unfair to both sides.

The record could be tainted. He elaborated.

Council Member Brachfeld stated he was uncomfortable with that opinion. Attorney Dickover and the Board debated this.

Council Member Bardini offered her opinion. She feels public comment should wait until the public hearing, per Attorney's advice.

The Board continued to debate further. The Board would like to hold a separate workshop on this matter.

RESULT: TABLED Next: 9/4/2019 7:00 PM

2. (ID # 4364) Discussion of Changing Site Plan Fee to Escrow Basis

Supervisor LaColla asked the Consultants for their opinion. No comment has been received.

RESULT: TABLED Next: 9/4/2019 7:00 PM

3. (ID # 4515) Discussion of Tomlins Property

The Planning Board asked them to update their drawings.

RESULT: TABLED Next: 10/16/2019 7:00 PM

4. (ID # 4869) Discussion of Potential Changes to the 485b Tax Incentive Program

The Board discussed the tenant/landlord situation, incentives, square footage, rent, etc. Questioned how this fits into the 485b program. There is no mechanism in place.

RESULT: CLOSE

5. (ID # 4891) Discussion of a Resolution to Assign Additional Zoning Administrator Duties to the Building Inspector

Council Member Raiche stated that the Town Code stated that we must have a Zoning Administrator.

Costs were discussed for part-time vs. full-time vs stipend.

Council Member McHoul spoke about budgeting and workload.

Council Member Bardini talked about signing documents and code compliance.

RESULT: MOVE TO RESOLUTION

6. (ID # 4904) Discussion of Proposed Changes in the Highway 284 Agreement

The Board talked about this being the Highway Superintendent's budget.

Supervisor LaColla talked about a quarterly allotment of CHIPS money.

RESULT: MOVE TO RESOLUTION

7. (ID # 4921) Discussion of Resolution to Reappoint the Shared Assessor under the Coordinated Assessment Program

No comments have been received.

RESULT: TABLED

Next: 9/4/2019 7:00 PM

8. (ID # 4928) Discussion of Requirement for Zoning Administrator to File Decisions with Town Clerk

The Board and Attorney Dickover discussed Town Code compliance. The only things needing to be filed in the Town Clerk's office is final determinations, not day-to-day activity. The Board will vote on this under Special Consideration tonight.

RESULT: MOVE TO RESOLUTION

9. (ID # 4929) Discussion of Resolution for Consent Judgment - Dutchess Property Group, LLC - 2017, 2018, 2019

Council Member's Bardini and Raiche are concerned about the amount of the decrease.

Supervisor LaColla explained the reasoning and the Board spoke about the property value. They have questions for the Assessor.

RESULT: TABLED

Next: 9/4/2019 7:00 PM

10. (ID # 4932) Discussion of Proclamation in Honor of Milan Kostrna

RESULT: MOVE TO RESOLUTION

11. (ID # 4936) Discussion of Resolution to Submit Grant Application and Execute Grant Agreement with Environmental Facilities Corporation (EFC) for Grant Funding Through the Water Infrastructure Improvement Act (WIIA) for the Town of Fishkill's Beacon Hills Water District Water Main Replacement Project

RESULT: MOVE TO RESOLUTION

12. (ID # 4938) Discussion of Resolution to Authorize Intermunicipal Agreement With Dutchess County Department of Behavioral & Community Health and Town of Fishkill - Water and Wastewater

Supervisor LaColla explained what the agreement is about and what it will do. The Board discussed the process of this County agency.

RESULT: TABLED

Next: 9/4/2019 7:00 PM

13. (ID # 4939) Discussion of Resolution to Accept the Retirement of Anthony Luciano and Further to Reappoint Anthony Luciano to the Position of Police Officer - Part Time

RESULT: MOVE TO RESOLUTION

14. (ID # 4941) Discussion of Cable Franchise Renewal Agreement By and Between The Town of Fishkill and Verizon New York Inc.

A public hearing is required.

Council Member McHoul moved to set the public hearing for September 18, 2019.

Council Member Raiche seconded the motion.

Motion carried 5-0

Public hearing is set for September 18, 2019, 7:00 pm.

RESULT: TABLED **Next: 9/18/2019 7:00 PM**

15. (ID # 4943) Discussion of Resolution to Engage Engineering Services for Stephen Blodgett Dam

The Board spoke about why this is taking place and what it will accomplish.

RESULT: MOVE TO RESOLUTION

XI. Resolutions

A. Consent Agenda

B. Resolutions

1. 2019-142 Resolution to Assign Zoning Administration Responsibilities to Current Building Inspector

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robert LaColla, Town Supervisor
SECONDER: Raymond Raiche, Council Member
AYES: Raiche, Bardini, Brachfeld, LaColla, McHoul

2. (ID # 4922) Resolution to Reappoint the Shared Assessor under the Coordinated Assessment Program

RESULT: TABLED **Next: 9/4/2019 7:00 PM**

3. (ID # 4930) Resolution for Consent Judgment - Dutchess Property Group, LLC - 2017, 2018, 2019

RESULT: TABLED **Next: 9/4/2019 7:00 PM**

4. 2019-143 Resolution for Proclamation in Honor of Milan Kostrna

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robert LaColla, Town Supervisor
SECONDER: Doug McHoul, Council Member
AYES: Raiche, Bardini, Brachfeld, LaColla, McHoul

5. **2019-144 Resolution to Authorize Amendment to 2019 Highway TOV (DB) Fund Adopted Budget for Addition of Roads to be Paved**

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robert LaColla, Town Supervisor
SECONDER: Ori Brachfeld, Council Member
AYES: Raiche, Bardini, Brachfeld, LaColla, McHoul

6. **2019-145 Resolution to Amend the 2019 Highway 284 Agreement**

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robert LaColla, Town Supervisor
SECONDER: Ori Brachfeld, Council Member
AYES: Raiche, Bardini, Brachfeld, LaColla, McHoul

7. **2019-146 Resolution to Submit Grant Application and Execute Grant Agreement with Environmental Facilities Corporation (EFC) for Grant Funding Through the Water Infrastructure Improvement Act (WIIA) for the Town of Fishkill's Beacon Hills Water District Water Main Replacement Project**

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robert LaColla, Town Supervisor
SECONDER: Raymond Raiche, Council Member
AYES: Raiche, Bardini, Brachfeld, LaColla, McHoul

8. **2019-147 Resolution to Accept the Retirement of Anthony Luciano and Further Reappoint Anthony Luciano to the Position of Police Officer Part Time**

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robert LaColla, Town Supervisor
SECONDER: Doug McHoul, Council Member
AYES: Raiche, Bardini, Brachfeld, LaColla, McHoul

9. **2019-148 Resolution to Engage Engineering Services for Stephen Blodgett Dam**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robert LaColla, Town Supervisor
SECONDER:	Raymond Raiche, Council Member
AYES:	Raiche, Bardini, Brachfeld, LaColla, McHoul

XII. Items for Special Consideration

1. 2019-149 Resolution-Filing of Decisions in the Town Clerk's Office

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robert LaColla, Town Supervisor
SECONDER:	Raymond Raiche, Council Member
AYES:	Raiche, Bardini, Brachfeld, LaColla, McHoul

XIII. Privilege of the floor for general town items

Ozzy Albra talked about the new laws going into effect for Police. He informed the Board of why the law was changed.

Louise Daniele spoke about the agreement with the County. She talked about the Town Code interpretation. Ms. Daniele spoke about the 3 minute limitation for speaking at the meeting. Ms. Daniele talked about the Rolling Hills public hearing scoping meeting.

Mary McGeary talked about the DC Department of Health letter. She talked about the Zoning Administrator pay, hours, job description, etc. She spoke about last evening ZBA meeting.

Nan O'Malley talked about the public herring for Herring Sanitation rezone and public comment.

Theresa Kraft talked about time limits, scare tactics and intimidation.

Mr. DiMasi spoke about Ken Stenger and his comments.
Supervisor LaColla asked Mr. DiMasi to stop his comments regarding Mr. Stenger.

Russ O'Malley asked about privilege of floor being removed from the agenda.

XIV. New and Old Business

Council Member Bardini commented on a 3 minutes speaking rule for audience members.
Supervisor LaColla addressed this.
The Board discussed this in detail.

Council Member McHoul reminded everyone that the Village of Fishkill Block Party is this Saturday.

XV. Next Town Board meeting

September 4, 2019, 7:00 pm

XVI. Executive Session

Council Member Brachfeld motioned to move into executive session.
Council Member Bardini seconded the motion.
Motion carried 5-0.

Council Member McHoul motioned to adjourn the executive session and return to regular order of business.
Council Member Brachfeld seconded the motion.
Motion carried 5-0.
Executive Session closed at 10:55 pm.

1. (ID # 4942) Executive Session for Matters leading to the Appointment, Employment, Promotion, Demotion, Discipline, Suspension, Dismissal or Removal of a Particular Person or Corporation

RESULT:	CLOSE [UNANIMOUS]
MOVER:	Doug McHoul, Council Member
SECONDER:	Ori Brachfeld, Council Member
AYES:	Raiche, Bardini, Brachfeld, LaColla, McHoul

XVII. Adjournment

Council Member McHoul motioned to adjourn the meeting.
Council Member Brachfeld seconded the motion.
Motion carried 5-0.
Meeting adjourned at 10:55 pm.

Respectfully Submitted,
Becki Tompkins
Becki Tompkins, RMC, CTO
Town Clerk