



# Town of Wappinger

## Regular Meeting

~ Minutes ~

20 Middlebush Road  
Wappingers Falls, NY 12590  
[townofwappinger.us](http://townofwappinger.us)

Joseph Paoloni  
(845)297-5771

Monday, September 25, 2017

7:30 PM

Town Hall

### I. Call to Order

Attendee Name	Organization	Title	Status	Arrived
Lori A. Jiava	Town of Wappinger	Supervisor	Present	7:30 PM
William H. Beale	Town of Wappinger	Councilman	Present	7:30 PM
William Ciccarelli	Town of Wappinger	Councilman	Present	7:30 PM
John J. Fenton	Town of Wappinger	Councilman	Present	7:30 PM
Michael Kuzmicz	Town of Wappinger	Councilman	Present	7:30 PM
Joseph P. Paoloni	Town of Wappinger	Town Clerk	Present	7:30 PM
Albert Roberts	Consultant	Attorney	Present	7:30 PM
Bob Gray	Consultant	Engineer	Present	7:30 PM

### II. Salute to the Flag

### III. Adoption of Agenda

#### 1. Motion To: Adopt Agenda

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	William Ciccarelli, Councilman
<b>SECONDER:</b>	William H. Beale, Councilman
<b>AYES:</b>	Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

### IV. Acknowledge Minutes

#### 1. Motion To: Acknowledge Minutes of September 11th, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Kuzmicz, Councilman
<b>SECONDER:</b>	William H. Beale, Councilman
<b>AYES:</b>	Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

### V. Correspondence Log

**RESOLUTION:** 2017-154

#### Correspondence Log

## Resolution Authorizing the Acceptance of the Correspondence Log

## Correspondence Log - 2017-09-25

Number	To	From	Date	Date Rec'	Re:	Agenda Date
09-25-001	Atallah&Joseph Nesheiwat	Barbara Roberti	9/6/2017	9/8/2017	Performance Bond/Maloney Heights Subdivision	9/25/2017
09-25-002	Joseph Paoloni	Barbara Roberti	9/6/2017	9/8/2017	Performance & Maintenance Bonds/Sept. 2017	9/25/2017
09-25-003	Lee Anne Freno	Jose Cardenas	9/8/2017	9/11/2017	Water & Sewer, Request for Waived Late Fee	9/25/2017
09-25-004	Town Board	Carl S. Wolfson	9/6/2017	9/11/2017	Town Justice Report for the Month of Aug. 2017	9/25/2017
09-25-005	Town Board	Chelsea Fire District	8/22/2017	9/14/2017	Notice of Public Hearing on the 2018 Budget	9/25/2017
09-25-006	Town Board	New Hackensack Fire District	9/18/2017	9/19/2017	2018 Budget	9/25/2017

NOW, THEREFORE, BE IT RESOLVED, that the letters and communications itemized on the attached Correspondence Log are hereby accepted and placed on file in the Office of the Town Clerk.

The foregoing was put to a vote which resulted as follows:

✓ Vote Record - Resolution RES-2017-154						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted						
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Tabled						
<input type="checkbox"/> Withdrawn						
	Lori A. Jiava	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	William H. Beale	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	William Ciccarelli	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John J. Fenton	Secunder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Michael Kuzmicz	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York  
September 25, 2017

The Resolution is hereby duly declared Adopted.

## VI. Public Portion

### 1. Motion To: Open Public Portion

COMMENTS - Current Meeting:

There were no speakers.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Kuzmicz, Councilman
<b>SECONDER:</b>	William Ciccarelli, Councilman
<b>AYES:</b>	Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

### 2. Motion To: Close Public Portion

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Kuzmicz, Councilman
<b>SECONDER:</b>	John J. Fenton, Councilman
<b>AYES:</b>	Java, Beale, Ciccarelli, Fenton, Kuzmicz

## VII. Discussions

### 1. Review - Parks

Director Fulton addressed the board to assess the status of the parks. Co-Historian Cavaccini reported that Chelsea Yacht club, Carnwath, and ? were in good shape. He was happy to see bids out on the porch restoration at the Carnwath administration building. Ms. Fulton spoke on a specialty park and the ada park fitness park at spook hill, walking path having a toddler park at Rockingham.

Councilman Beale suggested buildings and grounds be included in the details of these park projects and have its input included. When questioning Mr. Frazier, he said that he was somewhat in the loop. The discussion continued to include parks at nearby sewer plants and their safety. Supervisor Java promised to look into the safety of the park near the Fleetwood plant.

### 2. Discussion on the Solar Law

Attorney Roberts discussed the Solar Law and Solar farms. He said solar farms can only be permitted when they are adjacent to a 2-phase electrical line. He added that Central Hudson only has 3-phase lines along the state highways which would eliminate most of the large parcels in the town. He suggested changing the law to require a minimum of 20-acres for solar farms to be permitted on R4080, R80, RA3, RA5, AI, and COP. He asked to amend this resolution to include conservation commercial districts. Planner Stolman and Attorney Roberts agree with the law. He requested the change to be made to the zoning law in Section 2 or 240-57 B11 under Section 3 for an additional use chart to include conservation commercial, AI and COP.

## VIII. Resolutions

**RESOLUTION:** 2017-155

**Resolution Accepting Proposed Benefit Assessment Rolls For Special Improvement Districts And Special Improvement Areas For Fiscal Year 2018 And Setting A Public Hearing To Hear Any Objections Thereto**

**WHEREAS**, the Town Assessor, on behalf of the Town Board, is required to create preliminary benefit assessment rolls for Special Improvement Districts and Improvement Areas within the Town of Wappinger each year pursuant to Town Law § 202-a; and

**WHEREAS**, the Town Board is required by Town Law § 202-a to hold a public hearing in accordance with the provisions of Town Law § 239 to consider any objections to the annual benefit assessment roll.

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.
2. The Town Board hereby schedules a Public Hearing to be held at a Regular Meeting of the Town Board on October 23, 2017 at 7:30 p.m. at Town Hall, 20 Middlebush Road, Wappingers Falls,

New York for the purposes of hearing and considering any objections which may be made to the benefit assessment rolls for the Special Improvement Districts and Special Improvement Areas in the Town of Wappinger listed below for Fiscal Year 2018:

**SPECIAL IMPROVEMENT DISTRICTS**

- United Wappinger Water District
- Fleetwood Manor Water District
- United Wappinger Sewer District
- Wildwood Sewer District
- Fleetwood Manor Sewer District
- Mid-Point Park Sewer District
- The Regency at Wappinger Lighting District
- Keenan Acres Drainage District
- Blackwatch Farms Drainage District
- Meadowood Drainage District
- Tuscany Subdivision Drainage District

**SPECIAL IMPROVEMENT AREAS:**

- WST/TIA - Phase 3A
- Sewer Improvement Area #5
- Wappinger Sewer Improvement Area No. 1
- Watch Hill Sewer Improvement Area
- Tall Trees Water Improvement Area
- Watch Hill Water Improvement Area

4. The Town Clerk is directed to publish a Notice of Public Hearing in the form annexed hereto in the Town’s official newspapers, the Southern Dutchess News and Poughkeepsie Journal, not less than ten (10) nor more than twenty (20) days prior to said public hearing date and to post the Notice of Public Hearing on the Message Board of the Town and on the Town’s website as set forth above.

The foregoing was put to a vote which resulted as follows:

✓ Vote Record - Resolution RES-2017-155						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted						
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Tabled						
<input type="checkbox"/> Withdrawn						
	Lori A. Jiava	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	William H. Beale	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	William Ciccarelli	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John J. Fenton	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Michael Kuzmicz	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York  
September 25, 2017

The Resolution is hereby duly declared Adopted.

**RESOLUTION:** 2017-156

**Resolution Setting Public Hearing On Proposed Budgets, O&M Charges, Water/Sewer Rates And Rents For Special Improvement Districts And Special Improvement Areas For Fiscal Year 2018 And To Hear Any Objections Thereto**

**WHEREAS**, the Town Board annually establishes budgets for the financing of capital improvements of all Special Improvement Districts and Special Improvement Areas within the Town of Wappinger for the ensuing year, and as part of the budget process the Town Board establishes Operation and Maintenance Charges (O&M Charges), Rates and/or Rents, to be charged against those properties within said Special Improvement Districts or Special Improvement Areas; and

**WHEREAS**, the Town Board will have completed the proposed budgets for the financing of capital improvements for the proposed quarterly O&M Charges, Rates and Rents to be charged against those properties within said Special Improvement Districts and Special Improvements Areas for Fiscal Year 2018 no later than October 2, 2017; and

**WHEREAS**, the Town Board, as required by Town Law, hereby schedules and orders a Public Hearing to be held on October 23, 2017 for the purposes of hearing and considering any objections which may be made to the aforementioned proposed budgets, and the proposed quarterly O&M Charges, Rates and Rents for the Special Improvement Districts and Special Improvement Areas for Fiscal Year 2018.

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.

2. The Town Board hereby confirms that it has completed the proposed budgets for the financing of capital improvements for Special Improvement Districts and Special Improvement Areas for Fiscal Year 2018 and has set proposed quarterly O&M Charges, Rates and Rents to be levied against the properties within the Special Improvement Districts and Special Improvement Areas in the Town of Wappinger.

3. The Town Board hereby schedules a Public Hearing to be held at a regular meeting of the Town Board on October 23, 2017 at 7:30 p.m. at Town Hall, 20 Middlebush Road, Wappingers Falls, New York for the purposes of hearing and considering any objections which may be made to the proposed budgets and the proposed quarterly O&M Charges, Rates and Rents to be levied against the properties within the Special Improvement Districts and Special Improvement Areas in the Town of Wappinger, as noted below, for Fiscal Year 2018.

**SPECIAL IMPROVEMENT DISTRICTS**

Town-wide Ambulance District  
United Wappinger Water District  
Fleetwood Manor Water District  
United Wappinger Sewer District  
Wildwood Sewer District  
Fleetwood Manor Sewer District  
Mid-Point Park Sewer District  
Cameli Lighting District  
Chelsea Lighting District  
Hughsonville Lighting District  
The Regency at Wappinger Lighting District  
Keenan Acres Drainage District  
Blackwatch Farms Drainage District  
Meadowood Drainage District  
Tuscany Subdivision Drainage District  
The Hamlet Conservation Park District  
Fieldstone Conservation Park District  
Kendall Farms Conservation Park District

**SPECIAL IMPROVEMENT AREAS:**

- WST/TIA - Phase 3A
- Sewer Improvement Area #5
- Wappinger Sewer Improvement Area No. 1
- Watch Hill Sewer Improvement Area
- Tall Trees Water Improvement Area
- Watch Hill Water Improvement Area

4. The Town Clerk is directed to publish a Notice of Public Hearing in the form annexed hereto in the Town’s official newspapers, the Southern Dutchess News and Poughkeepsie Journal, not less than five (5) days prior to said public hearing date and is further directed to post the Notice of Public Hearing on the Message Board of the Town and on the Town website as set forth above.

The foregoing was put to a vote which resulted as follows:

✓ Vote Record - Resolution RES-2017-156						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Lori A. Jiava	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	William H. Beale	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	William Ciccarelli	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	John J. Fenton	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Michael Kuzmicz	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York  
September 25, 2017

The Resolution is hereby duly declared Adopted.

**RESOLUTION:** 2017-157

**Resolution Authorizing The Town Of Wappinger To Initiate Request For Proposals For Various Town Professionals For Appointment As Part Of The 2018 Budget Preparation And Reorganization Process**

**WHEREAS**, the Town employs various professionals to assist in fulfilling various Town responsibilities and obligations; and

**WHEREAS**, the Town employs the following Town professionals: legal, engineering, planning consultant, certified public accountants for audit purposes, financial and bond advisory, insurance advisor, information technology computer services, stormwater management and locksmith services; and

**WHEREAS**, the Town Board wishes to seek proposals for professional services to the Town Board including, but not limited to, legal, engineering, planning consultant, certified public accountants for audit purposes, financial and bond advisory, insurance advisor, information technology computer services, stormwater management and locksmith services; and

**WHEREAS**, the Town Board shall consider proposals for such professional services from firms that have a minimum work experience of five (5) years in municipal service and will schedule interviews accordingly; and

**WHEREAS**, the Town Supervisor is authorized and directed to initiate the Request for Proposals to provide such professional services to the Town of Wappinger, including the posting of legal notices requesting such services in the Town’s official newspapers, the Poughkeepsie Journal and the Southern Dutchess News; and

**WHEREAS**, the Town Supervisor is directed to initiate the Request for Proposals so that responses will be returned to the Town no later than November 22, 2017.

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.

2. The Town Board hereby authorizes and directs the Town Supervisor to initiate the Request for Proposals to provide such professional services to the Town of Wappinger, including the posting of legal notices requesting such services in the Town’s official newspapers, the Poughkeepsie Journal and the Southern Dutchess News.

The Town Board hereby directs the Town Supervisor to initiate the Request for Proposals so that responses will be returned to the Town no later than November 22, 2017.

The foregoing was put to a vote which resulted as follows:

✓ Vote Record - Resolution RES-2017-157						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Lori A. Jiava	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	William H. Beale	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	William Ciccarelli	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	John J. Fenton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Michael Kuzmicz	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York  
September 25, 2017

The Resolution is hereby duly declared Adopted.

**RESOLUTION:** 2017-158

**Resolution Introducing Local Law No. 6 Of The Year 2017, “Amendment Of Zoning Provisions For Solar Farms”**

**WHEREAS**, in 2016 the Town of Wappinger adopted certain provisions in the Town of Wappinger Zoning Code to control the placement of Solar Energy Systems in the Town of Wappinger; and

**WHEREAS**, it has been found that the existing electrical transmission infrastructure is insufficient to permit the construction of solar farms in the areas of the Town of Wappinger where it has been permitted; and

**WHEREAS**, the construction of Solar Farms is an announced energy goal of the State of New York and solar farms provide a renewable source of electric power; and

**WHEREAS**, the Town Board is considering amending the Town of Wappinger Zoning Code to permit solar farms uses in the R-80 Zoning District; and

**WHEREAS**, the Town Board has determined that the proposed action is a Type I action pursuant to Article 8 of the Environmental Conservation Law, Part 617 NYCRR (commonly known as “SEQRA”) and pursuant to Chapter 117 of the Code of the Town of Wappinger (the Town’s Environmental Quality Review Law) which establishes locally designated Type I

actions; and

**WHEREAS**, the proposed local law is an action for which there are no other involved agencies and that the Town Board is therefore by default the Lead Agency for this action.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.
2. The Town Board hereby introduces for adoption Local Law No. 6 of the Year 2017 in the form annexed hereto.
3. The Town Board is the only agency having approval authority for the adoption of this local law and is therefore Lead Agency for the purpose of SEQRA.
4. The Town Board determines that the enactment of the aforementioned Local Law is a Type I action pursuant to Article 8 of the Environmental Conservation Law, Part 617 NYCRR (commonly known as "SEQRA").
5. The Town Board hereby schedules a Public Hearing on the proposed adoption of Local Law No. 6 of the Year 2017 to be held at Town Hall, 20 Middlebush Road, Wappingers Falls, New York on the 23rd day of October 2017, at 7:30 p.m., and the Town Clerk is directed to post the Notice of the Public Hearing in the form annexed hereto and to publish same in the Southern Dutchess News and Poughkeepsie Journal as required by law.
6. The Town Board further directs the Town Clerk to act as follows with respect to the proposed Local Law:
  - a. To serve a copy of this Resolution, the annexed proposed Local Law, and the Public Hearing Notice to the municipal clerk of each abutting municipality not less than ten (10) days prior to said public hearing.
  - b. To serve a copy of this Resolution and the annexed proposed Local Law to the Dutchess County Department of Planning and Development for Advisory Review in accordance with §239-m. of the General Municipal Law; and
  - c. To serve a copy of this Resolution and the annexed proposed Local Law, and the Public Hearing Notice to the Town of Wappinger Planning Board for its review and recommendation pursuant to §240-112 of the Zoning Code prior to said Public Hearing.

The foregoing was put to a vote which resulted as follows:

✓ Vote Record - Resolution RES-2017-158						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted						
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Tabled						
<input type="checkbox"/> Withdrawn						
	Lori A. Jiava	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	William H. Beale	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	William Ciccarelli	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John J. Fenton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Michael Kuzmicz	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York  
September 25, 2017

The Resolution is hereby duly declared Adopted.

**IX. Adjournment**

**Motion To:** Wappinger Adjournment & Signature



COMMENTS - Current Meeting:

The meeting adjourned at 8:08 PM.

\_\_\_\_\_  
Joseph P. Paoloni  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Kuzmicz, Councilman
<b>SECONDER:</b>	William Ciccarelli, Councilman
<b>AYES:</b>	Jiava, Beale, Ciccarelli, Fenton, Kuzmicz