



Town of Wappinger

Regular Meeting

~ Minutes ~

20 Middlebush Road
Wappingers Falls, NY 12590
townofwappinger.us

Joseph Paoloni
(845)297-5771

Monday, December 11, 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
Grace Robinson	Town of Wappinger	Deputy Town Clerk	Present	7:30 PM

II. Salute to the Flag

III. Adoption of Agenda

1. **Motion To:** Adopt Agenda

RESULT: ADOPTED [UNANIMOUS]
MOVER: Michael Kuzmicz, Councilman
SECONDER: John J. Fenton, Councilman
AYES: Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

IV. Acknowledge Minutes

1. **Motion To:** Acknowledge Minutes of November 13, 2017

RESULT: ADOPTED [UNANIMOUS]
MOVER: Michael Kuzmicz, Councilman
SECONDER: John J. Fenton, Councilman
AYES: Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

2. **Motion To:** Acknowledge Minutes of November 27, 2017

RESULT: ADOPTED [UNANIMOUS]
MOVER: Michael Kuzmicz, Councilman
SECONDER: John J. Fenton, Councilman
AYES: Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

V. Correspondence Log

RESOLUTION: 2017-179

Correspondence Log

Resolution Authorizing the Acceptance of the Correspondence Log

Correspondence Log - 2017-12-11						
Number	To	From	Date	Date Rec'	Re:	Agenda Date
12-11-001	Town Board	Comptroller	11/3/2017	11/3/2017	Warrants: BBB, CCC, DDD	12/11/2017
12-11-002	Town Board	Kim Flower, Fire District	11/22/2017	11/22/2017	Notice of Annual Election Hughsonville FD	12/11/2017
12-11-003	Town Board	Carl S. Wolfson	11/27/2017	11/27/2017	Justice Report for the Month of October 2017	12/11/2017
12-11-004	Town Board	Stacey A. Renner	11/20/2017	12/1/2017	Undertaking Central Hudson Gas & Electric	12/11/2017
12-11-005	Town Board	Bea Ogunti	12/4/2017	12/4/2017	Memorandum: Solar Law Amendment	12/11/2017
12-11-006	Town Board	Bea Ogunti	12/4/2017	12/4/2017	Memorandum: Degnan Retail Center	12/11/2017
12-11-007	Town Board	Heather L. Kitchen	12/6/2017	12/6/2017	Justice Report for the Month of November 2017	12/11/2017
12-11-008	Town Board	Lee Anne Freno	12/6/2017	12/6/2017	Monthly Realty Tax Report: Sept. - Dec. 2017	12/11/2017
12-11-009	Town Board	Lee Anne Freno	12/6/2017	12/6/2017	Monthly School Tax Report for November 2017	12/11/2017
12-11-010	Town Board	Lee Anne Freno	12/6/2017	12/6/2017	Letter of Intent: Reappointment Receiver of Taxes	12/11/2017
12-11-011	Town Board	Kim Flower, Fire District	12/7/2017	12/7/2017	Notice of 2018 Organizational Meeting HFD	12/11/2017

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-2017-179						
			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
 December 11, 2017

The Resolution is hereby duly declared Adopted.

VI. Public Portion

- Motion To:** Open Public Portion

RESULT: ADOPTED [UNANIMOUS]
MOVER: Michael Kuzmicz, Councilman
SECONDER: John J. Fenton, Councilman
AYES: Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

2. **Motion To:** Close Public Portion

RESULT: ADOPTED [UNANIMOUS]
MOVER: Michael Kuzmicz, Councilman
SECONDER: John J. Fenton, Councilman
AYES: Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

VII. Discussions

1. **Degnan Re-Zone**

To: Supervisor Lori Jiava
 Councilman William Beale
 Councilman William Ciccarelli
 Councilman John Fenton
 Councilman Michael Kuzmicz

From: Bea Ogunti
 Planning/Zoning Board Secretary

RE: Degnan Retail Center – 1708 Route 9, Rezoning

Dear Supervisor Jiava and Town Board Members, at the Planning Board meeting held on November 20, 2017, the board voted with a positive recommendation for the rezoning of Degnan Retail Center, 1708 Route 9 project.

Thank you.

Mr. Degnan did not show. He was scheduled for the next meeting.

VIII. Resolutions

1. **Motion To:** Transfer of Highway Department Funds

COMMENTS - Current Meeting:

From: Karol Kelly
Sent: Thursday, December 07, 2017 11:02 AM
To: Lori A. Jiava; William Ciccarelli; William Beale; Michael Kuzmicz; John J. Fenton; Joe Paoloni
Cc: Vincent Bettina
Subject: budget transfer

Good morning,

The Highway Department would like to transfer funds to carry us through years end.

From: Sand acct 5142.401DB	To: General acct 5110.4DB
\$5,000	\$5,000

From: Sand acct 5142.401DB	To: Tree acct 5140.4DB
\$5,000	\$5,000

Thank you.

*Karol Kelly, Secretary
Town of Wappinger
Highway Department*

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Kuzmicz, Councilman
SECONDER:	John J. Fenton, Councilman
AYES:	Jiava, Beale, Ciccarelli, Fenton, Kuzmicz

RESOLUTION: 2017-180

Resolution Authorizing Return Of Escrow Deposited To Insure Proper Stabilization And Seeding For 15 Caliburn Court

WHEREAS, on or about June 1, 2017, Mid Hudson Development Corp., posted Two Thousand Five Hundred Dollars (\$2,500.00) to be held in escrow with the Town of Wappinger to insure the satisfactory stabilization and seeding of disturbed areas for property located at 15 Caliburn Court; and

WHEREAS, Susan Dao, Code Enforcement Officer, has confirmed that the work for which the escrow was established has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED:

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

The Town Board hereby authorizes a refund of escrow in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) to Mid Hudson Development Corp.

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

✓ Vote Record - Resolution RES-2017-180						
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn			Yes/Aye	No/Nay	Abstain	Absent
	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	Mover	<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	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York
December 11, 2017

The Resolution is hereby duly declared Adopted.

RESOLUTION: 2017-181

Proclamation: Commemorating Town of Wappinger School Choice Week

WHEREAS, all children in the Town of Wappinger should have access to the highest-quality education possible; and

WHEREAS, the Town of Wappinger recognizes the important role that an effective education plays in preparing all students in the Town of Wappinger to be successful adults; and

WHEREAS, quality education is critically important to the economic vitality of the Town of Wappinger; and

WHEREAS, the Town of Wappinger is home to a multitude of high quality public and non-public schools from which parents can choose for their children; and

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and

WHEREAS, the Town of Wappinger has many high-quality teaching professionals in all types of school settings who are committed to educating our children; and

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options.

NOW, THEREFORE, I, Lori A. Jiava, do hereby recognize January 21-27, 2018 as TOWN OF WAPPINGER SCHOOL CHOICE WEEK, and I call this observance to the attention of all of our citizens

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

✓ Vote Record - Resolution RES-2017-181						
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn			Yes/Aye	No/Nay	Abstain	Absent
	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	Mover	<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	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York
December 11, 2017

The Resolution is hereby duly declared Adopted.

RESOLUTION: 2017-182

Resolution Authorizing The Maintenance Of The Town Of Wappinger Files

WHEREAS, Albert P. Roberts has been Attorney to the Town of Wappinger continuously since January 1, 1990; and

WHEREAS, Albert P Roberts has retained all of the files he has maintained in his representation of the Town of Wappinger since that date; and

WHEREAS, attorneys are only required to maintain files for a period of seven (7) years, the general practice of Mr. Robert’s firm is to retain files for ten (10) years; and

WHEREAS, Mr. Roberts has indicated his firm intends to destroy all Town of Wappinger files over ten (10) years old; and

WHEREAS, Supervisor Jiava and Councilman Beale have both requested that the files be turned over to the Town; and

WHEREAS, Mr. Roberts is a Partner in the firm of Stenger, Roberts, Davis and Diamond, LLP and the firm has consented to transfer all files over ten (10) years to the Town of Wappinger for safekeeping and for reference material.

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 agrees to accept all files over ten (10) years of age opened by Mr. Roberts in connection with his representation of Town of Wappinger matters.
 3. The Town Board hereby further directs Steven Frazier, Supervisor of Buildings and Grounds for the Town of Wappinger, to utilize his staff to pick up the files and deliver them to Carnwath Farms for safekeeping, with guidance from Joseph P. Paoloni, Town Clerk to the Town of Wappinger.
 4. The Town Board hereby acknowledges that Mr. Roberts and his staff will coordinate the pick-up of the files with Mr. Frazier.
 5. Thereinafter, the Town will periodically accept files from the firm that are over ten (10) years old.
 6. Upon receipt of the above-referenced legal files, the Town shall maintain them as the Town may otherwise deem advisable.
- The Town shall accept and remove the files within ninety (90) days of the adoption of this Resolution.

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

✓ Vote Record - Resolution RES-2017-182						
			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	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	William Ciccarelli	Voter	<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	Secunder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York
December 11, 2017

The Resolution is hereby duly declared Adopted.

RESOLUTION: 2017-183

Authorizing Execution Of Lease Agreement With NYCOMCO For Radio Equipment For The Highway Equipment

WHEREAS, the Town of Wappinger Highway Department requires radio equipment to facilitate efficient communication between Highway Department personnel and various Town administrative agencies to promptly address issues relating to the maintenance and safety of Town roadways and the traveling public, and local emergencies as they may arise; and

WHEREAS, the Town of Wappinger Superintendent of Highways, Vincent Bettina, has recommended the renewal of a Lease Agreement with the New York Communications Co., Inc. (NYCOMCO) including service of said equipment at a lease rate of \$1,924.00 per month for a 72-month lease term in accordance with a lease proposal prepared for the Town of Wappinger Highway Department, a copy of which is annexed hereto; and

WHEREAS, the Highway Superintendent has noted that the Town of Wappinger Highway Department has had a positive experience with NYCOMCO, both for equipment and service, and has recommended entering into this Lease Agreement; and

WHEREAS, this proposal complies with the Town’s Procurement Policy; and

WHEREAS, at its July 10, 2017 meeting, the Town Board previously adopted Resolution 2017-113 which authorized a monthly lease payment of \$1,924 subject to further negotiations with NYCOMCO by Councilman Beale; and

WHEREAS, Councilman Beale renegotiated the terms of the lease with NYCOMCO to reduce the number of vehicle mounted radios by one (1) and increase the number of hand-held radios by two (2); and

WHEREAS, the changes in equipment resulted in an increase in the monthly rent payment from \$1,924 to \$1,943 per month;

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 determines that there is need for the lease of equipment for a wireless radio communication system as set forth in the attached proposal, at a lease rate of \$1,943.00 per month for a 72-month lease term.
 3. The Town Highway Superintendent determines that the lease terms and conditions set forth in the Lease Agreement are acceptable and consistent with the needs of the Town of Wappinger Highway Department;
 4. The Town Board hereby accepts the terms and conditions as set forth in the Lease Agreement and hereby authorizes the Supervisor to execute the Lease Agreement in substantially the same form as annexed hereto.
 5. The Town Board directs that the amounts identified in the Lease Agreement approved herein shall be appropriated through budget line DB 5110.401 and B3410.400 in the respective amounts of \$1,860 and \$83, respectively.
- This resolution amends Resolution 2017-113 which was previously adopted by the Town Board on July 10, 2017.

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

✓ Vote Record - Resolution RES-2017-183						
<input checked="" type="checkbox"/> Adopted			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Defeated	Lori A. Jiava	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<input type="checkbox"/> Tabled	William H. Beale	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	William Ciccarelli	Voter	<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	Secunder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: Wappingers Falls, New York
December 11, 2017

The Resolution is hereby duly declared Adopted.

IX. Items for Special Consideration/New Business

1. **Motion To:** Appoint Deputy Clerk Robinson to Cover for The Tax Receiver for 7 more Days

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

X. Executive Session - Degnan Rezone

1. **Motion To:** Enter Executive Session

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

2. **Motion To:** Return From Executive Session

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

3. **Motion To:** Have Attorney Communicate with Town Planner & Zoning Adm.Regarding Zoning Issues

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

4. **Motion To:** Correct Budget For Zoning and Planning Secretary's Salary

COMMENTS - Current Meeting:

Supervisor Jiava was informed by Comptroller Awino that Line 8020.100B Should Reflect \$17,927 and to be taken from Line 1010.401B.

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

XI. Adjournment

Motion To: Wappinger Adjournment & Signature

COMMENTS - Current Meeting:

The meeting adjourned at 8:26 PM.

Joseph P. Paoloni
Town Clerk

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