

**MINUTES**  
**TOWN OF EAST FISHKILL**  
**TOWN BOARD MEETING**  
**JULY 27, 2017**  
**7:00 p.m.**

**REGULAR BOARD MEETING**

The Town of East Fishkill's Town Board Meeting on July 27, 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 that for the last three years they have been working on a project on the IBM site at GlobalFoundries. Last week they finally completed their eight-lot subdivision. That should provide some development activity down at the old IBM site. He thanked the attorney, engineer, and planner, who all worked very hard to make sure the subdivision was done correctly. It was completed last week and all of the filings have been done with New York State. There is a sewer district on Route 52. There are a few things to finish up with the sewer project. Redevelopment of the west complex also relies on the sewer district to be finished.

**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	Marinero	Hickman

Also in attendance were:

Scott Bryant, Engineer; and Mark Pozniak, Comptroller.

**Approve Minutes:**

June 22, 2017

Motion to approve the June 22, 2017 minutes: Board Member Franco. Seconded: Board Member Cassidy. All 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.

Steve Suriano asked for an update on what was going on with the sports dome and why resolution number eight was being presented. Supervisor Hickman stated it is a private contractor so the Town has no say in their movements or activity. He stated that the dome project was doing a storm water system that is in the Town right-of-way. When they are done doing the installation of the pipes they will be turned over to the Town. The storm water system comes very close to the sewer. There is a pump station right there. The Town has almost completed its sewer project and pump station, but the Dome has not completed their portion of the storm water which was right next to the Town's. They put in 36-inch pipes that converge right next to Route 52 that go under Route 52 and go to the Gildersleeve. That is not a structure that the Town would have approved of. It was not done to the Town's standards. The Town cannot finish their project until the Dome's structure is replaced properly. The Town's engineer has discussed the required changes with their engineer and has not made any progress. The Town will move to complete this project. It will be added to their tax bill. Supervisor Hickman stated it is not part of the general town taxing district. Any taxes to be collected will be borne by the district members. If they default on their taxes when it is submitted to the County the Town gets made whole. The Town will get paid for this. Supervisor Hickman cannot answer what the future of the dome is at this point. He stated for the last year the contractor has been very difficult to reach. They are not returning phone calls or e-mails.

Board Member Franco stated that if any one has questions they are more than welcome to call in and ask the Supervisor or Town Council members and they will get answers and get back to them.

Robert Grasso asked about the agenda format and if the resolutions could be discussed first and then the public given a chance to ask questions before the vote is taken. Clerk Hurray stated resolutions are posted on the website prior to the meeting so people have a chance to read them over. Mr. Grasso stated not everyone has computers. Supervisor Hickman stated they would look into the possibility of restructuring the meeting.

Ed Slosower stated that the school district passed a resolution to move forward in their bid process regarding the sewer system. He asked if the issue with the Dome would cause any problems with the hook up for John Jay. Supervisor Hickman said John Jay would be ready to hook up in time. Mr. Slosower thanked Engineer Bryant for all of the work that has gone into this project. Supervisor Hickman stated they would also be discussing the possibility of hooking up the

water to the school district. Mr. Slosower spoke on the prior meetings for the Dome project also. Board Member D'Alessandro stated that the Town received a shared grant for \$100,000 for this project also. This project will help save school district taxes. It should save the school approximately \$40,000 a year. The water and sewer in that area will attract economic growth and redevelopment that was not there prior.

**Public Hearing:**

None.

**Resolutions:**

**1. Authorize an Undertaking with NYSDOT for Town Wide Road Openings**

**RESOLUTION  
AUTHORIZE THE PERM 1 UNDERTAKING WITH NYSDOT**

**WHEREAS**, from time to time the Town has to do emergency utility work in the NYSDOT right of way; and

**WHEREAS**, the Town would need to apply for a permit; and

**WHEREAS**, the New York State Department of Transportation has created a PERM 1 Undertaking to allow municipalities to do emergency utility work in the right of way, and

**WHEREAS**, the Town Engineer is requesting the Town Board to authorize the PERM 1 Undertaking and allow the Town Supervisor to execute said agreement, and

**WHEREAS**, the Town Board has received the agreement; and

**NOW, THEREFORE BE IT RESOLVED**, that the Supervisor be and hereby is authorized to approve and execute the agreement pertaining to the PERM 1 Undertaking.

Motion to authorize an undertaking with NYSDOT for Town wide road openings: Board Member Franco. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

**2. Authorize contractor for Water/Sewer Repairs Asphalt Restoration (3 quotes received)**

**RESOLUTION  
(AUTHORIZE CONTRACTOR FOR WATER/SEWER REPAIRS ASPHALT RESTORATION)**

**WHEREAS**, the Town of East Fishkill owns and operates water and sewer systems throughout the Town; and

**WHEREAS**, from time to time there is a need to repair mains in the systems; and

**WHEREAS**, it is necessary to re-blacktop the roadway after repairs are completed; and

**WHEREAS**, the Town Engineer received quotes from companies to do such work; and

**WHEREAS**, it has been determined that B&K Excavation has the lowest quote; and

**NOW, THEREFORE, BE IT RESOLVED**, that the contract be and hereby is awarded to B&K Excavation for the fixed sum of \$580.00 per ton; and

**BE IT FURTHER RESOLVED**, that the Supervisor be and hereby is authorized to execute a Contract with B&K Excavation; and

**BE IT FURTHER RESOLVED**, that said Contracts shall commence under the direction of the Town Engineer.

Motion to authorize contractor for Water/Sewer Repairs Asphalt Restoration: Board Member Franco. Seconded: Board Member D'Alessandro. All voted in favor. Motion carried.

**3. Authorize Fireworks Display for the Love Holds Life Children's Cancer Foundation Event to be held on August 17-20, 2017**

**RESOLUTION**

**(AUTHORIZE LOVE HOLDS LIFE CHILDREN'S CANCER FOUNDATION'S FIREWORKS)**

**WHEREAS**, Love Holds Life Children's Cancer Foundation has been approved to hold an event August 17, 2017 to August 20, 2017 at the Town Recreation Field; and

**WHEREAS**, Love Holds Life Children's Cancer Foundation is requesting the Town Board approve the firework display for Sunday, August 20, 2017 at 9:30pm; and

**THEREFORE, BE IT RESOLVED**, that Love Holds Life Children's Cancer Foundation may have fireworks on August 20, 2017 at 9:30pm; and

**NOW, THEREFORE BE IT RESOLVED**, that the Town Police, Town Recreation Department and all other agencies of the Town are authorized and

directed to allow the use of the Hopewell Recreation Field by Love Holds Life Children’s Cancer Foundation for the firework display; and

**BE IT FURTHER RESOLVED**, that this consent is subject to the receipt of a Certificate of Insurance from Love Holds Life Children’s Cancer Foundation indemnifying the Town for any liability arising out of their use of the fields.

**BE IT FURTHER RESOLVED**, Love Holds Life Children’s Cancer Foundation must notify the local Fire Department to make arrangements for the firework display.

Motion to authorize fireworks display for the Love Holds Life Children’s Cancer Foundation event to be held on August 17-20, 2017: Board Member Marinaro. Seconded: Board Member D'Alessandro. All voted in favor. Motion carried.

**4. Recognize Highway Promotion**

**RESOLUTION**

**(ACKNOWLEDGE PROMOTION AT HIGHWAY DEPARTMENT)**

**WHEREAS**, the Highway Superintendent has promoted Everett Lee to Construction Equipment Operator (CEO1), and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby acknowledge the promotion of Everett Lee to Construction Equipment Operator (CEO1) in the Highway Department. Everett Lee will be paid \$29.59 per hour; and

**BE IT FURTHER RESOLVED**, that Everett Lee will be promoted to Construction Equipment Operator (CEO1) effective July 30, 2017.

Motion to recognize Highway promotion: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

**5. Authorize the appointment of a Deputy Court Clerk**

**RESOLUTION**

**(APPOINT FULL-TIME DEPUTY COURT CLERK)**

**WHEREAS**, Brenda Dennehy has been working for the East Fishkill Court office for 10 years; and

**WHEREAS**, the Town Justices are requesting that Brenda Dennehy be promoted to Deputy Court Clerk; and

**WHEREAS**, Brenda will be receive a \$1.00 stipend as the Deputy Court Clerk; and

**NOW, THEREFORE, BE IT RESOLVED**, It is the desire of the Town Board to appoint Brenda Dennehy to the Deputy Court Clerk position to receive a stipend of \$1.00.

Motion to authorize the appointment of a Deputy Court Clerk: Board Member Cassidy. Seconded: Board Member Franco. All voted in favor. Motion carried.

## **6. Appoint Members to the Sign Review Board**

### **RESOLUTION** **(APPOINTING MEMBERS TO THE SIGN REVIEW BOARD)**

**WHEREAS**, the Town previously established a Sign Review Board to provide relief to commercial landowners whose sign applications do not comply with the current Sign Ordinance. The Sign Review Board will review applications for relief on a case by case basis; and

**WHEREAS**, businesses that request a variance for their sign will apply to the Sign Review Board; and

**WHEREAS**, the Sign Review Board will be made up of three people, Michelle Robbins, Town Planner; Paul Pesavento, Chairman of the ARB; and James Bellizzi, Local Business Owner; and

**NOW, THEREFORE, BE IT RESOLVED**, that Michelle Robbins, Paul Pesavento and James Bellizzi be and hereby are appointed as members of the Sign Review Board, whose term will be an annual appointment, the first term to end on December 31, 2017.

Motion to appoint members to the Sign Review Board: Board Member Cassidy. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

## **7. Authorize the appointment of a Deputy Town Clerk**

### **RESOLUTION** **(APPOINT FULL-TIME DEPUTY COURT CLERK)**

**WHEREAS**, Brenda Dennehy has been working for the East Fishkill Court office for 10 years; and

**WHEREAS**, the Town Justices are requesting that Brenda Dennehy be promoted to Deputy Court Clerk; and

**WHEREAS**, Brenda will be receive a \$1.00 stipend as the Deputy Court Clerk; and

**NOW, THEREFORE, BE IT RESOLVED**, It is the desire of the Town Board to appoint Brenda Dennehy to the Deputy Court Clerk position to receive a stipend of \$1.00.

Motion to authorize the appointment of a Deputy Town Clerk: Board Member D'Alessandro. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

## **8. Authorize the replacement of structure and tax levy**

### **(AUTHORIZE REPLACEMENT OF STRUCTURE AND TAX LEVY)**

**WHEREAS**, in close proximity to the new John Jay sanitary pump station, the Hopewell Sportsdome Ventures, LLC has installed a structure that is deficient in dimension and design; and

**WHEREAS**, Hopewell Sportsdome Ventures, LLC. was given a directive and ample opportunity to make corrections to the structure and has failed to commence work by the given deadline; and

**WHEREAS**, Hopewell Sportsdome Ventures, LLC. has been put on written notice that the Town will now replace this structure with a structure of proper dimension and loading strength so that the pump station project can be completed and placed into service; and

**WHEREAS**, the Town Engineer has received quotes from companies to install the proper structure and charge the same back as a tax levy against Hopewell Sportsdome Ventures, LLC.; and

**WHEREAS**, it has been determined that B & K Excavating has the lowest quote; and

**NOW, THEREFORE, BE IT RESOLVED**, that the contract be and hereby is awarded to B & K Excavating for the amount of \$30,688.00 and charge the same back as a tax levy against Hopewell Sportsdome Ventures, LLC.; and

**BE IT FURTHER RESOLVED**, that said contracts shall commence under the direction of the Town Engineer.

Motion to authorize the replacement of a structure and a tax levy: Board Member Franco. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

**9. Request support from New York State to assist in salvaging Griffins's Tavern**

**RESOLUTION**  
**(ENDORSEMENT OF GRIFFIN'S TAVERN)**

**WHEREAS**, the Friends of Griffin's Tavern is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the (Environmental Protection Fund for a park project) to be located at 409 Route 82, Hopewell Junction, New York 12533, a site located within the territorial jurisdiction of this Town Board; and

**WHEREAS**, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located"; and

**NOW, THEREFORE, BE IT RESOLVED**, by this august body that the Town Board of the Town of East Fishkill hereby does approve and endorse the application of the Friends of Griffin's Tavern for a grant under the Environmental Protection Fund for a park project known as **Griffin's Tavern: Stabilization and Landscape Plan Document Production"** located within this community.

Motion to request support from New York State to assist in salvaging Perry's Tavern: Board Member Franco. Seconded: Board Member Cassidy. 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 stated that at the last meeting he was taken to task regarding the Hillside Lake Dissolution Vote. He stated that the April meeting minutes did make mention of the possibility of the vote affecting the grant. He explained that the Town did not purchase the lake from the residents when the Park district was created. The DEC has granted a two-year extension until ownership of the lake is fully resolved. He then asked if there was anybody in the audience who would like to speak on general town issues.



Keith Dimaso spoke about the petition stating that after the Town Board casts its vote, the Hillside Lake Special Park District should be included in any and all discussions of the proposed dissolution plans. He stated he asked to be contacted regarding the possible negative impact of the vote on the grant and he was never contacted. He also asked if a solution has been put in writing regarding the report to be submitted to DEC. Supervisor Hickman stated they have six months to go through the process before they can determine what the solution is going to be. The DEC has said that they can have a two-year extension on the grant. Mr. Demaso spoke about parkland designations and a letter from the Town Attorney. He also spoke about riparian rights.

Marty asked about Hillside Lake issues and thanked the Highway Department for the work they did on Creamery Road.

Greg Vote spoke about the problems with Hillside Lake. He believes it is time to fix the problem once and for all. Supervisor Hickman explained some of the difficulties with discharges and catch basins.

Robert Grasso spoke about the other speakers.

Michael Wahlers: To start with I would like to say I greatly appreciate this man coming up to the podium, whether it is the first time he came here, whether it is the last time he came here, he came up here, he spoke his mind. I think that deserves another round of applause. I wish all 400 households would come up here and speak and we could maybe get this thing going until 3 AM sometimes. Obviously I'm here to speak about Hillside Lake. I want to set something straight here because there are a lot of vague references thrown out from the Town and its counsel and I would like to set it straight with the actual legal laws, legalities, and facts, not just hearsay, not just whatever you say or the belief that because Tom Wood is an Attorney, what he says is fact, because that is not the case. I will prove that right now. It is too bad that Mr. Wood could not be here tonight because I did have a series of questions to ask you to ask him directly. Perhaps we can do that some other time. As you are aware, surely you're aware, I have been in contact with an attorney on this process of dissolving the Park district to look into what Tom Wood is telling us, some things such as you might give the property to the Homeowners Association. You don't own some of the things you're saying. Another of the things you're saying is you do not own the properties, the common areas and the water and the land under it in Hillside Lake. And these are things that Mr. Wood has skirted around, very successfully so far, skirted around but nothing factual. Nothing in writing. So, in my discussion with an attorney, who happens to have, is still a practicing attorney, but at one time he was a municipal law attorney down in Westchester, so he is very familiar with this and he actually knows Mr. Wood. They spoke on the phone. I'm sure you're aware of that as well. So this attorney told me, he said "why don't you send a couple of questions". Because, first of all he looked through the documentation supplied him and after reviewing he noted there is no reverter clause or reservation in the deed

that would legally allow the Town of East Fishkill to transfer property back to the property owners within the Hillside Lake Park District. Key word, transfer it back. Okay. In brief, he's confirmed to me as well that all the properties on the deeds, and I won't bother you with the deed numbers, if you want them I could read them to you, there are two deeds, are solely owned by the Town of East Fishkill. The words "on behalf of anyone" do not come into play at all. They are solely owned by the Town of East Fishkill. And for the third time, to make sure you hear that, and that you write it down correctly, they are solely owned by the Town of East Fishkill.

Supervisor Hickman disagreed.

Mr. Wahlers: I didn't ask your opinion. I'm still talking. Thank you. I'm still talking and when I pause, and when I pause, and when I pause, you can talk. You can talk when I pause. Oh, poor you. But I was just discussing here and I don't want to get you off topic. Go ahead.

Supervisor Hickman stated they recognize it does not say it on the deed but it does say it in the law.

Mr. Wahlers: What law? I'm getting to that. I'm glad you know the law because you can cite it to me when I get to that part. Not recited. You can cite the law to me. I just explained before this that Mr. Wood is my attorney as well. I am part of the Town of East Fishkill. Why does it seem that this whole dissolution thing is you guys against Hillside Lake when you are supposed to be working for us?

Supervisor Hickman stated they are following the law that was submitted with the petition.

Mr. Wahlers: And so am I. That's why I'm keeping you in line with that law because you're not following it. I'll explain to you why you're not. Thank you. Are you done? Thank you. Now where was I? Let's see. Let me reiterate here. All properties on the deeds are solely owned by the Town of East Fishkill. None of the properties on the deeds can be transferred to the Hillside Lake Homeowners Association Incorporated or the Hillside Lake property owners without their consent. To put that in a simple term, you cannot make someone take something. You can't hand something, you can't take a car, a rusty abandoned car and bring it to someone's house and say it's yours now. Just like you can't take a piece of property and give it to someone and say it's yours now, pay taxes on it. I mean doesn't that sound ridiculous to you to even state that that can be done? You disagree that it sounds ridiculous? Which one? I said couple of them. I'd like to know which one for clarification.

Supervisor Hickman stated they obviously have a point of disagreement.

Mr. Wahlers: I don't know if it's a point of disagreement or a point of misunderstanding. Okay, so, again I will state you can't take a property and tell someone you now own it and you have to pay taxes on it. Do you agree?

Supervisor Hickman did not agree.

Mr. Wahlers: You think you can? You just said you don't agree, I'm saying you cannot. If you don't agree that means you think you can. It can and cannot. Black and white. What part of my statement do you not agree with? The period at the end? Okay, so I was advised and these things are factual that I'm saying here, and that I believe it was May that was the last time I was up here and I asked Mr. Wood to explain to me how he planned to go about getting property back to people when the Homeowners Association didn't exist anymore and he said there is a reverter clause. I'll go back to what I said before. There is no reverter clause. Okay. So that might be a misunderstanding or somebody was mistaken or something, but the legal fact is there is no reverter clause (*something inaudible*) Hillside Lake. Oh yeah. Are you going to go against what I can bring in here and play on Youtube on here? I can play the audio if you'd like, I could (*something inaudible*) disagree with what I'm saying he said but I'm stating the fact. And I have the facts. And I have facts to bring up here. Please continue to take notes because you are going to need them. So, I was advised to send an e-mail to Mr. Wood as you are all aware up there as you were all copied and ask four simple questions that should have been simple answers because Mr. Wood seemed to show that he understood this and he was sure of himself. So to clarify, I asked simple questions. The first question was "please cite the New York State General Municipal Law, being that's what Mr. Wood referred to, or the East Fishkill town law and or the New York State statute that you are relying on to potentially transfer the Hillside Lake Park District properties in question to the hillside Lake property owners." This was discussed at the May 25th East Fishkill Town Board meeting. All right, so maybe you can cite that law to me now because that seems to be what you said you understood just now. So what is that law?

Supervisor Hickman stated he did not have the example in front of him.

Mr. Wahlers: Okay, well first of all these four questions I'm going to ask approximately 2 1/2 weeks later Mr. Wood send a memo to you which then you allowed him to send to me and it did not answer these questions. So these questions are still up in the air, okay. My attorney spoke to Mr. Wood about this and he said he was sending that memo to you so I was hopeful that I would get the questions answered, but... These questions still remain and these questions, these simple four questions need answers with facts. If we could agree that I have the facts here that Mr. Wood could look at them and say yes those are the facts or disprove me because I am open to being disproven. Okay. We can resolve a lot of this. That is number one, I would like to know what the municipal law is that he thinks he's going to use to give someone property, force them to take property. Number two, "please cite the New York State General Municipal Law, East Fishkill

Town Law, and/or New York State statute that you referred to during the May 25, 2017 East Fishkill Town Board meeting when disproving the Town of East Fishkill sole ownership of the properties' known as the lake and common areas within the Hillside Lake Park district". So again here we go where I am asking you to provide me with information showing that you are not the sole owners. I have factual information that shows you are the sole owners. No, I have deeds. I have facts. I have information. I have it all here. I have deeds. I have lawyer consultations. It is not my opinion. I have the facts. I have the facts. So you're saying the deed is not accurate?

Supervisor Hickman stated he disagreed with Mr. Wahlers assessment of the deeds.

Mr. Wahlers: So I will ask you a simple question. Who owns the Hillside Lake areas, the lake, and the water?

Supervisor Hickman said the Town of East Fishkill owns it on behalf of the property owners.

Mr. Wahlers: What does that mean? I don't understand it. It's not that simple. What does on behalf of the property owners of Hillside Lake mean? But there is nowhere, no law that states that. Okay. And Mr. Wood stated that, and I'll paraphrase, "that is General Municipal Law that shows that". So I asked for that information and over two weeks later Mr. Wood could not answer it. He didn't. I'll move on to the third. "Please confirm that you, as well as the Town..." By the way is the entire board familiar with Article 17A by now? Have you guys read it? Because that's what this whole petition dissolution revolves around. Is everyone familiar with it and read it? Have you looked at it? I take that as a big no. You go by everything that the attorney says? Any other board members taken a peek at Article 17A? No? I think maybe you should at this point because what's happening here as I see, as I listen to other people, but bring up other things, you guys are digging yourself a bigger hole. The dissolution is the simple plan but you guys are opening up a lot of cans of worms. You might want to familiarize yourself cuz you're all going to be involved in it. I can't believe you haven't looked at it yet. It's been brought up so much. All right, so I asked that he confirm as well as the Town of East Fishkill, the town officials that you represent are aware, per Article 17A of the New York State General Municipal Law, that the dissolution plan should consist of nothing more than the resulting ownership of the affirmation properties and does not need to include the town's intentions for future improvements, repairs, or maintenance.

Supervisor Hickman stated they recognize that.

Mr. Wahlers: Now, and I'll get to Mr. Wood's memo here after this, and I apologize to people because I am going to be up here a bit. There is a lot that has to be discussed here seeing as these are the only opportunities we get. In Mr. Wood's

memo, and you've mentioned in the past you talked about having the whole town vote because there has to be bonding for repairs and all that, however, to dissolve the Park District in this case, if you were dissolving a park district and we had common boats that people share and we still had a clubhouse that had a kitchen in it and items of value like that then yeah, it would have to be decided what is going to be done with them. Are they going to get sold off? What's going to happen with those? Are they going to get sold off or what? But that is not the case. We have land. Land that you already own. Hold it. I don't even want to hear you say it. We have land that you already own. So the simple dissolution plan is the Town will continue to own the land. It will not be a private park district. It will be open to the public. There it is. End of story. There is your plan. Submit it. Get the electors to vote on it. Be done. Then when you want to do your improvements on it then you can involve the rest of the Town because the improvements do not need to be done to dissolve the lake. They are two separate entities.

Supervisor Hickman stated they agree with that.

Mr. Wahlers: Thank you. I'll come back to that because that means you disagree with Tom Wood. You just said you agree with me on that and I'm going to read something that Tom Wood wrote which disagrees with that. Okay so you agree on that; that the vote on the final dissolution plan does not need to be voted on by anyone but the electors of the Park district. No one else in East Fishkill votes on that.

Supervisor Hickman stated the Town Board has to go to a vote to acquire and get rid of property.

Mr. Wahlers: Lastly, "please confirm that you as well as the town officials that you represent understand per Article 17A and New York State General Municipal Law the final vote of the dissolution plan is to be solely voted on by the electors of the Hillside Lake Park District." Now I ask again once earlier and Mr. Wood jump in, I asked if people are familiar what the term electors means. And I have Article 17A right here where he gives the definition in the beginning. And surprisingly enough one of the definitions is elector. I'll read it to you. "Elector shall mean a registered voter of the state registered to vote in the local government entity subject to dissolution proceedings conducted pursuant to this article." In other words, only the registered voters that live within the Park district. That should be pretty clear. Four questions that any attorney should simply be able to answer, especially a municipal attorney of Mr. Wood's caliber and the amount of years he has behind him in doing such. Moving onward, Mr. Wood's memo in response to that, which he claims to be in response to that, it doesn't answer those questions. I wrote to him on June 29. He got back to me on, actually he got back to you, on July 18 and then I believe the next day it was sent to me. For four simple questions that he saw, admittedly knew the answers to. He was so sure of himself. He goes on to say he will discuss several distinct issues. He doesn't say that this is a legal opinion or anything like that. He's just saying he's discussing it. So let's keep that

in mind. He's not committing himself to it. Dissolution process via the General Municipal Law Article 17A he talks about. Then he talks about the basics of - I don't want to bore you with all of that. I want to just, let's see, town... The following approval of the voter initiative to proceed to develop a dissolution plan for the Town ... The Town Board met on June 8, 2017 to discuss the various ideas. He's referring to a workshop meeting on June 8 where you discussed the various ideas. Four of the five Town Board members expressed an opinion. Yet he doesn't even say what that opinion was. So, here's the whole Board. Four of you expressed an opinion. Can you please share with me what your opinions were?

Supervisor Hickman stated he does not believe they need to share those opinions now.

Mr. Wahlers: You know I have to say, and it came up at our community meeting that Keith mentioned that you were all individually invited a week ahead of time and were asked to RSVP by the Friday before and Tom wasn't available and Nick wasn't available. Manny came. You didn't respond at all. Peter didn't respond at all until the Monday after the meeting saying he couldn't make it. *(There was a reply from Supervisor Hickman regarding Mr. Wahler's hospitality)* Oh believe me, you have not. You have not. Don't fool yourself. So in either case, my hospitality or not, you were invited to a community meeting. You were not invited to my house because that would never happen. It's not my hospitality, it's the whole community that you were invited to, okay? I'm curious, why didn't you? You got the e-mail obviously. I see when you open it. So why didn't you respond and say no thank you? As a town supervisor okay, as an elected official, like me or not you are required to represent me. Why don't you tell me about my hospitality then? Let's put it out in the open. You often don't have anything to say, that's the problem. Yes I would. It's not just comments, I'm presenting facts. You should be taking notes by the way. Thank you. We can do this. I would like to request too, if I may, I think Ms. Hurray would have to be asked about this, if I could speak to Ms. Hurray directly, are you okay with that? Ms. Hurray, I would like to have everything I said up here put in the minutes verbatim.

Ms. Hurray stated it is not mandatory.

Mr. Wahlers: I understand that. I am requesting it and if it's denied, I would like to know if it is not, why it cannot be done because I am providing information to the community here and those who cannot watch this or hear this can read in the minutes at least. I can go on YouTube and get the minutes for free. I don't want it available to myself, I want it available for everyone. So the question is, at my request, can I have my time that I spend up here printed in the minutes verbatim.

Supervisor Hickman asked the Town Board if they were willing to expend the funds to have these minutes on verbatim. The Board stated it was up to the clerk.

Mr. Wahlers: This is in the vein of transparency.

Clerk Hurray stated she would do it this time.

Mr. Wahlers: How much is it? I know that, that's why I'm requesting. I'm not requesting every time. I'm requesting this time in particular. I mean, this is in the vein of transparency. How much does it cost? Approximately, \$30? How much do the minutes cost in general? The general minutes, what is a cost for somebody to do the minutes? Okay so we agree. So we will, we will verbatim my time at the podium in the minutes. Thank you very much. I appreciate that. And I ask that because I noticed that in recent minutes people come up here and speak and it just says so-and-so came up and spoke about Hillside Lake and then the certain things that you want to say like what Tom Wood said, even though it's part of the discussion on general issues are all outlined there in paragraphs and paragraphs. But you don't say what the person was talking about. So it's kind of misleading and I mention transparency and I have to say that I was at the community meeting that four of you were not at. Manny, I thank you for coming. And transparency was a big discussion there. People were pretty bothered that there is a big lack of transparency. That the Hillside Lake Board couldn't tell them what's going on. Nobody really... Manny doesn't even have the information to know what's going on with dissolution and things like that and I have to say I'm just disgusted with it. You have four months now. Less than that actually. And as I stated, the dissolution plan basically just needs to say you are going to keep the land and it's not going to be part of the Park district anymore. It doesn't need to be though. It's the key. So I was curious, if I may, just by show of hands, are there people from Hillside Lake here that are bothered by the lack of transparency or maybe they feel ...do these people feel bothered by the lack of transparency? Does anybody feel that the Town is very transparent when it comes to Hillside Lake? Well, thank you very much. Listen to your people. Listen to your constituents.

Supervisor Hickman stated they have held three separate public meetings to discuss these issues over the years to try to get some public input on Hillside Lake and with Renewage.

Mr. Wahlers: Speaking of renewing, I wasn't even going to go there, but speaking of transparency you never even shared the final plan with us like you were supposed to for the Renewage project that you put on hold. Still to this day you wanted to go forward with it without sharing it with us. No. I asked Stephen Gruber and he said that an old drawing. Go look at it, it's an old drawing. I spoke to Steve Gruber (*Something inaudible*). So I will continue, and again I want to apologize to the people for the time but this has got to come out. Especially, you know, you guys aren't having workshop meetings in the summer and you don't discuss these things. We don't hear that. So we have one chance a month to try and get questions but you can't seem to answer questions. So I wonder, can the rest of the Town Board jump in and answer any time? Would you allow that? Nick especially being you are running for Supervisor and you know... should I talk

about it to you when you want to direct it to him? Board as a whole, since Nick is running to be Town Supervisor and we see how the way things go it's very possible we could say that because he's going to be the next Town Supervisor. So I would be curious, especially to know how Nick feels about the dissolution of Hillside Lake being it will probably still be going on when he becomes Town Supervisor. Now, may Nick respond to that?

Supervisor Hickman stated they are putting together a dissolution plan. They have months to do it.

Mr. Wahlers: You are going to respond for Nick? That wasn't the question. Thank you.

Board Member D'Alessandro stated that the dissolution plan will happen. They are putting together a plan that hopefully can be submitted to Hillside Lake and the public within the next few months. Right now they just have a lot of ideas.

Mr. Wahlers: You do understand that the only thing required... I didn't even say... No, you have to have a plan to dissolve. What's going to happen? You don't have to spend any money. You don't have to do any improvements to dissolve the Park district. After it's dissolved. It's not required to dissolve it. Right? I want to tell you please read Article 17A and see that that's not a requirement. You are complicating it. We could've had this done May 21st. Why use the six-month if you don't need to. If it's as simple as saying we own the land and are going to still own it, it's not a problem. No, I disprove that. I don't disagree with it. I disproved it. No, I have it on paper. Are you delusional? I know you're a fiction writer. (*inaudible*) Why is it taking you so long? Why would you take so long when all that needs to be done is to say "to dissolve the Park district this is what's going to happen, we're going to keep the land"? What if we donated the land to you if you think you don't own it? So if you want to stick that you don't own it and we write to you and say you know we want to donate the land...

Supervisor Hickman stated that would require a vote as to whether or not to accept it.

Mr. Wahlers: You complicate things. Again it's you against Hillside Lake. You're a propagandist. You complicate things. How many have you turned down? A couple? Two? A couple is two by the way. Okay. I'm going to continue here. If anybody doesn't want to stick around I'll come back up. I will gladly let anybody come up and interject if you don't want to stick around. Then I will continue. So we discussed that there than. He writes that over the next six months, this is on July 18 he is writing to you, that over the next six months you have to prepare a dissolution plan. This is July 18. That six-month clock started on May 20. Wrong information. You have four months. You know that. Okay. You present facts here. You back them up. Don't just talk. You're not taking notes though. Please, you must. You must understand. All right so when nobody up there wants to say what



their opinion was even though he mentions it here that four of the five Town Board members have expressed an opinion. It's a big secret. I don't know why you can't tell us what your opinions are individually. And like I said, especially Nick who we are looking at as our next sitting in the center seat there. It would be very interesting to know. So, my question is instead of you guys just deciding on what's going to happen why not hold a meeting with the Hillside Lake Community and discuss what could possibly happen. Not tell people what you want to happen.

Supervisor Hickman stated years ago they had a meeting and it was suggested that Hillside Lake go to the Recreation Board and they never did.

Mr. Wahlers: What could happen at the Rec Board when it is a private park district? Nothing. The Park district has to be dissolved before anything can happen. Two years ago I stood here and gave a presentation. And when you asked for focus groups with Tom Wood and we went to those focus groups. We presented those plans and in it it said first you have to dissolve the park district before any of this can be done. Why do I have to go to the Rec Board? Why put the cart before the horse? So it's my fault I guess, right? It's my fault why it hasn't been dissolved yet? Because I didn't go to the Rec Board prematurely? Before a park district was even seen that it could be dissolved? Step one: dissolve park district. Step two: improve the area. And that's what you are required to do. Make a plan after it's dissolved. You can do whatever you want after it's dissolved. There is a lot of discussion on Facebook about this as well. I don't know if you've seen it at all.

Supervisor Hickman stated he does not do Facebook.

Mr. Wahlers: You do not do Facebook? You've never been on Facebook? There is a lot of information on there. It's become more than just a little quirky thing. There is a lot of misinformation too, even more so why you should be on there to give the facts. I was curious because I think I have come across your Facebook profile. Two of them actually. I've got one here J Linden Hickman. How was The Devil and Mr. Granville? How is that working for you?

Supervisor Hickman stated he got an award for it.

Mr. Wahlers: An award? Yeah. Fiction.

Supervisor Hickman stated he likes fiction.

Mr. Wahlers: I know. Exactly. I'm not being insulting. I'm so happy you admitted that. You write fiction in more than just books. That was a genuine insult absolutely. Thank you, I'll proceed. Your whole lack of transparency just your demeanor up there at every Town Board meeting is insulting to the community. You want to talk about insulting. You are a disgrace to this community. You should not be sitting up there.

Joanne Letterie stated she's been a resident of Hillside Lake for 44 years. She would like to see Hillside Lake improved again. She agrees with the Board taking six months to come up with a good resolution. She hopes the residents and the Board can get along.

Mr. Wahlers: Key thing, this has to stop. To continue, he says the next item would be that the Town Board must, within 60 days of the Public Hearing, approve a final version plan and then he goes on to say that the said dissolution will occur in accordance with the plan 45 days after its adoption. He leaves out a whole step where, before the dissolution can occur the electors, meaning the people within that reside within Hillside Lake Park District have to vote on that. So you might want to question his memo to you and the accuracy of it. That would be item 1D.1 if you were to put in order there. I'll jump ahead. He gives some possible plan. I guess these are his personal opinions of possible plans because, as I said there is one simple plan, but you guys are complicating it. Accept the district property as Town land. It already is town land. We have deeds. We have attorneys telling me this is owned by the Town already. Okay, and then authorize the Town Board to borrow millions of dollars to improve the facility. Again we discussed that. It's not required. Article 17A. And then offer to convey the property back to the Hillside Lake Property Owners Association, which does not exist.

Supervisor Hickman stated he believed it was a perpetual Corporation.

Mr. Wahlers: It doesn't matter because there is no reverter clause. You don't have to say you disagree. We know you disagree. Let's just assume that everything I say to you, you disagree with. It would save some time. And then you wouldn't have to document so much in the minutes. Let's see, Town does not (*at 1:50:44, can't understand what he says*)... The property Associates... He writes here "There appears to be several property title issues to be considered. It should be noted that the deed from the Property Association to the Town", a deed to the Town, which means a conveyance of property, meaning the Town owns the property. It was sold to them. "The deed to the Town from the Property Association to the Town does not contain a reverter clause within it." He states it right there. Then he refers to a 1959 deed where he says "If in 1992 when the deed to the Town was given, Hillside Lake Incorporated was still in existence the property... I guess he meant automatically... reverted back to the deed to the Town... reverted back to the property owners and the deed to the Town would be a nullity." Or a nullity as he put it. So what is that saying? That you been collecting taxes from us for 24 years illegally? Well, if the Park district is not created legally it would seem to that effect. Remember I mentioned you were digging a deeper hole for yourself so you might want to note that one. Let's see here. We will jump ahead some more. He says that in 1990 the Town Attorney cautioned the Town Board that those who were members could challenge the conveyance to the town. The Town Board, in 1992, and accepting the deed, the

deed, they agreed to take the risk. Then he goes back to the 1959 deed, which also contains a restriction that the property will not be conveyed to anyone outside of Hillside Lake. But you own it. Or you don't. Or you don't. He's saying that at minimum these issues should be addressed by a Quiet Title Action commanded at the appropriate time. Does anyone up there know what a Quiet Title Action is?

Supervisor Hickman stated Attorney Wood has explained it as a process by which they can address the issue of the clause in the deed by which it may not be transferred.

Mr. Wahlers: It's a lawsuit. It's a lawsuit. It's a lawsuit to confirm title of the illegal ownership. So I'm wondering, if you do a Quiet Title Action at the appropriate time, who are you suing? Yourselves? Who is the lawsuit against? It's a lawsuit. A Quiet Title is a lawsuit. Google is your friend. He goes on in the process "In accordance to Town Law 64.2 the Town Board is authorized to acquire real property for the Town. Per the law the same section empowers the Board to acquire property for districts within the Town." Self-explanatory. The Town acquired the property. "In this situation the Town must first adopt a dissolution plan. Then they must, as a Town Board on behalf of the Town, as a whole, vote to accept and receive the land as a town wide holding." Yes. I agree with that. You own it already so nothing will really change except the transference of the \$1500 a year to do the maintenance. Or .0003 cents per thousand, which it comes out to if you take all the property owners in the whole town. We discussed that already. "If the dissolution plan provides that the property would be deeded back to the Homeowners Association, which it can't, then the Homeowners Association would have to accept the same." Here, I'm giving you this property. You have to take it. Pay taxes on it too and maintain it. Real bright. "The party to whom the parcel," and if anybody is concerned at home or anywhere that I am being rude to Mr. Hickman, yes I am. I feel he deserves so because he does not cooperate with people. Then we go into parkland, which Keith discussed here. I can go over and say the same exact things here. I feel I should, but I've been up here long enough. But he mentions here there is some issue of the property, was it ever accepted as parkland? Mr. Demaso has the same documents that I brought along defining parkland. Even the ordinance establishing rules for Hillside Lake say what parkland is. It's parkland. It is parkland and must remain parkland. Again, you said that's a New York State safeguard law. Again I ask you what law is that? Oh, the attorney's not here. Okay so let's not be so vague. Let's give some actual answers here. This has been going on for months. So we know what is parkland. Once it's parkland it has to remain parkland and the name of it ironically is the Hillside Lake Park District.

Supervisor Hickman stated there are other special Park districts in the town; Lomala Park District.

Mr. Wahlers: You have one other special Park district for a few years now. One park district. So that's parkland too. Its right in the name; Park District. What does

that mean? Park cars or what? Is it a parking lot? It's a very valid term. Okay, so then he goes on to say that if the Board wants voter approval on funding, we agreed on that, you don't need voter approval on funding. It's not required for this dissolution plan. He misquotes the date. He says that the date for the dissolution plan must be approved by November 30. It's actually November 20. You might want to make sure that you don't miss that deadline. Then again he skips over the whole fact that the electors of the Hillside Lake Park District are the ones that need to vote per Article 17A. And then the plan must be adopted within 60 days of the Public Hearing. And then he again leaves out that the dissolution takes place 45 days after the adoption. He leaves that out and then goes on to say "a Quiet Title Action should be considered to resolve the issues. After it's dissolved? I don't know, before was dissolved would be fair. Then there is a whole paragraph at the end, which is just a personal opinion completely. I think you should question your attorney on some of these things and ask for a little bit more explicit details. Please do share it with us so we can get direct answers and back it up with facts. All I'm asking him to do is answer four questions really. If he could answer four questions that I sent in an e-mail that he wouldn't answer to me after years of him and I sending e-mails back and forth to each other and all of a sudden the e-mail he couldn't answer for me. Something's up. Article 17A "dissolution shall not take effect unless the majority of the electors voting in the local government entity in which the referendum is held voted in favor of the dissolution." Right from Article 17A, all of this here, I'm not going to go over, it says the same thing. It always refers to only the electors. The whole dissolution involves only the electors of the Hillside Lake Park District. No one else votes on it except the Town Board. It is not a vote of the Town of East Fishkill as a whole. It does not go on a November ballot. It is not required to do that. There is no reason. And if you were to do that I would see it out of spite. Because it is absolutely not required. And Nick, I really hope you're not following this man's footsteps. That's all I can say on that. I really hope he's not your mentor. I will end there. I'll talk to you on Facebook in the future. Let me ask you a question here. "Looking back at the pressure of the month..." Isn't that your dog posted here on Facebook? That's your dog, right? He posted his dog on Facebook but he doesn't go on Facebook. He talks here in 2014 about "doing the budget, so tired". Go on there, go find him. J Linden Hickman.

Resident #1 stated she is a Hillside Lake resident. She is concerned about the lake and the potential health concerns. She is also concerned about roads there and the decreased property value. She believes making the area a Park would be a wonderful asset to East Fishkill.

Resident #2 stated she is a resident of Hillside Lake. She would like to know what is going to be done to correct the neglect that has been visited upon that community. It was a beautiful Lake when she moved there and she has watched the degradation year after year. She stated that the rerouting of storm water after the Marie Court development was built in 2007 has contributed to the degradation.

She stated they were told it was going to be repaired to look just like Emmadine Pond.

Supervisor Hickman stated they had gotten grants but, unfortunately due to the dissolution, they have been put on hold. They will be looking at their options. They had prior proposals with expenses to be borne by the Hillside Lake residents but they were not approved. He stated they believe the Marie Court discharges to the other side and not towards Hillside Lake. They can check on it again. He stated that a full dredge would be the best solution but it would be very costly. A small dredge would make the lake smaller. One of the big problems is getting rid of what comes out of it. People were not interested in those proposals that were brought up in 2010.

Resident #2 stated that the Town took over the property and has done nothing in 25+ years to do any improvements.

Supervisor Hickman stated when he took over office he was told it would cost the residents of Hillside Lake \$3 million for the permitting and dredging of the Lake. He did not think that was the solution at that point for the cost. He stated he is not sure that cost should be the cost of the general taxpayer in the Town of East Fishkill either.

Keith Dimaso asked why the Van Wyck 2010 meeting was so bad.

Supervisor Hickman stated people were handing out flyers prior to the start of the meeting that he believes was an inaccurate flyer.

Mr. Dimaso stated he felt that was when it came to light that the town was complicit with seven discharges and nothing has been done about those discharges to remedy it since.

Supervisor Hickman stated he did not believe that was correct. Several Hillside Lake people did apologize for the tone of the meeting. It was appreciated. He did state that the storm water discharges had an impact to the lake and that they would look into it. They have changed a few of them and have a much better MS4 cleaning program now.

Mr. Dimaso disagreed. He stated that the deep sumps are ineffective.

Supervisor Hickman stated they will be going in and removing the sediment from the catch basins. They need to get a permit first. They have permits for the Renewage project and for removing Lily pads. A different one is required from DEC to remove the sediment.

Mr. Dimaso stated piping has been added and he has stated for years when you add piping you increase the volume of the rate of flow of water into Hillside Lake.

He stated it is the Town's responsibility and within their riparian rights. He stated it is not their responsibility to filter town storm water. He stated he appreciates all the hard work being done by the Town Highway Department.

Mr. Slosower thanked the Highway Superintendent, the Chief of Police, and the Fire and first responders for all of their tireless efforts. He believes the Hillside Lake Board and the Town Board need to put their differences aside and figure a way to work it out. He stated everyone should work together to find a solution. He stated he has seen ATVs on Route 82 and on main roads. He stated this is a safety issue.

Supervisor Hickman stated it is catching them that is the problem.

Mr. Slosower asked if there was a difference between a business owner and a peddler as far as requirements for advertising. He asked if there was a difference between what a business owner can do and what the fireworks sales tent put out.

Supervisor Hickman stated there is a difference between a stationary peddler and a moving peddler. The stationary peddler has to go before the Town Board to make an application. The Chief of Police reviews it and then the Planning Board approves it. He believes they have to follow the same signage laws as everyone else.

Mr. Slosower stated the Cannon Property project seems very nice. Asked if anything had been done as far as getting applications out to the community for those apartments.

Supervisor Hickman stated they had received over 160 applications from town residents. There may be one more building to be filled.

Steve Suriano asked if there was any current information regarding the announcement at the last meeting regarding the missing funds.

Supervisor Hickman stated it is in the District Attorney's office and it is not something he can speak on. It was not a huge amount but something that has happened over the years.

Mr. Wahlers: I want to reflect back to when you first came into office. I actually visited you in your office when you first came in when we were still talking to each other. I remember on the website you had the Supervisor's Blog. That's what I came in to talk to you about. Actually, I came in to commend you for being transparent because you had the Supervisors Blog. You were putting in there what was going on with the town and what was coming up. Then that just faded away. What happened?

Supervisor Hickman stated it takes a lot of work to do a blog. He just didn't have the time to do it.

Mr. Wahlers: Maybe a temp or someone could be hired to do something like that in the future. Just a "what's happening, a daily little" Nick, take notes. Let us know. Keep it on the website. Put up frequently asked questions with a lot of questions and answers. Transparency can be done through there and you can get to it whenever you want. Or have someone else answer it even. You have somebody assigned to do that. That would be perfect transparency. The other thing is, I'm curious because I don't know the answer for sure, is there a larger water body in East Fishkill than Hillside Lake?

Supervisor Hickman said Lake Walton. Maybe Ballard Lake up on the mountain.

Mr. Wahlers: But nothing with public access. Okay. Just curious. It would be a shame that here is a 26-acre lake that could be used again to bring some kind of recreation to northern East Fishkill. It's bigger than Red Wing Park's entire property. The water body at Hillside Lake is bigger than the entire property, not just the Red Wing Lake. It would be nice to see something done here in the future. But again, we have to dissolve first before we can move forward and do that.

Supervisor Hickman asked if there was anyone else to speak on any general town issues. There was no one.

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

Supervisor Hickman asked if there were any comments from the Town Board.

Board Member Franco stated there was a successful baseball tournament a few weeks ago and he wanted to congratulate the East Fishkill Little League for coming in second place and to Butch Kidney and his guys for the work they did on the field. Red Wing Day at the Beach is this Saturday, July 29, at Red Wing Park from 12 to 6, rain or shine. The park opens 11 and closes at seven and is free for everyone. Board Member D'Alessandro and Board Member Franco have been working very hard on this project. He thanked Co-Recreation Director Janet McHugh and Randy Ross for going above and beyond securing sponsors for this event. He also thanked Supervisor Hickman who has been very supportive of this event. Special thanks to Troop 86 for their Eagle Scout project for the ADA picnic tables. Please come and join us.

Board Member Marinaro thanked the Hillside Lake residents for some great comments. He stated it is important to work together. He stated he appreciates their concerns. He asks that the Board listen to their concerns. He is concerned there are still some of the differences. He hopes it can be resolved and they can all work together.

Board Member D'Alessandro thanked all of the people that have been helping with the Hometown Hero banners. He thanked the Highway Superintendent for putting them up as quickly as they come in. If anyone wants one, or to sponsor one, please contact Board Member D'Alessandro or Board Member Franco or the Supervisor's office.

Mary Ellen Somolisky thanked the members of the community that came out for Hillside Lake tonight. She stated they are looking for transparency and do need to know what's going on. She stated she hopes if Nick gets into office he will invite them in to talk and start fresh.

Board Member Cassidy stated Community Day is coming up in September. Anyone interested should reach out to Janet McHugh.

Board Member Franco wished a happy birthday to Town Clerk Hurray.

**Motion for Adjournment: Time:** Motion to adjourn the regular meeting at 9:36 PM: Board Member Franco. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

**Town Board Regular Meeting:**

**August 24, 2017**

Respectfully Submitted by Julie J. Beyer on behalf of Town Clerk Carol A. Hurray  
–July 31, 2017