

MINUTES
TOWN OF EAST FISHKILL
TOWN BOARD MEETING
April 25, 2019
7:00 p.m.

REGULAR BOARD MEETING

The Town of East Fishkill's Town Board Meeting on April 25, 2019 was called to order at 7:00 p.m. by Supervisor D'Alessandro with the Pledge of Allegiance to the Flag, led by Girl Scout Troop 10118.

Supervisor's Announcements

Supervisor D'Alessandro stated he met with the Dutchess County Mayors and Supervisor's meeting. They discussed the NYS Budget and unfunded mandates. Councilmember Marinaro and Supervisor D'Alessandro attended the monthly supervisors meeting at the Police Department.

The annual Town Clean Up Day was very successful.

The EF Historical Society had a Colonial Maple Sugaring last month and the Spring Children's Tea. Next month is a fundraiser at Tomas on May 11th from 1 – 4 PM.

The Hopewell Depot is having a dedication on May 5th from 2:30 – 4 PM. There will be refreshments and guest speakers. Please support them.

The East Fishkill PBA hosted a pancake breakfast at the Community Center for the seniors. It was a great event.

There was a ribbon cutting for the new owners of the Le Chambord. Supervisor D'Alessandro wishes them the best of luck.

Board Member Beephan has asked to start a committee on opioid and substance abuse. They will be working on members and a mission statement to present in the future.

Supervisor D'Alessandro met with business owners along Route 52 by the police station. They're looking to see if they can get public water extended there and the engineer is looking into it.

The Rotary asked supervisor D'Alessandro to be a guest speaker. They do a lot for the community and he gave them an overview of the town's activities to date. The Supervisor had a meeting with GlobalFoundries and Dutchess County about the water assignments. This is a difficult process. Also ON Semiconductors has purchased the GlobalFoundries site. Phase 1 will take place over the next three years. Phase Two will be implemented in December of 2020 and that is when the ownership of the facility will be transferred.

Roll Call: Supervisor D'Alessandro asked Town Clerk Hurray to call the rolls.

Board Members in Attendance were

Anil Peter Thomas Emanuele Nicolas
Beephan Cassidy Franco Marinaro D'Alessandro

Also in attendance were:

Tom Wood, Attorney; Scott Bryant, Engineer; Mark Pozniak, Comptroller; Police Chief Orsino; and Highway Superintendent Williams.

Public Hearing:

1. Public Hearing for a Three Month Extension of Moratorium on I-Zones until 9/30/19

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

Supervisor D'Alessandro stated they have been discussing this for the past year. Last month they met with Beehan Construction who gave a presentation and the Board feels they need to look more at some of these parcels. Attorney Wood said the plan is to come back in two months to have a discussion regarding Beehan's recommendations and the moratorium will end once the Town Board amends the zoning laws.

Supervisor D'Alessandro asked if there were any Board members with questions or comments. There was no one. He asked if there was anyone from the public to speak for or against this and there was no one.

a. Close Public Hearing

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

b. Adopt Local Law

LOCAL LAW NO. 5 OF 2019

**AMENDING LOCAL LAW 3 OF 2018 ENTITLED "A LOCAL LAW
ESTABLISHING A MORATORIUM WITH RESPECT TO INDUSTRIAL ZONES
NOT
DIRECTLY ABUTTING INTERSTATE 84"**

SECTION ONE: LEGISLATIVE INTENT

The Town Board previously imposed a moratorium on all I-Zones Parcels that do not have frontage on I-84. The Board hired Behan Planning Consultants to perform a land use study within the I Zones. A preliminary report has now been received and the Town Board needs additional time to review the report and implement its recommendations as they see necessary.

SECTION TWO: MORATORIUM EXTENDED

The Moratorium established by Local Law 3 of 2018 be and hereby is extended up to and including September 30, 2019.

SECTION THREE: MORATORIUM AREA EXTENDED

The Moratorium is hereby extended to all underdeveloped property within any I District except the former East and West Campus of IBM located on Route 52 and I 84 which has only recently received Subdivision and Site Plan approval.

SECTION FOUR: SEVERABILITY

If any part of this Local Law is deemed unenforceable by any court of a competent jurisdiction the remaining parts will stay in effect.

SECTION SEVEN: EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State of the State of New York.

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

**Adopted on the 25 day of
April , 2019.**

Motion to adopt the Local Law: Board Member Franco. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

2. Adjourned Public Hearing on Town Water Improvement Area

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

Engineer Bryant stated this project facilitates connection of the EPA water line to

the Hamlet water system. The original 2016 estimate has grown to where additional funding is needed. They met with the EPA to discuss the revised estimate and verify that they still want to move forward with this project. Another aspect was to provide additional water to Hopewell Glen as well. This amendment will fund the necessary improvements for Hopewell North Water District and the additional capacity for the Hamlet.

Supervisor D'Alessandro stated this has been a long process. He asked if there were any questions or comments from any board members. Board Member Marinaro asked if the cost was still \$4,250,000 to finish the project. Attorney Wood said yes but most of this will be reimbursed by the EPA. This just establishes a line of credit for use. Supervisor D'Alessandro stated whatever does not get paid back will be divided between the districts benefiting from this project. He asked if there were any questions or comments from the public. There were none.

a. Close Public Hearing

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

b. Adopt Negative Declaration and Order

At a regular meeting of the Town Board of the Town of East Fishkill, Dutchess County, held at the Town Hall, in East Fishkill, New York in said Town, on the 25th day of April, 2019, at 7 o'clock p.m., Prevailing Time.

PRESENT:

NICHOLAS D'ALESSANDRO
Supervisor

PETER CASSIDY
Councilman

THOMAS FRANCO
Councilman

EMANUELE MARINARO
Councilman

ANIL R. BEEPHAN, JR.
Councilman

-----:
 In the Matter of : PUBLIC
 a Proposed Water Improvement in the : INTEREST
 Town of East Fishkill, Dutchess : RESOLUTION
 County, New York, pursuant to Article :
 12-C of the Town Law to be known as :
 Hopewell North Water Improvement Area :
 -----:

WHEREAS, a map, plan and report have been duly prepared, including an estimate of cost, in such manner and in such detail as has heretofore been determined by the Town Board of the Town of East Fishkill, Dutchess County, New York, relating to the construction of wells and a water conveyance system, including acquisition of land and rights-in-land, water mains, well pumps and fields etc. to construct wells and interconnections to supply water to various water districts of the town and machinery, apparatus, appurtenances and other incidental improvements and expenses in connection therewith to serve the Hopewell North Water Improvement area, gravity collection system, force main, pumping stations, together with original furnishings, equipment, machinery, apparatus, appurtenances and other incidental improvements and expenses in connection therewith; and

WHEREAS, said map, plan and report have been prepared by a competent engineer duly licensed by the State of New York, and has been filed in the office of the Town Clerk where they are available for public inspection; and

WHEREAS, said improvements has been determined to be an Type I Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant environmental effects; and

WHEREAS, the improvements proposed for said Hopewell North Water Improvement Area are as described above, at a maximum estimated cost of \$4,250,000.00; and

WHEREAS, the area of the Town of East Fishkill, Dutchess County, New York, to be benefitted thereby shall be bounded and described as set forth in Appendix A annexed hereto and made a part hereof and as depicted in the aforesaid plan; and

WHEREAS, it is proposed that the cost of the aforesaid improvements shall be borne entirely by the lands benefitted thereby by assessing, levying upon and collecting from the several lots and parcels of land within such benefitted area which the Town Board shall determine and specify to be especially benefitted by the improvements, an amount sufficient to pay debt service, including principal and interest, on any obligations issued pursuant to the Local Finance Law to finance the cost of the aforesaid improvements; and

WHEREAS, said costs shall be authorized to be financed by the issuance by the Town of its serial bonds with a maximum maturity not in excess of the period prescribed by the Local Finance Law; and

WHEREAS, the Town Board of the Town of East Fishkill duly adopted an Order on March 28, 2018 calling a public hearing upon said plan, report and map and the question of providing a water facility known as Hopewell North Water Improvement Area, such public hearing to be held on the 25th day of April, 2019, at 7:00 o'clock p.m., Prevailing Time, at the Town Hall, in East Fishkill, New York, in said Town, at which time and place all persons interested in the subject thereof could be heard concerning the same; and

WHEREAS, notice of said public hearing was duly posted and published as required by law; and

WHEREAS, said public hearing was duly held at the place and at the time aforesaid and all persons interested in the subject thereof were heard concerning the same; and

WHEREAS, it is now desired to authorize the improvement to be known as Hopewell North Water Improvement Area;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of East Fishkill, Dutchess County, New York, as follows:

Section 1. It is hereby determined that it is in the public interest to establish said Hopewell North Water Improvement Area and to make the water improvements hereinafter described and such water improvement is hereby authorized. The proposed area hereby determined to be benefitted by said Hopewell North Water Improvement Area is as set forth in Appendix A annexed hereto and made a part hereof.

Section 2. The proposed improvement shall consist of the construction of a wastewater conveyance system, including acquisition of land and rights-in-land, gravity collection system, force main, pumping stations, together with original furnishings, equipment, machinery, apparatus, appurtenances and other incidental improvements and expenses in connection therewith. The method of financing of said cost shall be by the issuance of serial bonds of said Town of East Fishkill, and/or bond anticipation notes issued in anticipation of said bonds, to mature in annual installments over a period not exceeding forty years and such bonds shall be payable from assessments levied upon and collected from the several lots and parcels of land deemed benefited from said improvement and located in said benefited area, so much upon and from each as shall be in just proportion to the amount of the benefit which the improvement shall confer upon the same.

Section 3. It is hereby determined that the estimated expense of the aforesaid water improvement does not exceed one-tenth of one per cent of the full valuation of the taxable real property in the area of said Town outside of villages and, therefore, in accordance with the provisions of subdivision 13 of Section 209-q of the Town Law, the permission of the State Comptroller is not required for such improvement.

Section 4. Pursuant to subdivision 6(d) of Section 209-Q of the Town Law, the Town Clerk is hereby directed and ordered to cause a certified copy of the order to be duly recorded within the office of the Clerk of the County of Dutchess, which when so recorded, shall be presumptive evidence of the regularity of the proceedings and action taken by the Town Board in relation to the aforesaid improvement.

Section 5. It is hereby further determined that all of the cost of the aforesaid improvement shall be borne wholly by property with Hopewell North Water Improvement Area, with no cost thereof to be borne by the entire area of the Town outside of any village.

Section 6. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll, which resulted as follows:

Supervisor Nicholas D'Alessandro VOTING AYE

<u>Councilman Peter Cassidy</u>	VOTING	<u>AYE</u>
<u>Councilman Thomas Franco</u>	VOTING	<u>AYE</u>
<u>Councilman Emanuele Marinaro</u>	VOTING	<u>AYE</u>
<u>Councilman Anil R. Beephan, Jr.</u>	VOTING	<u>AYE</u>

The resolution was thereupon declared duly adopted.

* * * *

Motion to adopt the Negative Declaration and Order: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

3. Reopen Public Hearing for Hopewell West Water District

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

Supervisor D'Alessandro stated this is to finalize the establishment of the Hopewell West Water District. Attorney Wood stated none of the numbers have changed. By adopting this resolution they will finalize the process so they can move forward with signing the contract and purchasing the system. The owners of the system are ready to file with the Public Service Commission. After this the Town has to await the approval from the Public Service Commission and then they can close and take over control.

Supervisor D'Alessandro stated this has been a long process also. He asked if there was anyone from the Board with questions or comments. There were none.

He asked if there was anyone from the public to speak for or against this. There was no one.

a. Close Public Hearing

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

b. Adopt Negative Declaration and Order

At a regular meeting of the Town Board of the Town of East Fishkill, Dutchess County, held at the Town Hall, in East Fishkill, New York in said Town, on the 25th day of April 2019, at 7 o'clock p.m., Prevailing Time.

PRESENT:

NICHOLAS D'ALESSANDRO
Supervisor

PETER CASSIDY
Councilman

ANIL R. BEEPHAN, JR.
Councilman

EMANUELE MARINARO
Councilman

THOMAS FRANCO
Councilman

-----:	
In the Matter of	PUBLIC
a Proposed Water Improvement in the	INTEREST
Town of East Fishkill, Dutchess	RESOLUTION
County, New York, pursuant to Article	
12-C of the Town Law to be known as	
Hopewell West Water District	
-----:	

WHEREAS, a map, plan and report have been duly prepared, including an estimate of cost, in such manner and in such detail as has heretofore been determined by the Town Board of the Town of East Fishkill, Dutchess County, New York, relating to the construction of wells and a water conveyance system, including acquisition of land and rights-in-land, water mains, well pumps and fields etc. to construct wells and interconnections to supply water to various water districts of the town and machinery, apparatus, appurtenances and other incidental improvements and expenses in connection therewith to serve the Hopewell West Water District, gravity collection system, force main, pumping stations, together with original furnishings,

equipment, machinery, apparatus, appurtenances and other incidental improvements and expenses in connection therewith; and

WHEREAS, said map, plan and report have been prepared by a competent engineer duly licensed by the State of New York, and has been filed in the office of the Town Clerk where they are available for public inspection; and

WHEREAS, said improvements has been determined to be an Type I Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant environmental effects; and

WHEREAS, the improvements proposed for said Hopewell West Water District are as described above, at a maximum estimated cost of \$1,311,000; and

WHEREAS, the area of the Town of East Fishkill, Dutchess County, New York, to be benefitted thereby shall be bounded and described as set forth in Appendix A annexed hereto and made a part hereof and as depicted in the aforesaid plan; and

WHEREAS, it is proposed that the cost of the aforesaid improvements shall be borne entirely by the lands benefitted thereby by assessing, levying upon and collecting from the several lots and parcels of land within such benefitted area which the Town Board shall determine and specify to be especially benefitted by the improvements, an amount sufficient to pay debt service, including principal and interest, on any obligations issued pursuant to the Local Finance Law to finance the cost of the aforesaid improvements; and

WHEREAS, said costs shall be authorized to be financed by the issuance by the Town of its serial bonds with a maximum maturity not in excess of the period prescribed by the Local Finance Law; and

WHEREAS, the Town Board of the Town of East Fishkill duly adopted an Order on May 10, 2018 calling a public hearing upon said plan, report and map and the question of providing a water facility known as Hopewell West Water District, such public hearing to be held on the 28th day of Februray, 2019, at 7:00 o'clock p.m., Prevailing Time, at the Town Hall, in East Fishkill, New York, in said Town, at which time and place all persons interested in the subject thereof could be heard concerning the same; and

WHEREAS, notice of said public hearing was duly posted and published as required by law; and

WHEREAS, said public hearing was duly held at the place and at the time aforesaid and all persons interested in the subject thereof were heard concerning the same; and

WHEREAS, it is now desired to authorize the improvement to be known as Hopewell West Water District; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of East Fishkill, Dutchess County, New York, as follows:

Section 1. It is hereby determined that it is in the public interest to establish said Hopewell West Water District and to make the water improvements hereinafter described and such water improvement is hereby authorized. The proposed area hereby determined to be benefitted by said Hopewell West Water District is as set forth in Appendix A annexed hereto and made a part hereof.

Section 2. The proposed improvement shall consist of the construction of a wastewater conveyance system, including acquisition of land and rights-in-land, gravity collection system, force main, pumping stations, together with original furnishings, equipment, machinery, apparatus, appurtenances and other incidental improvements and expenses in connection therewith. The method of financing of said cost shall be by the issuance of serial bonds of said Town of East Fishkill, and/or bond anticipation notes issued in anticipation of said bonds, to mature in annual installments over a period not exceeding forty years and such bonds shall be payable from assessments levied upon and collected from the several lots and parcels of land deemed benefitted from said improvement and located in said benefitted area, so much upon and from each as shall be in just proportion to the amount of the benefit which the improvement shall confer upon the same.

Section 3. It is hereby determined that the estimated expense of the aforesaid water improvement does not exceed one-tenth of one per cent of the full valuation of the taxable real property in the area of said Town outside of villages and, therefore, in accordance with the provisions of subdivision 13 of Section 209-q of the Town Law, the permission of the State Comptroller is not required for such improvement.

Section 4. Pursuant to subdivision 6(d) of Section 209-Q of the Town Law, the Town Clerk is hereby directed and ordered to cause a certified copy of the order to be duly recorded within the office of the Clerk of the County of Dutchess, which when so recorded, shall be presumptive evidence of the regularity of the proceedings and action taken by the Town Board in relation to the aforesaid improvement.

Section 5. It is hereby further determined that all of the cost of the aforesaid improvement shall be borne wholly by property with Hopewell West Water District, with no cost thereof to be borne by the entire area of the Town outside of any village.

Section 6. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll, which resulted as follows:

<u>Supervisor Nicholas D’Alessandro</u>	VOTING
<u>Councilman Peter Cassidy</u>	VOTING
<u>Councilman Anil R. Beephan, Jr</u>	VOTING
<u>Councilman Emanuele Marinaro</u>	VOTING
<u>Councilman Thomas Franco</u>	VOTING

The resolution was thereupon declared duly adopted.

NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Date: February 28, 2019

This notice is issued pursuant to Part 617 of the implementing regulation pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

- Short Form EAF
- Supplemental Part III Information
- Storm Water Pollution Prevention Plan (SWPPP)
- Other (Describe)

Name of Action: **Formation of Hopewell West Water District**

For Further Information:

Contact Person: Gina Grippo, Secretary to the Town Supervisor
Town Hall, 330 Route 376
Hopewell Junction, New York 12533
(845) 221-4303

REASONS SUPPORTING THIS DETERMINATION:

(See 617.7(c) for requirements of this determination; see 617.7(d) for conditioned Negative Declaration)

The proposed action would result in the formation of the Hopewell West Water District to include 136 residential parcels, 2 vacant lots, and 2 existing water supply lots located along Crest Court or within the Worley Homes development and 1 commercial parcel at 567 Old Hopewell Road (tax parcel 132800-6357-04-552312). The proposed water district would allow the Town to purchase the existing water system and make necessary improvements providing an upgraded and more reliable water supply as part of the formation of the Water District. Therefore, the proposed action would not be expected to result in any significant adverse impacts on the environment for the following reasons:

1. It will not generate a significant amount of additional vehicles, noise or emission levels.
2. It will not affect rare or endangered species of animal or plant, or habitat of such species.
3. It will not result in any impacts to historic or archeological resources.
4. It will not result in any impacts related to hazardous materials.
5. It will not result in a significant effect on air, water quality or ambient noise levels for adjoining areas.
6. It will not be subjected to unacceptable risk of flooding or major geological hazards.
7. It will not have a substantial aesthetic affect.
8. It will not involve adversely affect any surface water or groundwater.

9. It will not allow for improper uses within specified zoning districts.
10. It will not result in adverse cumulative impacts.
11. It will not result in adverse growth-inducing impacts.
12. It will not conflict with the Town's Comprehensive Plan.

In conclusion, no significant potential impacts were identified as a result of the Proposed Action.

Based on a review of 6NYCRR 617.7, there appear to be no significant adverse environmental impacts.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed.

THIS NEGATIVE DECLARATION WAS AUTHORIZED AT A MEETING OF THE TOWN BOARD OF THE TOWN OF EAST FISHKILL HELD ON FEBRUARY 28, 2019.

Nicholas D'Alessandro
Chairperson/Designee

April 25, 2019
Date

For Type I Actions and Conditioned Negative Declarations, a Copy of this Notice Sent to:

- Commissioner, Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-0001
- Appropriate Regional Office of the Department of Environmental Conservation.
- Office of the Chief Executive Officer of the political subdivision in which the action will be principally located.
- Applicant (if any)
- Other involved agencies (if any)

Motion to adopt the Negative Declaration and Order: Board Member Franco. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

Approve Minutes:

March 28, 2019

Motion to approve the minutes for the March 28th meeting: Board Member Beephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

Announcement of Additions to the Agenda:

Supervisor D'Alessandro said there was one addition to the agenda; the hiring of a seasonal laborer for the Highway Department. It will be done at the end.

Courtesy of the Floor:

Supervisor D'Alessandro asked if there was any one to speak.

Ed Slosower addressed aspects of the Shed and Fence Amnesty Law as he will be unable to attend the Public Hearing. He also spoke about the state/county highway maintenance.

Keith Dimaso asked about fence requirements and highway maintenance.

Board Member Beephan stated he has spoken with a County Legislator regarding some roadway issues on Hillside Lake Road.

Receive and File:

Supervisor D'Alessandro stated there was a donation check from Mrs. Rubenstein for \$1000 to the East Fishkill Community Center to be used for craft and art classes at Mrs. Gardner's discretion.

Resolutions:

- 1. Award Hopewell Facility Improvement Bid for General Construction, Electrical and HVAC**

RESOLUTION

**(AWARD BID FOR HOPEWELL HAMLET WATER DISTRICT
WATER FACILITY IMPROVEMENTS)**

WHEREAS, the Town Engineer and CPL are in receipt of bids for the construction of the Hopewell Hamlet Water District Water Facility Improvements; and

WHEREAS, it was determined that Eventus Construction Company Inc. was the lowest responsible bidder for Contract No. 17-012GC with a bid sum of \$2,498,000 and Contract No. 17-012 EC to Black Electric Inc. was the lowest responsible bidder with a bid of \$506,500 and Contract No. 17-012HC to DJ Heating & Air Conditioning for \$68,850; and

NOW, THEREFORE BE IT RESOLVED, that the bids be and hereby are awarded to above named contractors for the Hopewell Hamlet Water District Water Facility Improvements; and

BE IT FURTHER RESOLVED, that the Supervisor be and hereby is authorized to execute the contracts in regards hereto.

Motion to award Hopewell Facility Improvement Bid for General Construction, Electrical and HVAC: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

2. Set Public Hearing for May 23, 2019 for the Shed and Fence Amnesty Law

RESOLUTION

(SETTING A PUBLIC HEARING FOR SHED AND FENCE AMNESTY LAW)

WHEREAS, the Town Board is desirous to enact a Shed & Fence Amnesty Law; and

WHEREAS, it is the desire of the Town Board to hold a public hearing to consider the adopting a Shed & Fence Amnesty Law; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board will conduct a Public Hearing at 7:00 p.m. on May 23, 2019 at its regular Town Board meeting; and

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby is authorized to advertise notice of said Public Hearing.

Motion to set the Public Hearing for May 23, 2019 for the Shed and Fence Amnesty Law: Board Member Beephan. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

3. Authorize Behan Planning to conduct further study for I Zone Extension

RESOLUTION

(AUTHORIZING ADDITIONAL STUDIES FOR EXTENSION OF THE MORATORIUM FOR I ZONES)

WHEREAS, the Town Board has recently adopted a Law in regards to reviewing I Zones not abutting I-84 within the Town and extending the Moratorium until September 30, 2019; and

WHEREAS, Behan Planning and Design has submitted a Scope of Services dated April 8, 2019; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the Scope of Services submitted and hereby authorizes payment as outlined in the Schedule and Fee section of said proposal; and

BE IT FURTHER RESOLVED, that the Town Board authorizes Behan Planning and Design Scope of Services Agreement and the payment thereof.

Motion to authorize Behan Planning to conduct further study for I Zone Extension: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

4. Authorize the hiring of Directors and Seasonal Employees for Camp and Red Wing

RESOLUTION

(AUTHORIZING HIRING OF DIRECTORS/SEASONAL EMPLOYEES FOR CAMP AND RED WING PARK)

WHEREAS, the Town of East Fishkill conducts extensive summertime programs for the youth of the Town; and

WHEREAS, during the summer, the Town Recreation Department hires temporary part-time workers to assist in the various programs; and

WHEREAS, the Director of Recreation has submitted to the Town Board a listing of the names of the employees for this summer program and the amounts of their salaries to be paid; and

WHEREAS, it is the desire of the Town Board to authorize these employees for the summertime period as set forth in the memo from the Recreation Director attached hereto;

NOW, THEREFORE, BE IT RESOLVED, that the Town Comptroller be and hereby is authorized to place on the Town payroll as temporary summer employees the seasonal recreation camp employees and Red Wing Park employees as set forth in the annexed memo from the Director of Recreation; and

BE IT FURTHER RESOLVED, that said employment shall only be during the summertime employment for the amounts listed in the memo and that upon completion of their task, they shall be removed from the payroll, unless further ordered by the Town Board.

Motion to authorize the hiring of directors and seasonal employees for camp and Red Wing: Board Member Beephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

5. Authorize the Supervisor to sign a contract with Industrial Recovery Consultants to audit utility bills

RESOLUTION
[AUTHORIZE THE SUPERVISOR TO SIGN CONTRACTS WITH TRI, ARC AND NASC TO AFFECT UTILITY REFUNDS)

WHEREAS, the Town Supervisor executes the contracts for the Town; and

WHEREAS, the Town Board wishes to authorize the Town Supervisor to sign all TRI Utility Cost Reductions Inc. (TRI,) ARC (Telecom Auditing Division) and NASC (Electricity and Gas auditing division) to act as Utility Agents on behalf in order to affect Utility Refunds; and

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be and hereby is authorized to execute contracts with TRI Utility Cost Reductions, Inc.

Motion to authorize the Supervisor to sign a contract with Industrial Recovery Consultants to audit utility bills: Board Member Cassidy Seconded: Board Member Beephan. All voted in favor. Motion carried.

6. Authorize Settlement of Tax Certiorari for AMC Wappinger, LLC

RESOLUTION
(AUTHORIZING THE SETTLEMENT OF TAX CERTIORARI AMC WAPPINGER, LLC vs. TOWN OF EAST FISHKILL)

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

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

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

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

Grid #6358-02-710616-0000

Taxable Status Date (Tax Yr.)	Original Assessed Valuation	Amount of Reduction	Final Assessed Valuation
March 1, 2017 (2017/18)	\$3,500,000	\$1,714,285	\$1,785,715
March 1, 2018 (2018/19)	\$3,500,000	\$1,892,855	\$1,607,145

Grid #6358-02-670618-0000

Taxable Status Date (Tax Yr.)	Original Assessed Valuation	Amount of Reduction	Final Assessed Valuation
March 1, 2017 (2017/18)	\$1,400,000	\$ 685,715	\$ 714,285
March 1, 2018 (2018/19)	\$1,400,000	\$ 757,145	\$ 642,855

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

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

Motion to authorize a Settlement of Tax Certiorari for AMC Wappinger, LLC: Board Member Beephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

- 7. Authorize the use of the Parking Lot in front of McGrath Field for the Sons of Italy Car Show to be held on July 28, 2019**

RESOLUTION
(AUTHORIZING SONS OF ITALY CAR SHOW)

WHEREAS, the Sons of Italy conduct their annual car show to provide to raise funds for charitable purposes; and

WHEREAS, a written request has been received by the Town for the event to take place on July 28, 2019 from 10:00 A.M. to 2:00 P.M. in front of the McGrath field in the parking lot behind the Community Center; 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 McGrath Parking Lot by the Sons of Italy on July 28, 2019 from 10:00 A.M. to 2 P.M.; and

BE IT FURTHER RESOLVED, that this consent is subject to the receipt of a Certificate of Insurance from the Sons of Italy indemnifying the Town for any liability arising out of their use of the McGrath Parking Lot and/or surrounding areas.

Motion to authorize the use of the parking lot in front of McGrath Field for the Sons of Italy Car Show to be held on July 28, 2019: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

8. Authorize Police to attend Woodland Tactics and Operations Course May 6-7, 2019

RESOLUTION
(AUTHORIZING ATTENDANCE TO A TRAINING PROGRAM)

WHEREAS, the Chief of Police has indicated his desire to send two (2) Police Officers to attend the Woodland Tactics and Operations Course, the training will be from May 6-7, 2019, at 5900 Airport Road, Oriskany, NY 13424; and

WHEREAS, the expenses to the Town will be for tolls and meals

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize the Police Chief to send two (2) Police Officers to attend the training course from May 6-7, 2019 at 5900 Airport Road, Oriskany, NY 13424; and

BE IT FURTHER RESOLVED, that in addition to the cost of tolls and meals they shall be paid their normal salary during said period.

Motion to authorize Police to attend Woodland Tactics and Operations Course May 6-7, 2019: Board Member Beephan. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

9. Authorize K-9 Police Officer to Attend Training Program May 5-10, 2019

RESOLUTION
(AUTHORIZING K-9 POLICE OFFICER TO ATTEND TRAINING PROGRAM)

WHEREAS, the Chief of Police has indicated his desire to send Ralph Bertoldi, K-9 Officer to Sharpsville, Pennsylvania for canine training from Sunday, May 5, 2019 –Friday, May 10, 2019; and

WHEREAS, the expenses to the Town will be for lodging, tolls and meals;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize the Police Chief to send Ralph Bertoldi to attend canine training in Sharpsville, Pennsylvania with expenses for lodging, tolls and meals from May 5, 2019 to May 10, 2019;

BE IT FURTHER RESOLVED, that in addition to the cost of lodging, tolls and meals the Officer shall be paid their normal salary during said period.

Motion to authorize K-9 Police Officer to attend a training program May 5-10, 2019: Board Member Beephan. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

10. Authorize the Supervisor to sign a Municipal Cooperation Agreement

RESOLUTION
(AUTHORIZING THE SIGNING OF A MUNICIPAL COOPERATION AGREEMENT)

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (“Section 119-o” empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, town and villages, and districts] to enter into, amend, cancel and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers and duties on a cooperative or contract basis; and

WHEREAS, the Town of East Fishkill wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 14, 2014; and

WHEREAS, the Town of East Fishkill wishes to assure the safety and liquidity of its funds; and

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to execute and deliver the Cooperative Investment Agreement in the name of and on behalf of the Town of East Fishkill.

Motion to authorize the Supervisor to sign a Municipal Cooperation Agreement: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

11. Declare Vehicles Surplus

RESOLUTION
**(DECLARING CERTAIN VEHICLES SURPLUS AND
AUTHORIZE THE AUCTION OF SAME)**

WHEREAS, the Town Highway Superintendent has provided the Town Board with a list of vehicles and equipment which is deemed to be of no further use to the Town and thus, should be considered surplus; and

WHEREAS, the following are being requested to be declared surplus material and sold and or disposed of; and

2000 Ford F450 Green Dump Body 1FDXF447SEVVEE26524
2002 Ford F250 White Utility Body 1FTHF26G0RNB29972

WHEREAS, the Town Board has reviewed said list and concurs; and

NOW, THEREFORE, BE IT RESOLVED, that the vehicles hereby are declared to be surplus and are to be disposed of by participating in an auction process held by Absolute Auctions & Realty without cost to the Town; and

BE IT FURTHER RESOLVED, that the sale of said vehicles shall be further approved by this Board.

Motion to declare vehicles as surplus: Board Member Beephan. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

12. Acknowledge seasonal hires for the Highway Department

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

WHEREAS, the Highway Superintendent has interviewed and hired Full-time Seasonal Laborers for the Highway Department, 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 hiring of Patrick Cirrincione and John O’Mara at an hourly rate of \$11.95 as a Full-time Seasonal Laborer. Jeff Vincent will be returning as a Full-Time Seasonal Laborer at an hourly rate of \$13.45 in the Highway Department.

BE IT FURTHER RESOLVED, upon completion of their task, Patrick Cirrincione, John O’Mara and Jeff Vincent will be removed from payroll.

Motion to acknowledge the seasonal hires for the Highway Department: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Budget transfers:

Comptroller Pozniak stated this is the final 2018 budget transfers. Most of it is moving money within accounts. There is \$235,000 being moved from General Fund to the Highway Fund. There was also a retro payment from prior years as per the CSEA contract.

Board Member Marinaro stated that himself, Board Member Franco, and Supervisor D’Alessandro met with the Comptroller to review these transfers.

Motion to adopt these budget transfers as presented: Board Member Cassidy. Seconded: Board Member Franco. All voted in favor. Motion carried.

Comments from Town Board Members:

Board Member Beephan stated that the Wiccopee Fire Company will have their Recruit New York event on April 27 from 1 PM to 5 PM at the fire station on 6 West Hook Road. Refreshments will be served. Last week was National Dispatcher Week and he wanted to take a moment to thank police assistance and dispatchers for the wonderful job they do. The Town Easter Egg Hunt was well attended and he thanked the PBA for co-sponsoring it.

Board Member Franco thanked Highway Superintendent Williams and Recreation Maintenance Director Butch Kidney and the two Recreation Directors, Janet McHugh and Bill Green for all the hard work they do. The Town greatly appreciates keeping the fields open as much as possible..

Board Member Marinaro stated the K-9 project is moving forward and the dog may be patrolling soon. The Supervisor and he attended the PBA Pancake Breakfast and he was happy to see the interaction with the seniors. He asked that the community consider serving in the volunteer fire department. The demand is high and they do a great job.

Board Member Cassidy stated the Town Cleanup Day went well. He thanked Hopewell Hot Bagels, East Fishkill Provisions and Royal Carting for the donation of their services. He also thanked everyone who showed up, including the entire Town Board.

Supervisor D'Alessandro stated camp registration has a rolling registration at the Lime Kiln facility as well as registering online. There is a May 5th event at the Hopewell Depot from 2:30 – 4 PM and the EF Historical Society is having an event on May 11th at Tomas from 1 – 4 PM. Please come and support those organizations.

Motion for Adjournment: Time: Motion to adjourn the regular meeting at 7:59 PM: Board Member Cassidy. Seconded: Board Member Franco. All voted in favor. Motion carried.

Town Board Meetings:

Workshop Meeting:

May 9, 2019

Regular Meeting:

May 23, 2019

Respectfully submitted by Julie J. Beyer on behalf of Town Clerk Carol A. Hurray
–May 6, 2019