

**MINUTES**  
**TOWN OF EAST FISHKILL**  
**TOWN BOARD MEETING**  
**MAY 28, 2020**  
**7:00 p.m.**

**REGULAR BOARD MEETING**

The Town of East Fishkill's Town Board Meeting on May 28, 2020 was called to order at 7:00 p.m. by Supervisor D'Alessandro with the Pledge of Allegiance to the Flag.

**Supervisor's Announcements**

Supervisor D'Alessandro thanked everyone for joining in the meeting. He stated he hopes this is the last Zoom meeting and he hopes everyone is staying healthy. As per New York State Forward Plan Phase 1 we are open. That includes construction, agriculture, forestry, hunting, fishing, retail limited to curbside pickup, manufacturing and wholesale trade. All the COVID 19 numbers in Dutchess County have been stable since opening on Tuesday. He stated that he hopes that continues. We are in the region that includes Westchester and Rockland Counties so we were delayed one week with opening. There have been weekly phone calls with County Executive Molinaro and he passes all the information on to the towns. We are slated to open Phase 2 Tuesday, June 9. This will include hair salons, retail, administrative services, and real estate. As we progress the County Executive feels all of the regions will line up for a Phase 3 simultaneously. Phase 3 includes restaurants with in-house dining. The Town Board is currently discussing procedures for outdoor dining. We are discussing the possibility of tenants to allow for outdoor dining to allow seating capacity to increase. We do want to make this as simple a process as possible. We would probably not charge anything for the permit. This will be a discussion for the Town Board within the next week. There are several mayors and supervisors taking part in a local government workgroup. Supervisor D'Alessandro was involved in one of them that discussed procedures countywide for reopening. The guideline they created was used by the County Executive in his procedures plan. This pandemic has created a lot of additional work for officials. There have also been increased costs for masks, gloves, and cleaning supplies. Supervisor D'Alessandro stated he is thankful for last years plan regarding the IT improvements within the Town. A lot of employees were able to work from home without missing a beat. The Town Hall is looking to do a soft opening on Monday, Wednesday, and Friday. They are looking to open by appointment only to the public. Plexiglas and floor markings have been put in place throughout the public buildings to protect employees and residents. And sanitizing stations and masks will be available.

Supervisor D'Alessandro has had several phone conferences with the EPA regarding reclamation of road plans. This is for the Hopewell North Water District.

This was discussed thoroughly last month. The funds for this plan could possibly be coming to the Town. There was \$800,000 budgeted for the reclamation of the roads. The engineer reviewed this and the funds from the EPA were only going to cover where they broke up the road. For approximately \$1.2 to \$1.3 million the whole road could be repaved. This would be for all the roads in the Hopewell North Water District. They were able to get the EPA to agree to approximately \$900,000. This work will be done next year. The Town Hall may formulate a borrowing plan and some of that money would go towards a larger paving plan. The EPA has received permission to enter people's homes with the proper COVID 19 guidelines to do work on POET systems. They will be able to go into homes that still have this older system to do repairs on them. They will be going forward with in-house connections as soon as they get approval for that.

The Town is in a full-time hiring and spending freeze. Several employees have taken advantage of an early retirement program that the Town Board initiated. Because of current revenue situations those positions will not be refilled with new employees. There could be a potential million-dollar loss in revenues, but they will not know that until the end of the year.

Supervisor D'Alessandro was very thankful to all the department heads and staff that are stepping up and dividing the work left by the retired employees. This is part of a multi-step process in closing that shortfall on revenue. This pandemic will have long reaching effects and the Town is lucky to have hard-working, diligent employees to step up to the plate.

Supervisor D'Alessandro stated it has been a difficult decision, but summer camp will not open this year. This was after much discussion with various agencies. The health and safety of the residents are first and foremost. Right now there are discussions with the Recreation Directors about other possible options and when a plan is devised it will be unrolled to the public.

They have not made a formal decision on the opening of Red Wing. Dutchess County has not decided as to whether or not they are giving out permits for lakes and pools. There is currently a total bathroom renovation happening at Red Wing that is being done with a grant from Dutchess County as well as the work on the Hopewell Water District. As soon as a decision is made on that as well as Concerts in the Park, the public will be informed.

Dutchess County appointed Supervisor D'Alessandro to the Community Development Advisory Committee. This committee is overseen by Dutchess County Planning and Development. This group has awarded more than 10 1/2 million dollars through the MIG Grants. They are holding on the 2020 program for now.

Supervisor D'Alessandro is hoping that as businesses reopen people will feel more comfortable going out but he understands this will take time for people to feel comfortable. If there is some way to help local businesses, please try to do it.

There was a meeting with the Police Chief, Board Liaison Franco, and Supervisor D'Alessandro to discuss things going on at the Police Department. The Police Department building had two bays in the front that were dedicated to repairing their vehicles. When Supervisor D'Alessandro took over office all repairs

of those vehicles were now being done at the Town Highway so those bays are now being converted to give them more space. He thanked the Highway Superintendent and that staff for their work on this project.

Supervisor D'Alessandro has had several zoom meetings with companies who would like to do business in Town. There is a potential for the West Complex as well as at iPark. The Town completed a GEIS several years ago for both sites and then changed some zoning to allow new uses on both sites. He thanked past Supervisor Hickman for his vision on this.

There are currently 20 businesses at iPark and they are putting in a visitor center and three additional businesses.

Thank you to the Economic Development Advisor, Michael O'Brien and the Town Board for all their hard work.

Supervisor D'Alessandro stated it is with a heavy heart he announced that Steven Ziskind, a young member from Wiccopee Fire Company died in a tragic motorcycle accident last evening. On behalf of the Town of East Fishkill, they are sending condolences to his family and those who know him. Also, Judge Michael Tompkovic who served as Town Justice from 2006 to 2010 as well as the chairman of the Zoning Board of Appeals for many years and an active member of the Dutchess County Industrial Development Agency as well as many other accomplishments has passed away. East Fishkill mourns his loss.

**Roll the Call:** Supervisor D'Alessandro asked Town Clerk Hurray, to call the rolls. All were in attendance via video conference.

Board Members in attendance:

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

Also in attendance:

Thomas Wood, Attorney; Michael Cunningham, Attorney; Scott Bryant, Engineer; Mark Pozniak, Comptroller; Ken Williams, Highway Superintendent; Chief Bellino, East Fishkill Police Department.

**Public Hearing:**

1. Open Public Hearing to Update the Town's Status as a Suburban Town

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

Attorney Wood stated that in New York State towns are classified in three different ways. It begins with a town of the second class. It is based on population and

once population exceeds 25,000 it becomes a town of the first class. Once you are a town of the first class, the town can elect to avail itself of the organization in Article 3A, Suburban Town Government. East Fishkill elected to be a Suburban Town several years ago. The New York State Department of State is asking towns to review their status and to reaffirm it. It increases the town power in regards to traffic regulations, for signage, and allows the town to be structured the way that ours is and allows employees to share in various departments. It gives the Town Board and Supervisor more flexibility. This is to reaffirm East Fishkill's status as a suburban town and updating it with the Department of State.

Supervisor D'Alessandro asked if there were any comments or questions from Board members. There were none. He asked if there were any callings from the public with questions or comments.

John Koch questioned the appointing of Zoning Board and Planning Board members being appointed for the amount of years as they are members of the board. East Fishkill has changed that and people are in for a four-year term. He asked if that was going to be changed to coincide with the law. Attorney Wood stated that in 2000, the Town of East Fishkill adopted a local law pursuant to its authority under Municipal Home Rule Act which provides for a four-year term for the members of the Planning Board. That law has not been challenged. There is debate within the municipal law community as to whether that is within the purview of a Town's Municipal Home Rule Authority. The more recent cases seem to support the Town Board having that authority. Mr. Koch stated that law was passed just for the Planning Board and not be Zoning Board so the Zoning Board has five members so they should be five-year terms. Attorney Wood stated there have been some years when there has been more than one vacant seat due to someone leaving prior to their term being up.

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

### **RESOLUTION**

#### **(ELECTING ARTICLE 3-A OF THE NYS TOWN LAW PROVISIONS DECLARING EAST FISHKILL AS A SUBURBAN TOWN)**

**WHEREAS**, NYS Town Law Article 3-A allows a Town to become a Suburban Town and utilize the provisions thereof; and

**WHEREAS**, the population of East Fishkill is now more than 25,000 people; and

**WHEREAS**, a Public Hearing was held on May 28, 2020; and

**WHEREAS**, a full discussion has been had;

**NOW, THEREFORE, BE IT RESOLVED**, that effective as of January 1, 2021 the Town of East Fishkill adopts the provisions of NYS Town Law Article 3-A and becomes a "Suburban Town"; and

**BE IT FURTHER RESOLVED**, that the Town Clerk will post and publish this Resolution as required by law.

Motion to declare electing Article 3A of New York State Town Law provisions declaring East Fishkill as a Suburban Town: Board Member Cassidy. Seconded: Board Member Franco. All voted in favor. Motion carried.

**Approve Minutes:**

April 23, 2020

Motion to approve the minutes for the April 23<sup>rd</sup>, 2020 meeting: Board Member Cassidy. Seconded: Board Member Beephan. All voted in favor. Motion carried.

**Announcement of Additions to the Agenda:**

Supervisor D'Alessandro said there was one addition to the agenda to authorize acceptance of the \$900,000 from the EPA for road repair and reserving funds for this use.

**Courtesy of the Floor:**

Supervisor D'Alessandro asked if there was anyone who would wish to speak on agenda items or town items.

John Koch asked various questions about multiple town issues. Supervisor D'Alessandro explained the summer hires and the regulations for Red Wing. He will make the COVID 19 Plan available once it is written. Engineer Bryant explained the paving at Toll Brothers. Attorney Wood stated there has been no conflict of interest in regards to the Economic Development Director and being a Planning Board member. Supervisor D'Alessandro explained the part-time cleaner pay and position.

Supervisor D'Alessandro asked if there was anyone else with questions or comments from the public. Attorney Cunningham said no one else has raised their hands.

**Receive and File:**

Supervisor D'Alessandro stated the MS4 Report has been received with some comments that were read. There is a new regulation that no Public Hearing is

required due to COVID 19 regulations, the report just needs to be placed on the website. Supervisor D'Alessandro stated that was done on April 15, 2020. The June 1 due date was waived, but the Town will not be delayed. Supervisor D'Alessandro thanked Mr. Ardis for his work on the report.

**Resolutions:**

**1. Award Bids Tentatively for Red Wing Bathroom Plumbing Renovations**

**RESOLUTION**

**(AWARD A BID FOR PLUMBING FOR RED WING BATHHOUSE ACCESSIBILITY IMPROVEMENTS)**

**WHEREAS**, the Recreation Director has requested that Red Wing Bathhouse Accessibility improvements are needed; and

**WHEREAS**, the Town has secured the necessary funds to complete such improvements from CDBG Funding and a MIG Grant; and

**WHEREAS**, at the request of Dutchess County the Town Clerk has advertised and received bids to complete such task; and

**BE IT FURTHER RESOLVED**, that MCT AT Service, Inc. has submitted a bid for said project. MCT AT Service, Inc. be and hereby is awarded the bid in the amount of \$ 33,000.00.

**2. Authorizing Tentatively the Hiring of Summer Employees for Red Wing**

**RESOLUTION**

**(AUTHORIZING HIRING OF SEASONAL EMPLOYEES FOR RED WING PARK, REVISED RED WING DIRECTOR AND ASST. DIRECTOR AND SEASONAL RECREATION PROGRAM SPECIALIST)**

**WHEREAS**, the Town of East Fishkill conducts summertime programs for the residents 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. In addition, Danielle Keenan will be hired as a Seasonal Recreation Program Specialist at an hourly rate of \$24.00 per hour; 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 and all employees as all operations will be in line with current COVID-19 regulations ;and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Comptroller be and hereby is authorized to place on the Town payroll as temporary summer 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.

### **3. Declare Surplus Property**

#### **RESOLUTION (DECLARING ITEM SURPLUS)**

**WHEREAS**, as part of the Municipal Channel Broadcasting the Town owns a Leightronix hard drive; and

**WHEREAS**, this item is obsolete and has been replaced by newer equipment; and

**WHEREAS**, the Town’s Video Director has indicated that the Village of Buchanan would be willing to purchase this equipment;

**NOW, THEREFORE, BE IT RESOLVED**, that the Leightronix Hard Drive is declared surplus; and

**BE IT FURTHER RESOLVED**, that the Supervisor may sell this equipment to the Village of Buchanan for \$500.00.

### **4. Authorize Carry Over of Unused Vacation Time**

#### **RESOLUTION (AUTHORIZING CARRYOVER OF AN ADDITIONAL WEEK OF VACATION TIME BY EMPLOYEES)**

**WHEREAS**, the Union Agreements covering Town Employees limit the amount of unused vacation time that can be carried over one year to the next; and

**WHEREAS**, in light of COVID-19 many employees cannot utilize their vacation time nor can the town accommodate many employees taking time;

**NOW, THEREFORE, BE IT RESOLVED**, that all employees, Union and Non-Union, may carry over into 2021 an additional week of unused vacation time.

**5. Partial Acceptance of Hopewell North Water District Infrastructure from EPA**

**RESOLUTION**

**(PARTIAL ACCEPTANCE OF HOPEWELL NORTH INFRASTRUCTURE FROM THE EPA)**

**WHEREAS**, as part of the Hopewell Precision Superfund Site Remediation Plan, a new water system was constructed by the EPA to be dedicated to the Town; and

**WHEREAS**, the system is substantially complete; and

**WHEREAS**, house connections are ready to be made;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby accepts the water main from its connection to the town source along Route 82 and the water tank as constructed; and

**BE IT FURTHER RESOLVED**, that upon final payment by the EPA to the town of the balance due the Board will accept the balance of the system.

**6. Authorize Finalizing Water Supply for Hopewell Glen**

**RESOLUTION**

**(FINALIZING WATER FOR HOPEWELL GLEN)**

**WHEREAS**, as previously approved water supply for Hopewell Glen was to be from the Poughkeepsie Joint Water Plant and a storage tank was to be constructed within the subdivision; and

**WHEREAS**, as part of the creation of the Hopewell Hamlet Water Improvement Area the Town can now supply the water and storage needs of Hopewell Glen; and



**WHEREAS**, Toll Brothers agreed to pay the Town \$950,000 in lieu of building the storage tank and associated infrastructure; and

**WHEREAS**, Toll Brothers also extended a Water Main to facilitate the interconnection to Fishkill Plains; and

**WHEREAS**, the NYS and Dutchess County Health Department have approved of all of these changes;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board approves and accepts these changes and releases the developer from the prior requirements of a water tank, etc. within the Hopewell Glen Subdivision.

**7. Authorize Acceptance of Payment from Toll Brothers to top coat Fishkill Road**

**RESOLUTION**

**(ACCEPTING \$100,000.00 CONTRIBUTION FROM TOLL BROTHERS FOR TOP COATING FISHKILL ROAD)**

**WHEREAS**, Toll Brothers was to topcoat part of Fishkill Road upon completion of the Hopewell Glen Subdivision; and

**WHEREAS**, some modifications of the intersection of Fishkill Road and Route 82 is being planned; and

**WHEREAS**, it is more appropriate to combine the top coating of Fishkill Road with the intersection improvements;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board accepts \$100,000.00 from Toll Brothers and upon payment releases them from their obligation to topcoat Fishkill Road.

**8. Approve Bid for Fishkill Rd Realignment at its Intersections with Route 82**

**RESOLUTION**

**(Authorizing Bidding of Plan to Modify Intersection of Fishkill Road and Route 82)**

**WHEREAS**, as part of the Hopewell Glen Subdivision approval, Toll Brothers was obligated to pay \$800,000.00 to improve the intersection; and

**WHEREAS**, approximately \$300,000.00 of those funds have been used to study several options that DOT wanted considered as well as to do survey work; and

**WHEREAS**, in light of the current financial status of NYS and the fact the obligation to pay the balance of \$500,000.00 expires in 2021; and

**WHEREAS**, it has been determined that a reduced project would improve the safety of the intersection;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Engineer be and hereby is authorized to seek bids for the partial realignment and reconstruction of the intersection of Fishkill Road and Route 82 as set forth on the engineering sketch plan.

**9. Authorize VRI to Operate Hopewell West Water System (Worley Homes) Upon Acceptance of Deed**

**RESOLUTION**

**(AUTHORIZE VRI TO OPERATE THE WORLEY HOMES WATER SYSTEM IN THE HOPEWELL WEST WATER DISTRICT)**

**WHEREAS**, the Town previously entered into an agreement to purchase the Hopewell Service Corp. Inc., (Worley Homes) on behalf of the newly formed Hopewell West Water District; and

**WHEREAS**, the closing of title and transfer will take place shortly;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town's Water System Operator VRI is authorized to operate the Hopewell West Water System; and

**BE IT FURTHER RESOLVED**, that the Town Engineer and Town Comptroller are authorized to extend the Town's existing contract for same.

**10. Authorize Rehiring of a Part-Time Cleaner**

**RESOLUTION**

**(AUTHORIZE THE REHIRING OF A PART-TIME CLEANER)**

**WHEREAS**, the Recreation Director has indicated that Melvin Johnson will be retiring from the New York State Retirement System effective May 31, 2020; and

**WHEREAS**, the Recreation Director has requested that we rehire Melvin Johnson as a Part-Time Cleaner; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby acknowledge the rehiring of Melvin Johnson effective July 3, 2020 at an hourly rate of \$12.20 per hour

**11. Authorize the Acceptance of \$900,000 from the EPA for the Road Repair and Reserving the Funds for this use**

**RESOLUTION**

**(AUTHORIZE ACCEPTANCE OF \$900,000. FROM EPA FOR ROAD REPAIR AND RESERVING THE FUNDS FOR THIS USE)**

**WHEREAS**, as part of the remediation of the Hopewell Precision Super Fund Site many Town roads had to be excavated to install water mains; and

**WHEREAS**, they have been temporally patched until a top coat of pavement over the trench area could be applied in Spring/Summer 2020; and

**WHEREAS**, the Town Engineer has indicated that rather than just pave the trench area a top coat over the whole road would be more cost effective and allow the disturbed roads to be upgraded; and

**WHEREAS**, the sum of \$900,000. would cover a large portion of the paving of the entire road width with the Town supplementing the cost for \$300,000. - \$400,000. for a complete and better job;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board accepts the sum of \$900,000. from Conte Construction on behalf of the EPA and releases Conte and the EPA from the obligation to further repair any of the Town roads disturbed by the pipeline installation; and

**BE IT FURTHER RESOLVED**, that said funds will be deposited into a Capital Reserve Fund designated for the repaving of the affected roads only; and

**BE IT FURTHER RESOLVED**, that upon receipt of the funds any repaving obligation under the road opening permits issued for this project for Town roads is terminated.

Motion to authorize all resolutions one through eleven be approved as presented: Board Member Cassidy. Seconded: Board Member Beephan. All voted in favor. Motion carried.

**Budget Transfer:**

Supervisor D'Alessandro stated there were no budget transfers at this time.

**Comments from Town Board Members:**

Highway Superintendent Williams stated they have been doing extensive pipework in various areas. They are also continuing with the grade-all work. They have also been doing extensive catch basin work. The banners are 99% up. They were short on some of the polls but now that they have received them they are almost done with hanging all of the banners. They are hot patching just about every day. They're also doing masonry work at the Police Department.

Police Chief Bellino thanked the Highway Department for the fantastic job they are doing at the police station. They've had 2750 calls for service since the last Board meeting, 15 arrests, 94 bench reports, and in the past three weeks, no COVID calls. He asked the public to please lock their vehicles in the evening and bring in personal valuables, especially car keys. There has been a rash of larcenies overnights and they are always from unlocked vehicles. He thanked the Levine family, the Sherone family, the Nasso family, the Shearwat family, Hopewell Dental, Domino's Pizza, Smoothie King, Cardossa Cookies, Four Corners Market, Pellridge Road Development, Flores Food Truck and a church. We appreciate all the donations and support has been greatly appreciated.

Board Member Beephan thanked the Police and Fire department. He extended his sympathies to the family and friends of Steven Ziskind. A lot of residents have been reaching out regarding unemployment benefits and he has been referring them to Senator Serino or Assemblyman Lalor. Stay safe and we'll all get through this.

Board Member Franco stated he had a tour of the work being done at the police department yesterday. He thanked all the staff as well as the highway department staff for all their work there. Board Member Franco spoke with Fire Commissioner McNamara and they stated the Fire department and Police Department have taken part in 135 birthday caravans. This has been wonderful. All of the first responders have been terrific. The birthday caravans will be stopping on June 15. He thanked Chief Conti for their participation in the Memorial Day caravan. The he thanked the Highway Department for getting out all of the Hometown Hero banners.

Board Member Marinaro thanked all the veterans. They should be thanked daily. He has been stopping by to check in daily with the highway department and the mechanics. He is happy to see everyone is healthy and working. He has gone around with Highway Superintendent Williams to look at various roads and discussing priorities for road repairs. He thanked all of the first responders during this crisis. He thanked Chief Bellino for how he is handling the department with such short notice. He is very happy Dutchess County is reopening. Please be safe.

Board Member Cassidy stated this year's Memorial Day was very different than prior years. The parade was very nice. He said things are changing everyday and for everyone to stay safe.

Supervisor D'Alessandro thanked all of the first responders who have done such a tremendous job. He thanked all of the Town Board members for taking part in the Memorial Day tribute and sending video clips. He wished Happy Birthdays to Councilman Franco and Councilman Marinaro.

Supervisor D'Alessandro stated the next meeting is June 25.

**Motion for Adjournment: Time:** Motion to adjourn the regular meeting at 8:43 PM: Board Member Cassidy. Seconded: Board Member Beephan. All voted in favor. Motion carried.

**Town Board Meetings:**                      **Regular Meeting:**                      **June 25, 2020**

Respectfully submitted by Julie J. Beyer on behalf of Town Clerk Carol A. Hurray  
– June 8, 2020