

MINUTES
TOWN OF EAST FISHKILL
TOWN BOARD MEETING
AUGUST 27, 2020
7:00 p.m.

REGULAR BOARD MEETING

The Town of East Fishkill's Town Board Meeting on August 27, 2020 was called to order at 7:00 p.m. by Supervisor D'Alessandro with the Pledge of Allegiance to the Flag led by Mary Kate Chanowsky from Girl Scout troop 10428.

Supervisor's Announcements

Supervisor D'Alessandro stated that he had a few awards to present. The first was to Mary Kate for receiving the Gold Award for Girls Scouts. Her Take Action Project was in support of the Ronald McDonald House including making over 300 grab and go bags for patients there and the Maria Fareri Children's Hospital. The other two award recipients were unable to attend the meeting. They were Joanna Houston and Eve Sauer for their Take Action Projects as well.

Supervisor D'Alessandro stated he has been continuing attending the calls with the County Executive and all the mayors and supervisors in Dutchess County about the concerns regarding COVID protocols and procedures. Fortunately, the numbers in Dutchess County have been remaining low. This past Monday gyms and fitness centers in all the regions in New York were allowed to reopen at one third capacity. On September 1 the Town Hall will open to the public on Mondays and Thursdays. Wednesdays and Fridays will be open to the public by appointment only. Tuesday's they will remain closed for court. He thanked all the staff employees for their patience during this difficult time.

The countywide police reform and modernization call has been continued with the County Executive. East Fishkill Police Department has been accredited since 1992. A Public Hearing has to be held before April of next year to allow residents to speak about the department's current policies and procedures. If any changes are made a second Public Hearing has to be held to pass them. He thanked the Sheriff and County Executive for their guidance and leadership.

The tropical storm hit hard on August 4th and the Town is still dealing with some repercussions. Over 84% of the town was out of power initially. The Highway Department and Police Department did an excellent job during this storm. He thanked all of the lineman and lower management at Central Hudson. There are some issues with senior management. He believes they need to reevaluate how they do their maintenance. There were also serious issues with Optimum. There was absolutely no communication with East Fishkill government and Optimum. Supervisor D'Alessandro would like to ask the Board for permission to send out letters to various other carriers to see what would need to be done to get other services brought into the town.

At the end of June the Town sent out a letter to Four Corner residents for irrigation suspension. One of the wells there is problematic. As per the Engineer they are doing turbidity sampling and it is getting worse. It could take a while for the well to clear up. His recommendation is to pursue a gravel well on the other side of Phillips Road. There is one well there right now.

School will be reopening soon. The superintendent of Wappinger's, Carmel, Arlington, and Pawling have virtually no communication with the Town Supervisor or any of the other town supervisors. Wappinger's used to have quarterly meetings with supervisors in their district, but since COVID has started there has been very little communication. He did have a meeting with the board of election president and local representative to the municipalities and one of the deputy school superintendents.

The East Fishkill Economic Development Committee has been unable to meet since COVID started. They are trying hard to bring in new businesses to help decrease the tax burden on the residence.

There is a resolution tonight regarding a new high-tech warehouse going into the West complex. This will help revitalize that corridor. He thanked the town professionals for their hard work on this.

New York State is building a new trail called the Maybrook Trail. It connects the Putnam Trail Way and the Dutchess Rail Trail. When completed there will be 750 miles of walking and bike paths from New York City to Canada and Albany to Buffalo. The trail is currently closed and people are using it so he would like to discourage that.

Today Dutchess County Office of the Aging East Fishkill had its annual senior picnic. It was done via drive-through for Covid safety. It was well attended.

Supervisor D'Alessandro asked that people please call the town hall if they need information on things they find on social media.

Judge Tom Dolan passed away at the end of last month. He will be sorely missed and condolences to his family.

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

Board Members in attendance:

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

Also in attendance:

Thomas Wood, Attorney; Scott Bryant, Engineer; Ken Williams, Highway Superintendent; Chief Bellino, East Fishkill Police Department. Clerk Hurray and Board Member Cassidy were attending via video.

Public Hearing:

1. Open Public Hearing to consider laws that would possibly extend the term for Town Supervisor and Highway Superintendent from 2 years to 4 years and limiting an individual to 4 consecutive terms.

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

Supervisor D'Alessandro stated this was discussed last month for possibly going on the November ballot. Many towns in the county are four-year terms for the Supervisor and Highway Superintendent. They have also discussed term limits for all the board members as well. This is to authorize putting it on the ballot for vote in November.

Supervisor D'Alessandro asked if there was anyone to speak for or against this local law.

Ann Cover stated she is in favor of putting this on the ballot all separated. She stated there is not a strong system of checks and balances for the supervisor position. She does agree with term limits but does not agree with extending the term beyond the two years. That way people are not forced to choose either/or. Supervisor D'Alessandro asked how it was going with the hookups in her area and she stated it was going slow.

Resident #1 stated he believes term limits are very important for all elected positions. He believes if someone is in one position for too long they can get complacent. In his job people always change to keep things fresh. He does believe in term limits.

Jen Oppenheim stated that this was presented in 2010 to vote for an extension of the Supervisors Term and it was significantly voted down. She believes it is imperative if you want to hear the voice of your citizens that you break these two motions into two separate propositions. They are very different issues. She believes 16 years is an extreme amount of time as the limit.

Supervisor D'Alessandro stated they did go back and forth about this. At first it was just to change the Supervisor and Superintendents terms to four years. A lot of people don't remember when this was voted on the first time. A lot of people do not even turn over the ballot and know that there was a paving resolution last year. He feels they need more advertising and publication of these things. Not all of the Board agreed that there should be term limits so there was some discussion between them as to what it should be. There is a shortened time frame by New York State as to when this can be presented onto the ballot. Each person only has one vote to cast. One thought was to have the Town Supervisor and the Town Board Members all have the same amount of years of service. In two years you really can't get a lot done in the position of Supervisor. This year with Covid it

has been especially difficult. He does believe there should be term limits especially for upper governmental positions. Local politicians are your neighbors and we see you and come in contact with you much more frequently.

Sam Oppenheim stated that these motions are contrary. One is creating a stronger system of checks and balances by instituting a number of terms and one is weakening it by extending the length of the singular terms. He believes if they truly want to hear from the people, they will separate these two motions.

Board Member Marinaro stated he is a strong believer in term limits. He did propose this a few years back. He believes in the Constitution of the United States and does not believe that any local position should be different than any state or federal position politically. He stated he agrees with the comment made that people that are in a position too long stop representing the people. He does agree with the Supervisor that as board members they live in the community and come in contact with the constituents regularly. There have been some board members for over 20 years and Highway Superintendent's for over 30 years. People did get comfortable. When the Constitution was written it was by people who spent 99% of their time in the communities that they represented. That is no longer the case. They do not always vote the way the constituents want. You need a lot of knowledge to run for a political campaign. And you need a lot of support, even for a Town Board Member, and you also need financial backing. Sometimes people get turned off by politics. His proposal was for three terms, but it was a compromise to go to four. The goal is to get it in place.

Ms. Oppenheim asked what the opposition is to isolate the two propositions. Why do they have to be partnered together? Supervisor D'Alessandro stated they are trying to unify the amount of time someone can be on the board. Ms. Oppenheim stated she did understand that but there is no reason why they couldn't have the positions remain two-year positions. People who are pro one line and anti the other will not be able to give their true opinion. Supervisor D'Alessandro stated that originally they were just discussing extending these two year positions to four year positions. Then one of the Board members wanted term limits added on so they have added it. Then there was discussion as to the maximum time somebody could be on the board. It was decided that it would be a maximum of 16 years on the board including the supervisor. Ms. Oppenheim stated there is still no reason why those two topics can't be isolated. Supervisor D'Alessandro stated this is what was offered at the time and they have a very small window to get it to New York State so it can be on the ballot. They have to get it to the State this month. Ms. Oppenheim stated she would rather see them take time and have it properly presented to the people. She feels it matters more to get the wording right and to offer people a way to express their opinions on each individual item more than a time limit that is imposed by the State.

Ann Cover asked why they could not word the proposition to have it separated with a period after the words four years and the second proposition regarding term

limits. She stated she understood COVID threw a wrench in everyone's plans and if they cannot do it right, they should put it off for a year and think it through and put it on next year. The community is asking for them to be broken into two separate things. She asked that they not force through something that has not been thought through. Supervisor D'Alessandro stated he believes this has been thought through. He does respect all of the opinions expressed. He does believe that all the Board members should have an equal amount of time on the board and this seems to be the fairest way to do it.

Board Member Franco stated that they have spoken about this and had discussions. He stated he is not a proponent of term limits, but he had a very good discussion with Councilman Marinaro and he made some good points and they came up with this solution.

Board Member Beephan stated that four years is not that long of a time, especially when you are working on a state project or DEC projects, which could take one to two years alone just to get the permitting process started. He asked Mrs. Cover how long she had been working on the water project. She stated she has been working on it a very long time, but she stated the Board is not listening to what is being asked. The people in attendance want two separate proposals. She does not feel they are giving people the choices that they want. Supervisor D'Alessandro stated he has spoken with other people in the community as well and they are in favor of the way that it is worded and their opinions count also.

(There was much discussion on the floor away from the microphones that could not be heard clearly)

Supervisor D'Alessandro stated he did not want people arguing amongst themselves in the middle of the meeting. He stated they have added term limits because there are none federally anywhere except for the position of President.

(Various people spoke while sitting in their seats away from the microphones.)

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 Law to be placed on Voting Ballot for November 3, 2020

Supervisor D'Alessandro asked for a roll call for a motion to adopt Law to place this proposition on the voting ballot for November 3, 2020. Votes as follows: (No motion was made)

Board Member Cassidy – aye

Board Member Marinaro – abstained as he did not feel comfortable voting on this.
Board Member Franco – aye
Board Member Beephan – aye
Supervisor D'Alessandro – nay

LOCAL LAW 4 OF 2020
A LOCAL LAW TO ADOPT MODIFYING
THE TERM OF OFFICE OF HIGHWAY SUPERINTENDENT

A Local Law modifying the term of office of **Highway Superintendent** of the Town of East Fishkill.

SECTION ONE: TERM OF OFFICE

The term of office of the elective **Highway Superintendent** of the Town of East Fishkill shall be four (4) years. Such four-year term shall commence on the first day of January following the first biennial Town election after the effective date of this article.

SECTION TWO: ELECTION AND NUMBER OF TERMS

At the biennial Town election next following the effective date of this article and every four (4) years thereafter, the **Highway Superintendent** shall be elected for a term of four (4) years. No individual shall serve more than four (4) consecutive four (4) year terms as **Highway Superintendent**.

SECTION THREE: SUPRESESSION OF STATUTORY PROVISIONS

This article shall supercede, in its application to the Town of East Fishkill, Town Law § 24 with respect to the term of office of the elective **Highway Superintendent**.

SECTION FOUR: PUBLIC APPROVAL REQUIRED

This article shall be submitted for approval to the electors of the Town of East Fishkill at the next general election to be held November 3, 2020. The question presented shall be:

Shall Local Law Number 4 of 2020 making the term of office of the East
Fishkill Highway Superintendent four (4) years and limiting an individual

to hold no more than four (4) consecutive terms be approved effective January 1, 2022?

Yes _____ No _____

SECTION FIVE: WHEN EFFECTIVE

This article shall take effect immediately upon filing with the Secretary of State after approval by a majority of the electors voting thereon in accordance with the requirements of Municipal Home Rule Law §.23.

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

**Dated: East Fishkill, NY
August 27, 2020
Adopted at a Regular
Town Board Meeting**

Voting:	Vote:
Councilman Cassidy	Yes
Councilman Franco	Yes
Councilman Marinaro	Abstain
Councilman Beephan	Yes
Supervisor D'Alessandro	No

**LOCAL LAW 5 OF 2020
A LOCAL LAW TO ADOPT MODIFYING
THE TERM OF OFFICE OF SUPERVISOR**

A Local Law modifying the term of office of **Supervisor** of the Town of East Fishkill.

SECTION ONE: TERM OF OFFICE

The term of office of the elective **Supervisor** of the Town of East Fishkill shall be four (4) years. Such four-year term shall commence on the first day of January following the first biennial Town election after the effective date of this article.

SECTION TWO: ELECTION AND NUMBER OF TERMS

At the biennial Town election next following the effective date of this article and every four (4) years thereafter, the **Supervisor** shall be elected for a term of four (4) years. No individual shall serve more than four (4) consecutive four (4) year terms as **Town Supervisor**.

SECTION THREE: SUPRESESSION OF STATUTORY PROVISIONS

This article shall supersede, in its application to the Town of East Fishkill, Town Law § 24 with respect to the term of office of the elective **Supervisor**.

SECTION FOUR: PUBLIC APPROVAL REQUIRED

This article shall be submitted for approval to the electors of the Town of East Fishkill at the next general election to be held November 3, 2020. The question presented shall be:

Shall Local Law Number 5 of 2020 making the term of office of the East Fishkill Supervisor four (4) years and limiting the number of terms that Town Board members (including the Supervisor) can serve to four (4) consecutive terms be approved effective January 1, 2022?

Yes _____ No _____

SECTION FIVE: WHEN EFFECTIVE

This article shall take effect immediately upon filing with the Secretary of State after approval by a majority of the electors voting thereon in accordance with the requirements of Municipal Home Rule Law §.23.

ADOPTED BY THE TOWN BOARD

**OF THE TOWN OF EAST FISHKILL
CAROL HURRAY, TOWN CLERK**

**Dated: East Fishkill, NY
August 27, 2020
Adopted at a Regular
Town Board Meeting**

Voting:	Vote:
Councilman Cassidy	Yes
Councilman Franco	Yes
Councilman Marinaro	Abstain
Councilman Beephan	Yes
Supervisor D'Alessandro	No

Motion carried.

2. Open Public Hearing to consider a law extending the moratorium for Route 52 Corridor to Blue Hill Road

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

Supervisor D'Alessandro stated this moratorium went until November 7. There are a lot of issues in that area. There is contamination of wells, conditions that are poor, and development that wants to happen. The Town Board chose to do a study in that area. Covid has caused people not to work and this to get pushed back. They're looking to extend this moratorium so they can further identify and study more issues in the Route 52 corridor. Beehan Planning and Design was hired to look at this area and see what kind of land-use and zoning could be done there. They checked what kind of infrastructure issues there are for water and sewer in that area. They also have been reviewing traffic, as that is the big issue through there also. The New York State DOT salt sheds have caused well contamination in that area as well. The planner came last month and did a presentation. A Housing Committee was developed to look at the housing stock in town. The last thing they want to do is overdevelop any area. They want to make sure what is being done is right for the community. They need more time so this

proposal is to extend it to March 31, 2021.

Supervisor D'Alessandro asked if there was anyone in the public to speak for or against this law.

Ann Cover stated she does approve of the moratorium being extended. There a lot of eyesore areas and traffic issues. She has read that housing is increasing in East Fishkill and believes they need to look at all aspects to see what needs can be met. Supervisor D'Alessandro asked if she had seen the planner's presentation and she said yes she has. She also reads all of the data that he puts online and keeps up with it. When the school districts go to hybrid it will change busing patterns and potentially double the number of buses on the roads. She believes everything needs to be looked at including everything that they did to that corridor. Supervisor D'Alessandro stated there are developers that want to come into this area as it is advantageous with I 84 and the Taconic State Parkway but the Town needs to properly plan and fix some of the issues that we have. Ms. Cover stated there is a moral obligation regarding builders and vendors brought into this community. There may be different builders or developers that might fit the community better.

Jay Annis, a principal at JFE Associates, read a prepared letter to the Board regarding property at 2528 Route 52. He has had a contract to sell the property but has been unable to proceed with the purchase and an additional extension on the moratorium could jeopardize his sale agreement. He does not feel that this is in the best interest of the town or his particular property, as it would devastate the value and marketability of the property. Any use of the property that the buyer has would greatly enhance the tax revenue for the town. He stated that repairs to water damage can be done without a moratorium. He asked that while the studies might continue they be conducted without extending the existing moratorium. He believes this is in direct conflict with their statements regarding economic development. He believes asking a buyer, seller, and a developer to wait two years to close on a contract is outrageous. He is afraid they will walk away from this agreement. He stated that a letter was also sent from his attorney to the Towns attorney this afternoon. Supervisor D'Alessandro stated when the moratorium is over any development ideas could be more advantageous for this property. Mr. Annis stated that economic conditions could be worse than they are now at that point. They have been trying to sell the property for 10 years. He stated they have had several buyers over the years and plans have fallen through due to issues with different town boards.

Attorney Wood stated that during the existing moratorium the Town Board did commission the Planning Study. The Town Board reviews the land uses and then has to determine if it has to amend the Master Plan. The second phase is to create the zoning ordinance amendments that the Board would consider to change the permitted uses along the corridor. The only uses that he is aware of for this particular property would require a zoning change anyway. It is not a

permitted use as of right the way the property is zoned. He believes that the suggestion made by the Supervisor that the property get mixed into the planning process by having the applicant give information to it may actually benefit the property owner. He also stated that while they are setting a date for it to expire March 31 if they complete the process sooner, they will terminate the moratorium sooner.

Mr. Annis stated that millions of people have been working through Covid. He asked if the firms that were hired to do this work were working the last five months. Supervisor D'Alessandro stated for several months they were not. They had to push them to get them to a point where they could give a presentation last month. He wanted that benchmark originally to be hit before the moratorium was to end. The new housing committee is meeting with the planner currently and they are making forward steps. He stated by the end of the year is a goal for him to have this finished.

Supervisor D'Alessandro asked if there were any board members to speak for or against this moratorium.

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 Law to amend the moratorium to March 31, 2021

LOCAL LAW 6 OF 2020

A LOCAL LAW EXTENDING LOCAL LAW NO. 9 OF 2019
“ESTABLISHING A MORATORIUM ALONG THE ROUTE 52 CORRIDOR
FROM THE TACONIC STATE PARKWAY TO BLUE HILL ROAD”

SECTION ONE: INTENT

The Town Board previously imposed a Moratorium on the Route 52 Corridor. The Board commissioned a Planning Study of the Corridor which was received in July, 2020. Due to the Covid 19 Pandemic, the process has been delayed and additional time is needed to complete the review.

SECTION TWO: LOCAL LAW EXTENDED

Local Law No. 9 of 2019 – “Establishing A Moratorium Along the Route 52 Corridor from the Taconic State Parkway to Blue Hill Road” is hereby extended up to and including March 31, 2021 unless terminated sooner by the Town Board.

SECTION THREE:

This Local Law shall take effect immediately upon filing with the NYS Secretary of State.

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

**Dated: East Fishkill, NY
August 27, 2020
Adopted at a Regular
Town Board Meeting**

Motion to adopt the law: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Approve Minutes:

July 23, 2020

Motion to approve the minutes for the July 23rd, 2020 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 are two additions to the agenda. The first is accepting additional infrastructure for the Hopewell North Water District and the second is appointing a seasonal tax record clerk.

Courtesy of the Floor:

Supervisor D'Alessandro asked if there was anyone who would wish to speak on agenda items or town items. There was no one.

Resolutions:

- 1. Declare Certain Police Property Surplus and the Disposal of the Same**

RESOLUTION
(DECLARING CERTAIN POLICE PROPERTY SURPLUS)

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

WHEREAS, the attached items are being requested to be declared surplus material and disposed of; and

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

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the list of equipment has been provided said items have been declared unwanted, obsolete, replaced, and or damaged beyond repair and should be properly disposed of.

Motion to declare certain police property surplus and the disposal of the same: Board Member Beephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

2. Award the Bid for Reconstruction of Fishkill Road & Route 82 Intersection

RESOLUTION

(Award Bid 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, Toll Brothers have submitted funds to the town to improve the intersection; and

WHEREAS, The Town Clerk was authorized to advertise and receive bids for such subject; and

WHEREAS, bids were received. The bid tabulations are hereby attached.

NOW, THEREFORE, BE IT RESOLVED, that the Town Engineer has recommended that the bid be awarded to the lowest responsible bidder. ELQ Industries, Inc. is hereby awarded the bid at the price of \$342,842.50.

Motion to award the bid for reconstruction of Fishkill Road and Route 82 intersection: Board Member Beephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

3. Award the Bid for Town-Wide Drainage Improvements

RESOLUTION

(Award Bid for Town-Wide Drainage Improvements)

WHEREAS, Town-Wide Drainage Improvements are necessary in certain areas within the Town; and

WHEREAS, The Town Clerk was authorized to advertise and receive bids for such subject; and

WHEREAS, bids were received. The bid tabulations are hereby attached.

NOW, THEREFORE, BE IT RESOLVED, that the Town Engineer has recommended that the bid be awarded to the lowest responsible bidder. **Roehrs Construction Inc.**, is hereby awarded the bid at the price of **\$162,314.00**

Motion to award the bid for Town-Wide drainage improvements: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

4. Authorizing the Support of the Emergency First Responders Privacy and Protection Act

RESOLUTION

(SUPPORTING THE "EMERGENCY FIRST RESPONDERS PRIVACY AND PROTECTION ACT")

WHEREAS, new discovery reform laws were passed in the 2019-2020 NYS Budget that overhauled the discovery process, requiring an expedited timeline to provide materials such as police reports, radio transmissions, body-worn and dash-cam video, along with other data related to prosecution; and

WHEREAS, the current law protects law enforcement personnel by

allowing their personal identifying information to be excluded from discovery documents and records, but does not include protections for first responders, who in many instances provide services at crime scenes; and **WHEREAS**, ambulance services personnel, advanced life support first response services, certified first responders, firefighters, emergency medical technicians or advanced emergency medical technicians, who are employed by or enrolled members of any such service should also have their personal identifying information protected from discovery, so they are not subject to retaliation or witness tampering;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of East Fishkill hereby encourages all members of the New York State Senate and Assembly to support S.7280/A.09107, entitled the "Emergency First Responders Privacy and Protection Act"; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to Governor Cuomo, State Senator, Assembly Representative, County Executive and Supervisors of the five Towns surrounding the Town of East Fishkill.

Motion to authorize the support of the Emergency First Responders Privacy and Protection Act: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

5. Authorize Fireworks for Labor Day Celebration

RESOLUTION

(AUTHORIZING TOWN FIREWORKS FOR SEPTEMBER 4)

WHEREAS, the New York State Legislature provides that the local legislative body can approve fireworks displays, and

WHEREAS, the East Fishkill Town sponsors a September 4 fireworks display at the McGrath Field (rain date September 6th); and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize the use of a fireworks display for this event and acknowledges that a Certificate of Insurance is on file in the Town Clerk's Office.

Motion to authorize fireworks for Labor Day celebration: Board Member Franco.
Seconded: Board Member Beephan. All voted in favor. Motion carried.

6. Appoint Permanent Part-Time Employee for the Building Department

RESOLUTION
(APPOINTING PERMANENT PART TIME TYPIST FOR BUILDING DEPARTMENT)

WHEREAS, a full-time position for a typist is open in the building department; and

WHEREAS, the Town is going to fill part of this position with a Permanent Part Time employee who is currently working as a Temporary Typist in that department; and

NOW, THEREFORE, BE IT RESOLVED, that the following person is hereby appointed. The Permanent Part Time Typist is Mary Gehrlein residing in Hopewell Junction, NY and is to be paid an hourly rate of \$15.04, and cannot exceed working 17.5 hours per week. This appointment will be effective August 31, 2020

Motion to appoint a permanent part-time employee for the Building Department: Board Member Marinaro. Seconded: Board Member Beephan. All voted in favor. Motion carried.

7. Accept Application from Blue Water Realty for West Campus on Route 52 and Seek Lead Agency under SEQRA

RESOLUTION

**(RECEIVING APPLICATION FROM BLUE WATER REALTY
FOR WEST CAMPUS ON ROUTE 52,
GRID #'S 6355-00-501905, 6355-00-854904 AND 6356-04-606028,
SEEKING AN ECONOMIC REDEVELOPMENT SPECIAL PERMIT
PURSUANT TO § 194-46.7 OF THE ZONING LAW)**

WHEREAS, Blue Water Realty has submitted an application for an Economic Redevelopment Special Permit under § 194-46.7 of the Zoning Law with respect to the former West Campus on Route 52 known as Grid #'s 6355-00-501905, 6355-00-854904, and 6356-04-606028; and

WHEREAS, also submitted was an Environmental Assessment form for the proposed project;

NOW, THEREFORE, BE IT RESOLVED, that the Board acknowledges receipt of this application; and

BE IT FURTHER RESOLVED, that the Town Planner is authorized to notify interested and involved agencies of the Town Board's intent to become Lead Agency under SEQRA; and

BE IT FURTHER RESOLVED, that the Town's professional staff is authorized to take such other steps that are necessary to advance said application.

Motion to accept the application from Blue Water Realty for the West Campus on Route 52 and seek Lead Agency under SEQRA: Board Member Marinaro.
Seconded: Board Member Franco. All voted in favor. Motion carried.

8. Authorize Hiring Replacement Seasonal Employees for Recreation

**RESOLUTION
(AUTHORIZING HIRING OF REPLACEMENT SEASONAL EMPLOYEES FOR
RED WING PARK)**

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. These individuals are just in substitution of previously scheduled employees and are highlighted on the attached sheet; and

WHEREAS, it is the desire of the Town Board to authorize these employees for the summertime period 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; 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 replacement seasonal employees for Recreation: Board Member Beephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

9. Seeking Revocation of Franchise Agreements of Central Hudson and Altice Optimum due to Storm Restoration Failures

RESOLUTION
(SUPPORTING ATTEMPTS TO REVOKE FRANCHISES OF CENTRAL HUDSON AND ALTICE/OPTIMUM)

WHEREAS, On August 4, 2020 the region suffered storm damage because of Tropical Storm Isais; and

WHEREAS, the storm damage resulted in power and cable outages throughout the Town and Regions; and

WHEREAS, service restoration took in excess of six (6) days; and

WHEREAS, Central Hudson and Optimum were poorly prepared to restore service and there communications with the public and local officials was non-existent, sporadic and when it did occur, was often inaccurate and misleading; and

WHEREAS, this is not the first time this had occurred; and

WHEREAS, both utilities have been granted franchises giving them a monopoly for their activities; and

WHEREAS, the duty of the franchises to the public has been broken and disregarded; and

WHEREAS, the regulation of these corporate giants is entrusted to the NYS Public Service Commission;

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby demands action be taken by the NYS Public Service Commission to revoke the franchises and to obtain operators who will adhere to the obligations of a franchise; and

BE IT FURTHER RESOLVED, that the Town Supervisor take all appropriate steps to cancel any agreements with the utilities or seek damages for their breach of their duties; and

BE IT FURTHER RESOLVED, that the Town Clerk send a copy of this resolution to the Governor, Public Service Commission, FCC Representatives, NYS Representatives, Congressman Maloney and U.S. Senators Schumer and Gillibrand.

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

**DATED: AUGUST 27, 2020
EAST FISHKILL, NY**

Voting:	Vote:
Councilman Cassidy	Aye
Councilman Franco	Abstain
Councilman Marinaro	Aye
Councilman Beephan	Aye
Supervisor D’Alessandro	Aye

Motion to seek revocation of the franchise agreements of Central Hudson and Altice Optimum due to Storm Restoration Failures: Board Member Marinaro. Seconded: Board Member Beephan. Board Member Franco abstained from the discussion and vote due to his employment with Verizon. All others voted in favor. Motion carried.

10. Award the Bid for Reconstruction of Curbs & Sidewalks at the Community Center

RESOLUTION

(Award Bid for Reconstruction of Curbs & Sidewalks at the Community Center)

WHEREAS, the Curbs and Sidewalks at the Community Center are in need of repair; and

WHEREAS, the Town Clerk was authorized to advertise and receive bids for such subject; and

WHEREAS, bids were received. The bid tabulations are hereby attached.

WHEREAS, \$60,000 will be deducted from the Recreation Development funds. The Town will only use the funds that are needed to complete this project, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Engineer has recommended that the bid be awarded to the lowest responsible bidder. Precise Enterprises II LTD is hereby awarded the bid at the price of \$44,048.00

Motion to award the bid for reconstruction of curbs and sidewalks at the Community Center: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

RESOLUTION
(APPOINTING A SEASONAL TAX RECORD CLERK)

WHEREAS, the independently elected Receiver of Taxes has designated Michelle McIntyre to be a Tax Record Clerk on a seasonal basis in her Department; and

WHEREAS, the seasonal schedule will be for the School tax collection, August 28, 2020 – November 25, 2020; and

WHEREAS, the Town Board has agreed and concurred with this request; and

NOW, THEREFORE, BE IT RESOLVED, that Michelle McIntyre be and hereby is designated as a seasonal Tax Record Clerk in the Tax Department; and

BE IT FURTHER RESOLVED, that said Clerk shall be compensated \$15.04/per hour, in accordance with the Collective Bargaining Agreement. This appointment shall take effect as of August 28, 2020.

Motion to appoint a seasonal Tax Record Clerk: Board Member Beephan. Seconded: Board Member Marinaro. All voted in favor. Motion carried

11. Accepting Additional Infrastructure for the Hopewell North Water District

RESOLUTION
**(ACCEPTING ADDITIONAL INFRASTRUCTURE
FOR THE HOPEWELL NORTH WATER DISTRICT)**

WHEREAS, the Town Board has previously accepted from the EPA parts of the water system constructed by the EPA to remediate the Hopewell Precision Superfund site which is within the Hopewell North Water District; and

WHEREAS, additional parts of the system are now ready to be dedicated;

NOW, THEREFORE, BE IT RESOLVED, that the water infrastructure installed in the roads listed on the attached list be and hereby are accepted on behalf of the Hopewell North Water District.

Motion to accept the additional infrastructure for the Hopewell North Water District: Board Member Marinaro. 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:

Board Member Beephan stated Red Wing restrooms are going to the opening on August 28. He thanked everyone in Recreation and Highway for their help. The adult pickleball lessons and coed volleyball clinic are very successful and he thanked everyone involved in that. Parks remain open from dawn to dusk. He asked that if you are fishing and your line gets caught and you have to cut it they try to clean up as much as possible as there was a bird with line tied around it. He thanked Jan and Bill and the camp staff and lifeguards who work together to put something together for recreation this summer. It was very difficult with all the guidelines and they were able to at least open Red Wing. They were able to do a day camp on Mondays for kids. He wished everyone a safe and restful Labor Day and a happy end of summer. Supervisor D'Alessandro dated that the recreation director did do a phenomenal job with what they had to work with this summer.

Board Member Franco stated that Chief Bellino continues to do a magnificent job and he thanked him. As far as the veterans committee, an e-mail was sent out today to them. They have had a lengthy hiatus due to COVID, but they're looking to get back on schedule. There is a meeting scheduled for next week and hopefully they will continue to be able to do good things for our veterans in town. He spoke today with Gina Grippo regarding the Hometown Hero's banners and the orders keep coming in. There are 237 of them currently. He thanked Gina for all her hard work on this project and to the Highway Departments for hanging all of the banners.

Board Member Marinaro thanked all of the first responders for their work during the storm. He also thanked the Highway Superintendent and Highway Department. Even the mechanics were out helping to clear the roads. He stated regarding Central Hudson and Optimum, those companies need to realize that in live-in communities like ours, rural, we depend on these services. To have people without services for so long after the storm was unacceptable.

Highway Superintendent Williams thanked his department for their hard work during the August 4 storm. The Chief of Police and his crew, as well as the fire department, all worked very hard town wide. It took about two and half weeks to get everything cleaned up afterwards. There are some easements that still require some work. All of the pipework on Leetown Road was completed. Shoulder work done there was all with recycled material from prior jobs. They did work with the Town of Kent on that project as well. They also did work on Fishkill Road. There is pipework done on several roads throughout the town. They have done some jet-vac work as well. He thanked Butch Kidney and his crew as well.

Police Chief Bellino stated the Police Department responded to over 200 calls related to the storm. The Highway Superintendent and his crew did a phenomenal job going from call to call. There were approximately 2000 calls for service in the last meeting. They have done some de-escalation training with the department on August 21. They did some active shooting training on July 27, 29, and 31st. He stated that the volunteer fire department and fire police were out in the rain helping out. Chief Conti and the department did a fantastic job on August 4.

Supervisor D'Alessandro stated a tree went through the Finance Department and he was thankful no one was in there when it happened and no one was hurt. He thanked all of the residents. He appreciates the calls and e-mails. This is a great community. He wished everyone a safe and healthy Labor Day. The next workshop is on September 10 and the next meeting is September 24, 2020.

Motion for Adjournment: Time: Motion to adjourn the regular meeting at 9:03 PM: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Town Board Meetings:

**Workshop:
Regular Meeting:**

**September 10, 2020
September 24, 2020**

Respectfully submitted by Julie J. Beyer on behalf of Town Clerk Carol A. Hurray
– August 31, 2020