

**MINUTES TOWN OF EAST FISHKILL**  
**TOWN BOARD MEETING**  
**NOVEMBER 7, 2019 7:00**  
**p.m.**

**REGULAR BOARD MEETING**

The Town of East Fishkill's Town Board Meeting on November 7, 2019 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 stated that October 28<sup>th</sup> was the kickoff for Hudson Valley Restaurant Week. It was at Sloop Brewery at iPark. It was a very well attended event. He encouraged everyone to participate in Restaurant Week. He has been answering a lot of calls and speaking with residents regarding the paving referendum. He thanked everyone for their calls and participation in the election process. The referendum has been voted down by 49 votes. There are 196 absentee ballots that were sent out. This may affect the proposed budget that will have it's public hearing at this meeting. They did get information out via postcards, public hearings, and meetings as well as information on the website. Today there was a ribbon cutting at Crepini at iPark. It was put on by the Dutchess County Regional Chamber of Commerce and was a nice event. They currently employ 50 people and are looking to double that within the next six months. He thanked everyone who attended.

At the last Town Meeting a moratorium was passed for Route 52 from the Taconic State Parkway to Blue Hill Road. They will be reviewing traffic, water, and sewer in this corridor.

Supervisor D'Alessandro has been meeting with Michael O'Brien, the Director of the Economic Development Committee. They are starting to discuss what will be happening next year. They would like to have more local business forums. They are also looking to do a realtors forum. Supervisor D'Alessandro will be rolling out a plan for next year called "Live, Work, Play East Fishkill" and will pass on information in the future.

The Historical Society will be having an event on Saturday, November 16 from 4 to 6 PM for their annual membership meeting.

This Monday is Veterans Day. There are many community observances happening all over Dutchess County. At 7 AM there will be a flag display at the memorial site at Beekman Road and Route 82 led by the American Legion Manny Bacon Post. He thanked them for doing that. At 7:30 AM tomorrow there will be an event at John Jay High School.

Supervisor D'Alessandro congratulated all of the newly elected members: Board

Member Beephan, Board Member Cassidy, Clerk Hurray, Receiver of Taxes Heckert, Highway Superintendent Williams as well as all of the County officials. He thanked all the residents for coming out and voting. There has been some vandalism at the bathrooms at the park. The police are looking into this. There are cameras to be reviewed also.

**Roll Call:** Supervisor D'Alessandro asked to call the rolls.

Board Members in Attendance were

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

Also in attendance were:

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

**Public Hearings:**

1. Open Public Hearing for 2020 Budgets for General and Highway Funds & Special Districts

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

Supervisor D'Alessandro stated that he has worked with Comptroller Pozniak on this budget and it has been presented to the Town Board. He thanked everybody who was involved in the process for their hard work. He believes this is a quality budget with a very low tax increase. For a typical house it should be approximately \$29 a year increase. The town budget is \$24 million for a whole. 14.9 million of that is the tax Levy. The average home will increase 2.73%. They have not broken the tax cap. The only way that they would this year is if the referendum for paving had passed. They will need to wait to see the results from the absentee ballots first.

Comptroller Pozniak stated the Town's portion of a residence tax bill is approximately 10%. Approximately 75% of it is school taxes, 11% is County taxes and the remainder is fire and library tax. Supervisor D'Alessandro commended all of the employees for their hard work and the Department Heads and Comptroller for the work put into this budget. They look at areas where they can use shared services with other towns as well as where they can consolidate departments within this town. They also seek as many grants as possible to help subsidize the expenses. Property taxes received from the taxpayers is approximately 62% of the annual revenue. The rest comes from mortgage taxes, sales taxes, department

fees, water and sewer fees, and reimbursements. They try to increase the fund balance where they can while still working within the funds they have.

Comptroller Pozniak stated the biggest change between now and approximately 10 years ago has been the mortgage taxes. In the past they were over \$2 – \$2.4 million and they have dropped radically to approximately 800,000 now. The pension contributions have increased significantly due to poor market performance and health insurance costs have also increased significantly. For approximately eight or nine years they were able to keep spending relatively flat by cost reductions and drawing down the fund balance. For the last three years, without exceeding the tax cap and in spite of the increase in those expenses, they have been able to re-grow some fund balance.

Supervisor D'Alessandro stated that usually the increases in health insurance costs exceed the 2% tax cap. The Town has looked for additional ways to find other revenue to make up the difference as well as having to cut the budget lines. Comptroller Pozniak stated they have also grown the paving budget. It was at \$300,000 and they have gotten it up to approximately \$800,000.

Comptroller Pozniak stated that for the 2019 tax rate comparison to other towns in the near geographic area with similar size, compared to those six closest matching towns, East Fishkill's tax rate was significantly lower.

Supervisor D'Alessandro stated that this year there was approximately a 6% assessment increase on residents' properties. Comptroller Pozniak said the tax cap is based on the levy itself, not on the rate. When the rates increased by 6% it drives the levy down and property owners are still only paying approximately 2% a year despite the increase in the levy. That is for town taxes money. He explained that although the increase in taxes was 2.73% it was due to the fact that every town is assigned a growth factor that is part of the formula used for figuring out the amount that makes up your 2%. They did discuss this during the workshop budget hearing and the Town Board has had it in their hands to review for a while.

Supervisor D'Alessandro asked if there was anyone else to speak for or against the budget. There was no one. He asked if there were any Board members who had any questions or comments on the budget. There were none. He asked if there were any Board members who had comments.

Board Member Marinaro thanked the Supervisor and the Comptroller for their work on the budget. He had questions for the Comptroller regarding specific lines. Comptroller Pozniak stated the sales tax increase is based on the actual receipts from 2018 and the assumption for exceeding those numbers in 2019 also. Board Member Marinaro asked about line item regarding traffic income and the Comptroller said this is revenue offset by services provided by the Police

Department for businesses and schools. It washes out against the expenditure for this. Board Member Marinaro asked about Building Permits and Fines having a projected increase and the Comptroller said this was based on 2018's actual income and looking at the current income. This also applies to court receipts.

Board Member Marinaro asked about the increase in line item 81220. Comptroller Pozniak stated that these numbers were probably too low in prior years and this is an adjustment. The increase in the finance line is for receiving a GASB 75 report which needs to be sent to an actuarial and there is a fee for this. It is something that needs to be done every two years. There is also new software being purchased. Board Member Marinaro asked about Engineer Personal Services having an increase. Comptroller Pozniak stated he believes that is because they are possibly looking for an assistant engineer. A portion of that salary would be charged to the water and sewer districts and the rest would be reflected here. Supervisor D'Alessandro stated they never replaced the assistant when Mr. Metzger left and they are still looking. Board Member Marinaro asked about the same thing on the Highway Administration line that has a decrease. Supervisor D'Alessandro stated they had an assistant over there learning the department and that assistant will be leaving so there will be a decrease. The plan is to move that position to the Police Department for more assistance over there with the new Bail Reform laws. Board Member Marinaro asked about the Town Planner increase.

Comptroller Pozniak said it was a planning contractor's expense. Board Member Marinaro had questions regarding water and sewer and Comptroller Pozniak said they started establishing a fund because there are tanks that need to be cleaned and maintained. Board Member Marinaro asked about the sewage treatment and disposal line's increase. Comptroller Pozniak stated this is the offset for the line he just asked about. One is the expense and one is the funding. The Wildflower Extension debt is for the cost of extending that line to the complex. Board Member Marinaro asked if any water sewer fund owed the general fund money as of this date and Comptroller Pozniak said none of the sewer districts and there may be some water districts that do. The sewer plant owned by Global is where the Town contracted to discharge sewer to and there is a fee for that. It is a new district so the costs are somewhat unknown. Engineer Bryant stated there has been a switchover from a benefit assessment to rates this year so they went in conservatively and now they are trying to fine-tune it better. Board Member Marinaro asked if the Hopewell Hamlet Water District would be paid off next year and Comptroller Pozniak said the bonds will be paid off. Comptroller Pozniak explains calculations for Hopewell Hamlet and Fishkill Plains billing for water districts.

Board Member Beephan thanked the Comptroller and Supervisor for their work on this also. He also thanked all Department heads for chipping in an assisting with the budget. He asked how the increase in minimum wage was going to impact the Town over the next five years. Comptroller Pozniak stated the biggest place they

see that it is at Summer Camp and Red Wing programs as well as the summer seasonal help. It will also affect office staff at some point.

Board Member Franco thanked everyone for their hard work. He stated he is concerned that the expense rates are higher than the actual tax cap. Supervisor D'Alessandro stated they have spoken about this and as much as they don't want to, it may come to a point where they will need to discuss layoffs. Comptroller Pozniak stated 80% of the budget is payroll related. Most of those costs are going up by more than the tax cap.

Board Member Cassidy said they did a good job and it was a tight budget.

Supervisor D'Alessandro stated there were concerns from the public about the paving budget. The current budget is being spent. There are no funds being held back. They did not get responses from their \$700,000 bid last year as that is a relatively small job for most contractors. They were able to piggyback off of another town's contract and they were able to get a few roads done and did small jobs in-house. There is \$220,000 remaining and they have received bids for Overhill and Mountaintop Road and those funds will be used there, weather permitting. The previous year there were issues with salt and equipment repairs. A lot of the equipment is old and unsafe to use and will have to be dealt with at some point. They may have no other choice but to bond in the future. This current budget is an increase below the tax cap. It amounts to approximately \$.55 a week increase to the homeowners. The Town Board cannot vote on this budget tonight because there are 196 absentee ballots for East Fishkill that need to be accounted for and the paving referendum only went down by 49 votes. The Commissioner of Elections has up until Tuesday the 12th to receive and accept any absentee ballots that are postmarked by the date of November 5. As of right now they have received 118 of the 196 requested absentee ballots. The first date for them to be opened is the 19th. The last date by state law to approve and adopt a budget is the 20th. The Commissioner of Elections has to talk with his counterpart to see if they can agree to open East Fishkill's absentee ballots as soon as possible to get a resolution to this. If the resolution does pass the Town Board will have to have a special meeting to adopt a resolution to accept the vote count of the people for the referendum. If it does fail they will not have to hold a meeting because the current budget that is proposed will become the adopted budget.

Board Member Marinaro spoke about things said by the previous Highway Superintendent that seem to contradict the current state of affairs in that department. He asked if money not spent for paving in one year can be allocated for paving the next year. The Comptroller stated that by law it goes back to the General Fund of the Highway Department. The Comptroller stated the \$200,000 that was not spent on paving last year was allocated to other Highway expenses. Attorney Wood stated if the referendum passes funds will be put in a reserve fund

which will guarantee they only get spent for paving. Supervisor D'Alessandro stated Morris Associates came in at the beginning of this year to measure exactly how much salt was there going into the 2019 fiscal year. That report is available to the Board members if they would like to review it. Board Member Marinaro would like to ensure going forward that if money is in the paving line it should not be transferred out of the paving line when they do budget transfers. He would like a highway funds to be created to be kept just for paving. Comptroller Pozniak stated that they could create a separate reserve fund for that or they just don't reallocate that paving money to the fund balance and they can amend the next year's budget to increase the paving by appropriating that fund balance. Comptroller Pozniak stated that is the bad part about having a reserve fund. If there is an emergency or they run out of salt or it's a very bad winter, money cannot be transferred out to help cover those expenses. Board Member Marinaro stated that is why they have a fund balance and they can transfer out of that if necessary. Supervisor D'Alessandro's stated they can also increase the paving if they have a mild winter.

a. Close Public Hearing

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

Supervisor D'Alessandro stated that the adoption of the budget would be after they get the board of elections results from the absentee ballots. If they need to call for a special meeting to adopt the referendum results, that will be advertised.

**Approve Minutes:**

There were no minutes for approval at this time.

**Announcement of Additions to the Agenda:**

Supervisor D'Alessandro said there was one addition to the agenda. It is to appoint a part-time police assistant.

**Courtesy of the Floor:**

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

Robert Grasso congratulated all be reelected officials. He voiced concerns on voting procedures. Supervisor D'Alessandro stated the Town of East Fishkill does not decide where the referendum verbiage is printed. He voiced concerns about the hemp farms and the lack of lighting at the entrance to the Town Hall. Supervisor D'Alessandro has spoken to the supervisor in Lagrange and they will try to get some

discussion with the state open about the hemp farms and when he gets more information he will pass it on.

**Receive and File:**

Supervisor D'Alessandro stated there was nothing for receipt and file this month.

**Resolutions:**

**1. Acknowledge Results of Vote on Local Law “H” Establishing Paving Reserve Fund**

Supervisor D'Alessandro stated this resolution was to be tabled until they get the results of the absentee ballots.

**2. Correct Assessment Roll with Respect to 18 Warren Drive, Hopewell Junction, NY**

**RESOLUTION  
(REQUESTED ASSESSMENT ADJUSTMENT)**

**WHEREAS**, 18 Warren Drive was acquired by NYS Housing Trust Fund Corporation to keep as open space since the property was damaged by flooding; and

**WHEREAS**, the deed did not specify that the NYS Housing Trust Corporation was tax exempt; and

**WHEREAS**, the Town wishes to correct this situation; and

**NOW THEREFORE BE IT RESOLVED**, that 18 Warren Drive in the Town of East Fishkill should have been on the Exempt Assessment Roll of the Town since November 1, 2017 when it was acquired by the NYS Housing Trust Fund Corporation; and

**BE IT FURTHER RESOLVED**, that the Dutchess County Commissioner of Finance is requested to cancel any tax liens accruing since that date.

Motion to correct the Assessment Roll with respect to 18 Warren Drive, Hopewell Junction, NY: Board Member Beephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

**3. Declare AV Equipment as Surplus and Transfer to another Jurisdiction**

**RESOLUTION**

**(DECLARING LEIGHTRONIX PLAYBACK SYSTEM AS SURPLUS)**

**WHEREAS**, MJM Television and Video Productions has provided the Town Board with a memo stating that an old piece of equipment that was purchased 5 years ago is deemed to be of no further use to the Town and thus, should be considered surplus; and

**WHEREAS**, the Town Board has reviewed said memo and concurs; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Leightronix Playback System is hereby declared to be surplus and is to be disposed of in a proper manner; and

**BE IT FURTHER RESOLVED**, that said equipment may be purchased by another municipality at a depreciated market price.

Motion to declare AV equipment as surplus and transfer to another jurisdiction: Board Member Cassidy. Seconded: Board Member Franco. All voted in favor. Motion carried.

**4. Acknowledge Small Business Week**

**RESOLUTION**

**(DESIGNATE SATURDAY, NOVEMBER 30, 2019 AS SMALL BUSINESS SATURDAY)**

**Whereas**, the government of the Town of East Fishkill, New York, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are 30.7 million small businesses in the United States, they represent 99.7 percent of all firms with paid employees in the United States, are responsible for 64.9 percent of net new jobs created from 2000 to 2018; and

**Whereas**, small businesses employ 47.3 percent of the employees in the private sector in the United States; and



**Whereas**, 94% of consumers in the United States value the contributions small businesses make in their community; and

**Whereas**, 96% of consumers who plan to shop on Small Business Saturday® said the day inspires them to go to small, independently-owned retailers or restaurants that they have not been to before, or would not have otherwise tried; and

**Whereas**, 92% of companies planning promotions on Small Business Saturday said the day helps their business stand out during the busy holiday shopping season; and

**Whereas**, 59% of small business owners said Small Business Saturday contributes significantly to their holiday sales each year; and

**Whereas**, the Town of East Fishkill supports our local businesses that create jobs, boost our local economy and preserve our communities; and

**Whereas**, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

**Now, therefore**, the Town Board of East Fishkill, New York does hereby proclaim, November 30, 2019, as:

***SMALL BUSINESS SATURDAY***

**And** urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

Motion to acknowledge Small Business Week: Board Member Franco. Seconded: Board Member Marinaro all voted in favor. Motion carried.

**5. Award Repairs to Pinewood Water Systems and Funding for Same**

**RESOLUTION**

**(AWARD EMERGENCY REPAIRS AT PINEWOOD KNOLLS WATER DISTRICT)**

**WHEREAS**, Pinewood Knolls Water District has experienced operational issues with such district; and

**WHEREAS**, Town Board has previously authorized emergency repairs at such district and the Town Engineer has received bids for such repairs; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board award Metzger Construction Corp. the bid in the amount of \$71,155 to perform the emergency repairs; and

**BE IT FURTHER RESOLVED**, funds for such repairs will be temporarily secured with an interfund loan from the General Fund until such time as permanent financing can be secured.

Motion to award repairs to Pinewood Water Systems and Funding for Same: Board Member Cassidy. Seconded: Board Member Beephan. All voted in favor. Motion carried.

## **6. Appoint a Police Personnel**

### **RESOLUTION** **(APPOINTING POLICE PERSONNEL)**

**WHEREAS**, the Chief of Police has interviewed a candidate to appoint as a Part-time Police Assistant; and

**WHEREAS**, The Town Board has interviewed the candidate recommended by the Town Police Chief; and

**NOW, THEREFORE, BE IT RESOLVED**, that Corinne Burns be hired under the CSEA agreement at Level 4 at a rate of \$16.72/per hr. and is hereby appointed as a Police Assistant in the Police Department.

Motion to appoint Part-Time Police Assistant: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

### **Additions to the Agenda by Majority Vote (if any):**

#### **Budget transfers:**

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

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

Highway Superintendent Williams stated last year they did get an additional mechanic and they took over all the maintenance of all town vehicles. It was not

just for maintenance of highway equipment. They do have to use other vendors for specific framework. A large winter truck and a F450 were both taken out of service, as their frames are too far gone to be fixed.

Police Chief Orsino thanked the Board for the approval of the part-time assistant. Today the Chief of Police was requested to attend a press conference in Albany from Senator Serino's office regarding two amendments to the Bail Reform Bill. This is to put extra protection in, specifically for victims of domestic violence. No police organizations or DAs offices were consulted when this law was drafted.

Board Member Beephan thanked the Police Department for participating in no shave November. He stated they all appreciate the work the Town Supervisor and Comptroller do every year on the budget. He also wished everyone a very happy Thanksgiving.

Board Member Franco congratulated all of those who were elected on Tuesday and thanked all of those who came out and voted. He wished all of our Veterans a very happy Veterans Day and thanks them for all of their service. The Hometown Hero banners will start to come down for the winter. He thanked the Highway Superintendent and crew for their help and putting them up and taking them down. He also thanked Gina Grippo for all of her work on the Hometown Heroes Program.

Board Member Marinaro congratulated all the elected and reelected officials. He thanked the voters for coming out and voting. He thanked the County for paving a piece of Hillside Lake Road from Route 376 to Clove Branch. He wished all the Veterans a happy Veterans Day and thanked the Supervisor and Comptroller for the work putting the budget together.

Board Member Cassidy thanked the Recreation Department for doing the Halloween party. It was very nice and he thanked Mill Creek Caters for hosting. He wished everyone a happy Thanksgiving. Sunday, December 1 at 5 PM will be the tree lighting ceremony.

Supervisor D'Alessandro wished everyone a happy Veterans Day and happy Thanksgiving. The next meeting is December 12. It will be the workshop and voting meeting. He thanked the voters for reelecting him as the Town Supervisor. He promises to work hard and move East Fishkill in a more efficient and better way.

**Motion for Adjournment: Time:** Motion to adjourn the regular meeting at 8:42 PM: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

**Town Board Meetings:**

**Regular Meeting:**

**December 12, 2019**

Respectfully submitted by Julie J. Beyer on behalf of Town Clerk Carol A. Hurray –  
November 12, 2019