

MINUTES
TOWN OF EAST FISHKILL
TOWN BOARD MEETING
DECEMBER 12, 2019
7:00 p.m.

REGULAR BOARD MEETING

The Town of East Fishkill's Town Board Meeting on December 12, 2019 was called to order at 7:00 p.m. by Supervisor D'Alessandro with the Pledge of Allegiance to the Flag, led by members of Girl Scout Troop 10074. They also sang a few bars of American the Beautiful.

Mark Coviello, the Director of Veteran's Services spoke about veteran's benefits that are available and what services can be provided.

Supervisor D'Alessandro made a presentation to County Legislator Margaret "Marge" Horton as she is set to retire on December 31. He thanked her for her many years of service and gave her flowers and a proclamation from the Town Board. Board Member Franco thanked her for her mentorship. Board Member Beephan stated she is a true servant to the community. Board Member Marinaro stated they will miss her service. Board Member Cassidy said they are glad she will still be around for support. Resident Peter Verosi also thanked her for her service. Judy D'Alessandro said Marge has taught so many people and for that, they are all very thankful. Marge stated she has learned so much over the years listening to her constituents. She appreciates everyone that does things for East Fishkill and she thanked all the veterans for their service.

Supervisor's Announcements

Supervisor D'Alessandro stated he was very excited with this first year in office and thanked the Town Board for their help and support during the year.

November 7th was the Budget Hearing, but the final count of the write in ballots for the paving referendum wasn't done until November 19th. It failed by 33 votes. He thanked all the professionals for their work in putting it together.

He met with Janet McHugh regarding the sensory garden at Julie's Jungle and it should be finished in the spring. He thanked Senator Serino's office for their help in getting a grant.

He met with the Highway Superintendent and Comptroller regarding repairs to equipment and the paving funds.

Friday, November 15th was an award ceremony for the 2019 Power Women of the Year Award. The Dutchess County Director of Tourism, Mary Kay Vrba was the recipient.

November 16th the Mid Hudson Sikh Society celebrated a new opening and Board Member Cassidy attended.

November 20th Supervisor D'Alessandro met with iPark regarding new tenants that are coming in as well as some site plan issues. The Supervisor, Town Attorney and Deputy Supervisor also met with the Fire Commissioners that night to touch base. The Fire District is 100% volunteer and he thanked them for their work. He congratulated newly elected commissioner Steve Dixon and thanked outgoing Commissioner William Stuart for his time in office.

November 21st was the East Fishkill Police Management meeting and they are preparing for the new bail reform laws.

On November 22nd the Planner met with Dave Whelan and Steve Olsen to review the Dutchess County Park Lake Walton Preserve plan.

December 3rd was the Dutchess County Mayors and Supervisors meeting. It was their re-organizational meeting and Supervisor D'Alessandro and Wappingers Supervisor were both elected onto the Executive Committee.

December 4th was the Dutchess County Transportation Council meeting and East Fishkill hosted it. They discussed the Carol Bridge project. Supervisor D'Alessandro also met with GlobalFoundries that day. They have been sold to On-Semi Conductors and within the next five years they will be hiring.

This past Sunday was the tree lighting. The Supervisor thanked the Board for being there. It was a very well attended event. He thanked everyone who helped and donated.

Supervisor D'Alessandro stated there is a moratorium on building on the Route 52 corridor from the TSP to Route 376. There are some problems in that area that need to be fixed before more development can happen. He is going to propose a Planning Committee to help promote smart growth in the Town.

Yesterday was a Dutchess County Mayors & Supervisors meeting for the Executive Committee to help with the newly elected officers.

Today was the Senior's party at Mill Creek. Supervisor D'Alessandro thanked everyone who helped and attended. There was also a ribbon cutting at Edward Jones on Route 82. The Town Board wishes them much success.

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; Michelle Robbins, Planner; Mark Pozniak, Comptroller; Police Chief Orsino; and Highway Superintendent Williams.

Public Hearings:

1. Open adjourned Public Hearing on to consider adopting Planning Report on Amending the Master Plan with respect to changing I-Zones not abutting I-

84.

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

Ms. Robbins had a presentation that was projected. She stated they had a committee look at the recommendations from the East Fishkill Industrial Land Study that was adopted as part of the Master Plan. The committee met twice to discuss the different recommendations and to come up with some sort of zoning proposals. There were eight different areas that were studied that have proposed zoning changes. The first area is near Sprout Creek Court near the Town of Wappinger border. There are properties zoned I3 in that area and that is the latest industrial zoning that the Town has. A lot of those properties have turned more commercial so there are more daycare type uses next to manufacturing uses. It appears this corridor is moving in a more commercial way but they also want to keep some of the light industrial uses that would be compatible along that corridor. They would recommend keeping Sprout Creek Court as a light industrial use area and rezoning all of the rest of the I3 properties to and B1 properties to a new B3 Mixed Use District. That would permit second and third floor residential uses above commercial as of right potentially and they would phase out some of the automobile uses over time. Everything that is there would be grandfathered. They would also allow some light industrial uses that are compatible with commercial in the B3 district.

The next area they looked at was the Ryan Drive area. This is a historically difficult area due to some pollution and there is some heavier manufacturing use. There is also a lot of surrounding residential use. The recommendation from the industrial land study for this area would be to slowly bring it back to more commercial and potentially residential use. They were leaning more towards commercial use with the new B3 district.

The next area looked at was the Hamlet Center. The idea is to create a Hamlet Center zone. They recommend rezoning all of the properties along Route 376 and North of Route 82 to a Hamlet Center. They would permit second and third floor residential uses above commercial as of rights. There would be public parking permitted. They would do things to encourage walk ability and potentially adopt design guidelines for the Hamlet Center. The Williams Lumber side would remain industrial and all of the properties on the other side of Route 82 would become the Hamlet Center zoning.

The next area looked at was the Stormville Airport. It is zoned I1/ I1S. The idea would be to rezone this to Conservation Residential District which already exists as part of the zoning. They have run out of land for that district. This would allow for cluster housing with a mix of commercial uses and recreational open area. Hopewell Glen is an example of CRD. The thought would be to permit commercial uses up to 5% of the land which would be 7.75 acres. The Industrial Land Study stated considering orchards or wineries for this area. Another idea was to use portion of the property for sports fields.

They studied the Package Pavement near Leetown Road area. They recommend

maintaining the industrial zoning there. They may consider buffer requirements to the residential areas.

Study area six is near the Jackson Farm area. Most of these parcels are already in a conservation easement which restricts development on the parcels. Two of the existing parcels are not and are currently a parking lot and a processing facility. The idea would be to rezone them R1 as they cannot be used for industrial use anyway. The two parcels that have processing on them would be maintained for agricultural processing.

Study area seven is the Lime Kiln Road area it includes large areas of the ramps that are owned by DOT as well as the Donovan Drive industrial zone. This area is the most obvious for maintaining the industrial zoning because it is pretty separated from most residential use and has easy on and off from the highways. It would make sense to allow contractor storing yards in this area. They could also potentially allow some of the agricultural parcels found to be so part of their land for companies to leave their vehicles. Dutchess County planning was interested to see if there are any comments regarding this from tonight's hearing. They also supplied some restrictions to the zoning but it might be something that would work well here.

The last study area was the Shenandoah Road area. Along that area most of the zone property are already existing homes. There are one or two parcels of land that are vacant farmland that the majority are smaller industrial parcels with residents on them. The idea would be to rezone those industrial properties to R1. There is one area that is zoned PCP and Ms. Robbins recommendation would be to keep that parcel industrial because it has access to the Lime Kiln area. They would make sure there are appropriate buffers on the portion of it that runs along Shenandoah road to maintain the residential character of Shenandoah Road. She stated the committee has created zoning to reflect these recommendations and they are working with the County to get their comments as well. She stated the committee was compromised of the Planning Board Chair, the Zoning Board Chair, Board Member Cassidy, Board Member Beephan, and Planning Board Members Craig Smith and Steve Caswell also attended.

Supervisor D'Alessandro stated whatever is in those current zones will be grandfathered if there are any changes. If an existing business were to be sold to a same type business that would be acceptable. He stated there are many contractors looking to place their equipment in areas and it is not allowed. This has been a discussion they have had many times. If the farmers were allowed to lease land to contractors for storage it could be beneficial to both.

Board Member Franco thanked the committee for all their hard work. He stated the Hopewell Hamlet area has a lot of potential. Ms. Robbins stated the zoning they are proposing is not terribly different from what currently exists. They are recommending that there be residential use as of right above the stores. They would also focus on promoting uses that encourage walk ability that is typical of a downtown Hamlet Center area. There is an up to the economic development with the rail trail being connected to the new Lake Walton Park and having that area

accessible by foot would be very beneficial. Supervisor D'Alessandro stated the rest of the Hamlet area already has the mixed use zoning for commercial and residential as well as the ability to go to three stories. This would be for the area on 376 with the bad turns.

Board Member Marinaro asked if Shenandoah, Lime Kiln, and Donovan Drive would be the areas that would continue to allow industrial development. Ms. Robbins stated that Lime Kiln and Donovan Drive are already zoned industrial so they would maintain that. A lot of the Shenandoah area would be converted back to residential except for the one parcel that extends from Lime Kiln to Shenandoah and the recommendation would be that that parcel maintains its industrial zoning because it has access with large frontage along Lime Kiln. Board Member Marinaro asked how much acreage was in the Donovan Drive area. Ms. Robbins stated the former IBM campuses would also remain industrial and that is approximately 600 acres. There are several vacant parcels along the Lime Kiln Road area and only a few on Donovan Drive. Board Member Marinaro stated he is concerned there will not be enough industrial area Ms. Robbins stated she is getting daily phone calls regarding contractors yards and that seems to be a much bigger use request than straight industrial areas.

Board Member Beephan thanked everyone on the committee and they look forward to hearing everyone's feedback.

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

Michael O'Brien, Economic Development Chairman, stated they have started a business forum with approximately 75 businesses from in town. It was founded with the basis it would be used as a sounding board for changes such as this. The feedback from these proposed changes has been positive. Supervisor D'Alessandro stated it seems a lot of the property owners are excited about the prospect of doing something different with their properties.

Keith Dimaso asked about multistory dwellings in the Sprout Creek area. Ms. Robbins stated it would be allowed in the area above commercial use buildings. Mr. Dimaso stated his concern would be traffic in that area.

Robert Grasso spoke about his concerns about farmlands potentially turning into CBD hemp farms. Supervisor D'Alessandro stated they are not changing any of the farmland areas and hemp is not regulated by the Town, it is state laws. Mr. Grasso believes the Town needs to be very careful if they allow hemp farms. Supervisor D'Alessandro stated he spoke with the Lagrange supervisor and they will be looking into regional discussions.

a. Close Public Hearing

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

b. Adjourn to January 9, 2019

Motion to adjourn the Public Hearing until January 9th, 2020: Board Member Beephan. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

Approve Minutes:

October 24, 2019

November 7, 2019

Motion to approve the minutes for the October 24th meeting and the November 7, 2019 meeting: Board Member Cassidy. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

Announcement of Additions to the Agenda:

Supervisor D'Alessandro said there are three additions to the agenda that will be added to the end of the resolutions. The first is to acknowledge a Highway Department MEO, the second is to authorize additional funds for Lime Kiln Paving, and the third one is directing a dangerous building to be demolished.

Courtesy of the Floor:

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

Frank Serraro asked questions regarding the Police Department and the Highwood Department employees and purchases. He also asked questions regarding the sports dome. Supervisor D'Alessandro stated that is a private endeavor. All approvals have been expired at this point.

Hannah Oppenheim and Jimmy Trail, past summer camp co-directors, read a prepared statement regarding concerns from last summer. Neither will be coming back next year. Supervisor D'Alessandro stated summer camp attendance has declined year after year and there may need to be some changes. They will look into hiring new directors come January.

Keith Dimaso spoke regarding Resolution 2 and the tax reevaluation.

Don Minichino asked the board members how they justify their salary increases. Supervisor D'Alessandro stated it is based on the amount of work they do. Board Member Marinaro stated he believes the people that are on the Board are there because they love the Town.

Robert Grasso spoke about the ballots and people not knowing to turn them over.

John Paraskeva spoke about the salary increases and the paving resolution.

Receive and File:

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

Resolutions:

1. Approve 2020 Town Board Meeting Dates

RESOLUTION
(SCHEDULING TOWN BOARD MEETINGS FOR 2020)

WHEREAS, the Town Board has determined to review and schedule meetings in 2020; and

WHEREAS, it is the desire of the Town Board to have regularly scheduled meetings;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board shall conduct their monthly workshop and regular meetings per the following schedule; and

January 9 – Reorganizational/Regular Meeting

February 13 – Regular Meeting/Workshop

March 12 - Workshop

March 26 - Regular Meeting

April 9 - Workshop

April 23 - Regular Meeting

May 14 - Workshop

May 28 - Regular Meeting

June 25 - Regular Meeting/Workshop

July 23- Regular Meeting/ Workshop

August 27- Regular Meeting/ Workshop

September 10 - Workshop

September 24 - Regular Meeting

October 8 - Workshop/Budget Discussion

October 22 - Regular Meeting/Budget Hearing

November 5 – Regular Meeting

December 10 - Regular Meeting

BE IT FURTHER RESOLVED, that the said meetings shall be held at the Town Hall and shall commence at 7:00 pm.

Motion to approve 2020 Town Board Meeting Dates: Board Member Cassidy.
Seconded: Board Member Marinaro. All voted in favor. Motion carried.

2. Adopt 2020 Salary Schedule

RESOLUTION **(SETTING SALARIES FOR TOWN EMPLOYEES)**

WHEREAS, it is the role of the Town Board to fix all compensation for Town employees and officials; and

WHEREAS, the Town Board has received rates for all of the Officials, Seasonal and Part-time positions for 2020; and

NOW, THEREFORE, BE IT RESOLVED, that the elected officials of the Town shall be paid in accordance with the amounts set forth in the 2020 adopted budget; and

BE IT FURTHER RESOLVED, that the salaries as provided for in the contractual agreement between the Town and the East Fishkill Police Benevolent Association shall be paid in accordance therewith; and

BE IT FURTHER RESOLVED, that the salaries as provided for in the contractual agreement between the Town and the CSEA shall be paid in accordance therewith; and

BE IT FURTHER RESOLVED, that all other Officials, Seasonal and Part-time employees of the Town shall be paid in accordance with the schedule attached hereto.

Motion to adopt the 2020 Salary Schedule: Board Member Franco. Seconded: Board Member Beephan. Board Member Marinaro abstained due to the wording. All others voted in favor. Motion carried.

3. Appoint Town Attorney for 2020-2021 Term

RESOLUTION

(APPOINTING THE TOWN ATTORNEY)

WHEREAS, the Town Board previously has established the office of the Town Attorney pursuant to NYS Town Law; and

WHEREAS, it is the desire of the Town Board to appoint a Town Attorney for the term of 2020-2021;

NOW, THEREFORE, BE IT RESOLVED, that Thomas F. Wood, Esq. of 20 Christine Court in the Town of East Fishkill be and hereby is reappointed as the Town Attorney of the Town of East Fishkill for 2020-2021 term effective January 3, 2020; and

BE IT FURTHER RESOLVED, that said Thomas F. Wood, Esq. shall be compensated as an employee of the Town for 16 hours per week at the rate of \$160.00 per hour, said time records to be maintained by the Town Supervisor; and

BE IT FURTHER RESOLVED, that Michael J. Cunningham, Esq. be and hereby is appointed as counsel to the Town Attorney and shall be compensated at the hourly rate of \$130.00 for each and every hour worked by him on behalf of the Town of East Fishkill; and

BE IT FURTHER RESOLVED, that the Town Attorney be and hereby is authorized within the budgetary limits fixed by the Town Board to retain attorneys in various specialties as needed by the Town during the course of the calendar year subject to the approval of the Town Supervisor and/or the Town Board.

Motion to appoint Town Attorney for 2020-2021 Term: Board Member Beephan.
Seconded: Board Member Franco. All voted in favor. Motion carried.

4. Appoint Town Comptroller for 2020-2021 Term

RESOLUTION
(RE-APPOINTING A TOWN COMPTROLLER)

WHEREAS, the Town Board has previously established the office of Town Comptroller in accordance with the provisions of Town Law of the State of New York; and

WHEREAS, it is the desire of the Town Board to re-appoint the Town Comptroller for the years 2020-2021; and

NOW, THEREFORE, BE IT RESOLVED, that Mark Pozniak be and hereby is re-appointed as the Town Comptroller of the Town of East Fishkill; and

BE IT FURTHER RESOLVED, that said Comptroller will be paid \$110,808

Motion to appoint Town Comptroller for 2020-2021 Term: Board Member Beephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

5. Set Water/Sewer Rates for 2020

RESOLUTION

(AUTHORIZE QUARTERLY RATES AND FEES FOR WATER AND SEWER)

WHEREAS, it is necessary for the Town Board to authorize the quarterly rates for the water and sewer districts; and

WHEREAS, the Town Board has received and reviewed the water and sewer rates; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board does hereby authorize the water and sewer rates for 2020

Motion to set Water/Sewer Rates for 2020: Board Member Cassidy. Seconded: Board Member Franco. All voted in favor. Motion carried.

6. Appoint a Highway Department MEO

RESOLUTION

(APPOINT MEO AT HIGHWAY DEPARTMENT)

WHEREAS, the Highway Superintendent has interviewed and hired Joseph Pennachio as a Full-time Laborer for the Highway Department, and

WHEREAS, the Highway Superintendent has also interviewed and hired Joseph Pennachio as a Full-time Motor Equipment Operator at an hourly rate of \$22.32; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby acknowledge the hiring of Joseph Pennachio as a Full-time Motor Equipment Operator in the Highway Department. Joseph Pennachio will be paid \$22.32 per hour.

BE IT FURTHER RESOLVED, Joseph Pennachio’s start date was December 9, 2019.

Motion to acknowledge a Highway Department MEO: Board Member Beephan.
Seconded: Board Member Franco. All voted in favor. Motion carried.

7. Authorize additional funds for Lime Kiln paving

RESOLUTION
(AUTHORIZE ADDITIONAL FUNDS FOR THE LIME KILN PAVING)

WHEREAS, upon the recommendation of the Town Supervisor, Highway Superintendent and Town Engineer there was a bid for paving on Lime Kiln Road; and

WHEREAS, Intercounty Paving Company submitted a proposal for such services in the amount of \$67,270.80 to the Highway Superintendent;

WHEREAS, during said project additional work was required such as Tackcoating in the amount of \$800.00, Binder Wedging in the amount of \$8,852.50 and Leveling in the amount of \$21,068.78. The Town Engineer also requested a material change to super pave for an additional \$7.00/per ton; and

WHEREAS, the total payment to Intercounty Paving Company is \$98,820.85; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board has reviewed the Engineer’s memo and authorizes the additional fund for the Lime Kiln paving; and

BE IT FURTHER RESOLVED, that the Town Comptroller be and hereby is authorized to make a payment to Intercounty Paving Company in the amount of \$98,820.85.

Motion to authorize additional funds for Lime Kiln paving: Board Member Cassidy.
Seconded: Board Member Beephan. All voted in favor. Motion carried.

8. Authorize the demolition of a dangerous building

RESOLUTION
(DIRECTING DANGEROUS BUILDING BE DEMOLISHED)

WHEREAS, the Town Board has previously been advised by the Building Inspector and Town Engineer that a certain structure located at 16 Fishkill Hook Road is a dangerous structure; and

WHEREAS, the Town Board previously forwarded a notice to the property owner ordering the property owner to demolish said building due to its unsafe condition, and

WHEREAS, a letter from Quality Environmental Solutions and Technologies, Inc. is hereby attached; and

NOW THEREFORE BE IT RESOLVED, that the Town Board is directed to order condemnation of said building; and

BE IT FURTHER RESOLVED, that upon reviewing of the expenses by the Board, the Board shall levy and collect the same part of the next Town tax bill in accordance with Town Law of the State of New York.

Motion to authorize the demolition of a dangerous building: Board Member Cassidy. 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 were no one budget transfers at this time.

Comments from Town Board Members:

Supervisor D'Alessandro asked the Town Engineer to give a status report on the Hillside Lake project. Engineer Bryant stated there has been progress made on the Renewege project. They have installed a concrete structure and retaining walls. They have excavated the deeper portion of the basin, installed the liner and protection fabric and began installing the back wash piping. The first layer of stone is installed. He believes they are shut down for the winter at this point. They got an extension through December of 2023 and will resume work in the spring when it dries up a little bit. If there is a break in the weather over the winter they may be able to go in and do a little more work. They plan on finishing by the end of summer next year. They have also installed three microfiltration basins at different spots around the perimeter of the lake. They did have a problem with lowering the level of the lake if they made improvements and it won't be a problem in the future. The landscaping of the micro-basin's will take place in the spring. They have requested authorization from DEC to lower the Lake elevation for the winter in order to freeze the vegetation and they are still waiting for a response on that. Police Chief Orsino stated there was a form Town Hall regarding an educational overview for mental health issues, underage drinking, and substance abuse issues. It was a very good session. He also thanked County Legislator Horton, especially for her work in getting the Too Good For Drugs program into the schools.

Highway Superintendent Williams stated that paving is finished for the year. There have been two plowing events so far this year. They will work on trying to update some equipment as well as doing some tree work.

Board Member Beephan wished everyone a happy holiday season and a Happy New Year.

Board Member Marinaro thanked the voters for voting on the paving resolution. He understands that the Town Board needs to find ways to reduce the tax burden while finding ways to make necessary improvements. He also congratulated all the newly elected fire district officers. He wished everyone a healthy and peaceful Christmas and new year. He thanked the ambulance corps and the Police Department. He wished the Town Hall staff and their families Merry Christmas and a Happy New Year.

Board Member Franco thanked all the first responders stated. He thanked County Legislator Horton. He wished everyone a Merry Christmas and Happy New Year.

Board Member Cassidy stated that Monsignor Colacicco from St. Columba became a Bishop. He attended a dinner for Hudson Valley Honor Flight. There were over 800 attendees. Since its date of inception they have sent over 1,982 vets on the flight. He stated he was disappointed that people do not call and ask questions regarding the paving resolution prior to the vote. He wished everyone a Merry Christmas and a Happy New Year. He thanked everyone who worked for and in the Town.

Supervisor D'Alessandro asked that everyone clear off their cars when it snows before they drive. January 6 at 7 PM will be the swearing-in ceremony at the Town Hall. He thanked all the town employees and town professionals for all their hard work and dedication. He is also thankful for all of the residents. He wished everyone a happy holidays and a Happy New Year

Motion for Adjournment: Time: Motion to adjourn the regular meeting at 9:21 PM: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Town Board Meetings:

Reorganization/Regular Meeting:

January 9, 2020

Respectfully submitted by Julie J. Beyer on behalf of Town Clerk Carol A. Hurray
January 2, 2020