

MINUTES
TOWN OF EAST FISHKILL
TOWN BOARD MEETING
JANUARY 24, 2019
7:00 p.m.

REGULAR BOARD MEETING

The Town of East Fishkill's Town Board Meeting on January 24, 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 wished everyone a Happy New Year. He stated that on December 17th he had a meeting with GlobalFoundries regarding water and sewer. The Town is trying to attain an assignment of water from GlobalFoundries and the Dutchess County Waste Water Authority for 500,000 gallons a day. GlobalFoundries currently has a contract for 2,000,000 gallons a day, but only uses about 1,500,000.

On December 18th there was a meeting with Ron Hicks, Assistant County Executive for Economic Development, DC Legislator John Metzger and many officials from surrounding towns to discuss issues with the Dutchess County Department of Health. There was discussion regarding towns doing self certification and information will be submitted to the Department of Health. The Federal shutdown has caused the meeting with the EPA regarding the Hopewell North Water District meeting to be canceled. This will push back the timetable for the completion date. The Town needs to know when they will be reimbursed and for exactly how much.

Supervisor D'Alessandro met with the IT manager and Sullivan Data. They will be doing a complete IT overhaul this year.

January 14 was a department head meeting. They will try to have one every quarter to keep everyone in the loop.

Thankfully this storm was not as bad as had been predicted. The Highway Department did a great job working over night. All of the agencies involved worked well together during the storm events. Supervisor D'Alessandro thanked everyone.

Before tonight's meeting Supervisor D'Alessandro filmed the first State of the Town Address. He feels it is important to give a report to the community on a regular basis to let them know the financial status as well as what is going on. Supervisor D'Alessandro stated he wanted to make sure that everyone was aware the fire department is completely volunteer. In 2018 they handled over 2700 calls. They save the residents a tremendous amount of work and if anyone is interested in volunteering, there are many opportunities for everyone. Please contact one of the firehouses for information.

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

Board Members in Attendance were

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

Also in attendance were:

Tom Wood, Attorney; Scott Bryant, Engineer; and Mark Pozniak, Comptroller.

Public Hearing:

1. Open Adjourned Solar Law

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

Supervisor D'Alessandro stated everyone had received a copy of this law and there was discussion at the last meeting. Attorney Wood stated there was just one change to modify the preamble to the Statement of Purposes. Number three has been deleted but it does not change the substance of the law at all. Supervisor D'Alessandro stated this addresses different tiers of solar projects. Tier 1 is the regular roof mounted systems seen on residential homes. The second-tier is a ground mounted system and the third tier is a hybrid of the first and second tier.

Supervisor D'Alessandro asked if there was anyone from the board with questions or comments. There were none. He asked if there was anyone from the public to speak for or against this. *(Someone from the public asked a question but was not at the microphone so could not be heard.)* Comptroller Pozniak stated there is a 5% credit.

Board Member Marinero asked what would happen if a tier 3 application applicant were to disband. Attorney Wood stated there is a bond posted for 125% for decommission. This will be adjusted annually and is the industry-standard right now.

Robert Grasso asked if existing solar systems were grandfathered in. Attorney Wood stated there is no change to the Tier 1 systems which are the residential systems. If it is a ground mounted system in Tier 2, there are now setbacks that need to be met.

a. Close Public Hearing

Name of Action: **Solar Energy Law**

For Further Information:

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

REASONS SUPPORTING THIS DETERMINATION:

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

The proposed action would result in the adoption of a solar energy law to advance and protect the public health, safety, and welfare of the Town by creating regulations for the installation and use of solar energy generating systems and equipment. The proposed law would be expected to:

- (1) Take advantage of a safe, abundant, renewable, and non-polluting energy resource;
- (2) Decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;
- (3) Increase employment and business development in the Town, to the extent reasonably practical, by furthering the installation of Solar Energy Systems; and
- (4) Mitigate the impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, wildlife, and other protected resources.

The adoption of the proposed zoning would be expected to support energy practices that would have beneficial impacts on the environment and any solar installation permitted by the proposed zoning would be subject to site specific SEQ. Therefore, the proposed action would not be expected to result in any significant adverse impacts on the environment.

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

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

THIS NEGATIVE DECLARATION WAS AUTHORIZED AT A MEETING OF THE TOWN BOARD OF THE TOWN OF EAST FISHKILL HELD ON JANUARY 24, 2019

 Chairperson/Designee

 Date

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

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

Local Law 1 of 2019

“Regulation of Solar Energy Systems Within the Town of East Fishkill”

A. Authority

This Solar Energy Local Law is adopted pursuant to sections 261-263 of the Town Law and section 20 of the Municipal Home Rule Law of the State of New York, which authorize the Town to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and, in accordance with the Town Law of New York State, “to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.”

B. Statement of Purpose

This Solar Energy Local Law is adopted to advance and protect the public health, safety, and welfare of the Town by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives:

- (1) To take advantage of a safe, abundant, renewable, and non-polluting energy resource;
- (2) To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;
- (3) To mitigate the impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, wildlife, and other protected resources.

C. Definitions

Building-Integrated Solar Energy System: A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

Community Solar Energy System: A solar installation owned collectively through condominium or property owners’ associations, business groups (e.g., strip-mall collective), college student groups, “adopt-a-solar panel” programs, or other similar arrangements. The Community Solar Energy System shall be subject to the approval

requirements set forth for Tier 2 and Tier 3 Energy Systems per the thresholds stated in this section.

Glare: The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

Ground-Mounted Solar Energy System: A Solar Energy System that is anchored to or resting directly on the ground via a pole or other mounting or supporting system (including ballasts, racks or other non-penetrative supports), detached from any other structure, that generates electricity for onsite or offsite consumption.

Native Perennial Vegetation: Native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

Pollinator: Bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

Roof-Mounted Solar Energy System: A Solar Energy System located on the roof of any lawfully existing building or structure that produces electricity for onsite or offsite consumption.

Solar Access: Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

Solar Energy Equipment: Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

Solar Energy System: The component and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2, or Tier 3 Solar System as follows:

A. Tier 1 Solar Energy Systems include the following:

- (i) Roof-Mounted Solar Energy Systems
- (ii) Building-Integrated Solar Energy Systems

B. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems with system capacity up to 25 kW AC and that generate no more than 110% of the electricity consumed on the site over the previous 12 months.

C. Tier 3 Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.

Solar Panel: A photovoltaic device capable of collecting and converting solar energy into electricity.

Storage Battery: A device that stores energy and makes it available in an electrical form.

D. Applicability

- (1) The requirements of this Local Law shall apply to all Solar Energy Systems permitted, installed, or modified in the Town of East Fishkill after the effective date of this Local Law, excluding general maintenance and repair.
- (2) Solar Energy Systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.
- (3) Modifications to an existing Solar Energy System that increase the Solar Energy System area by more than 5% of the original area of the Solar Energy System (exclusive of moving any fencing) shall be subject to this Local Law.
- (4) All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code (“Building Code”), the NYS Energy Conservation Code (“Energy Code”), and the Town Code.

E. General Requirements

- (1) A Building permit shall be required for the installation of all Solar Energy Systems.
- (2) The Reviewing Board or person is encouraged to consider conditions on sites adjacent to Solar Energy Systems so as to protect Solar Energy Systems’ access to sufficient sunlight to remain economically feasible over time.
- (3) Issuance of permits and approvals by the Reviewing Board shall include review pursuant to the State Environmental Quality Review Act (“SEQRA”).
- (4) All Solar Energy Systems are subject to the requirements of Chapter 110: Freshwater Wetlands, Water Bodies and Watercourses and Chapter 154: Steep Slope Protections.
- (5) Ground-Mounted Solar Energy Systems are prohibited in the R-1/4 Zoning District.

F. Permitting Requirements for Tier 1 Solar Energy Systems

All applications for Tier 1 Solar Energy Systems shall be reviewed by the Town Engineer, shall be permitted in all zoning districts, and shall be exempt from site plan review under the Town Code, subject to the following conditions for each type of Solar Energy System:

- (1) Roof-Mounted Solar Energy Systems

- a. Roof-Mounted Solar Energy Systems shall incorporate, when feasible, the following design requirements:
 - i. Solar Panels on pitched roofs shall be mounted with a maximum distance of 8 inches between the roof surface and the highest edge of the system.
 - ii. Solar Panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
 - iii. Solar Panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
 - iv. Solar Panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher.
- b. Glare: All Solar Panels shall have anti-reflective coating(s).
- c. Height: All Roof-Mounted Solar Energy Systems shall be subject to the maximum height regulations specified for principal and accessory buildings within the underlying zoning district.

- (2) Building-Integrated Solar Energy Systems shall be shown on the plans submitted for the building permit application for the building containing the system.

G. Permitting Requirements for Tier 2 Solar Energy Systems

All Tier 2 Solar Energy Systems shall be permitted by a special permit from the Planning Board, subject to the following conditions:

- (1) Site Plan Application: For any Solar Energy System requiring a Special Permit, site plan approval shall be required. The approval criteria are the same as set forth in Chapter 194 of the Town Code.
- (2) Glare: All Solar Panels shall have anti-reflective coating(s).
- (3) Setbacks: All Ground-Mounted Solar Energy Systems shall only be installed in the side or rear yards of the lot. The required setbacks shall be as follows:
 - a. When abutting a Commercial and Business or Industrial District, double the required setback of the zoning district in which the lot that is the subject of the application is sited; or
 - b. 100 feet from an abutting Residential District.

- (4) Height: Tier 2 Solar Energy Systems shall be subject to the height limitations specified for accessory structures within the underlying zoning district.
- (5) Screening and Visibility:
 - a. All Tier 2 Solar Energy Systems shall have views minimized from adjacent properties to the extent reasonably practicable.
 - b. Solar Energy Equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views and shading of surrounding properties, while still providing adequate solar access.
- (6) Lot Size: Tier 2 Solar Energy Systems shall comply with the existing lot size requirements specified for accessory structures within the underlying zoning district.
- (7) Maximum Lot Coverage: Tier 2 Solar Energy Systems shall comply with the maximum lot coverage for the underlying zoning district.
- (8) Security: The deposit, execution, or filing with the Town Clerk of a cash, bond, or other form of security reasonably acceptable to the Town Attorney and/or the Town Engineer shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond or security shall be 100% of the cost of removal of the Tier 2 Solar Energy System and restoration of the property.

H. Permitting Requirements for Tier 3 Solar Energy Systems

All Tier 3 Solar Energy Systems are permitted through the issuance of a Special Permit by the Town Board within all zoning districts, and subject to the following conditions:

- (1) Underground Requirements: All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-ways.
- (2) Vehicular paths: Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction.
- (3) Signage:

- a. No signage or graphic content shall be displayed on the Solar Energy Systems except for the manufacturer's name, equipment specific information, safety information, and 24-hour emergency contact information. Said information shall be depicted within an area of no more than 8 square feet.
- b. As required by National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

(4) Glare: All Solar Panels shall have anti-reflective coating(s).

(5) Lighting: Lighting of the Solar Energy Systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

(6) Decommissioning:

- a. Solar Energy Systems that have been abandoned and/or not producing electricity for a period of one (1) year shall be removed at the Owner and/or Operator's expense, which at the Owner's option may come from any security made with the Town as set forth herein.
- b. A decommissioning plan signed by the owner and/or operator of the Solar Energy System shall be submitted by the applicant, addressing the following:
 - i. The cost of removing the Solar Energy System.
 - ii. The time required to decommission and remove the Solar Energy System and ancillary structures.
 - iii. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.
- c. Security
 - i. The deposit, execution, or filing with the Town Clerk of a cash, bond, or other form of security reasonably acceptable to the Town Attorney and/or the Town Engineer, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of

the bond or security shall be 125% of the cost of removal of the Tier 3 Solar Energy System and restoration of the property with an escalator of 2% annually for the life of the Solar Energy System. The decommissioning amount shall be reduced by the amount of the estimated salvage value of the Solar Energy System.

- ii. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.
- iii. In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth herein.

(7) Special Permit Standards

- a. Lot Size: The Property on which the Tier 3 Solar Energy System is placed shall be at least ten (10) acres.
- b. Setbacks: The Tier 3 Solar Energy Systems shall be setback:
 - i. 100 feet from an abutting Commercial and Business or Industrial District;
 - ii. 200 feet from an abutting Residential District
- c. Height: No structure can exceed 25 feet or 2 stories.
- d. Maximum Lot Coverage:
 - i. The Solar Energy System, as defined above, must comply with the maximum lot coverage requirement of the underlying zoning district.
 - ii. The following component of a Tier 3 Solar Energy System shall be considered included in the calculations for maximum lot coverage requirements:
 - 1. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.

2. All mechanical equipment of the Solar Energy System, including any pad mounted structure for batteries, switchboard, transformer, or storage cells.
 3. Paved access roads servicing the Solar Energy System.
- e. Fencing Requirements: All mechanical equipment, including any structure for storage batteries, shall be enclosed by an 8-foot high fence with a self-closing and self-locking gate to prevent unauthorized access.
- f. Screening and Visibility: Applicants for Tier 3 Solar Energy Systems shall be required to:
- i. Conduct a visual assessment of the visual impacts of the Solar Energy System on public roadways and adjacent properties. At a minimum, a line-of-site profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital view-shed report, may be required to be submitted by the applicant.
 - ii. Submit a screening & landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of Solar Panels and Solar Energy Equipment shall be minimized as reasonably practical from public roadways and adjacent properties to the extent feasible.
 - iii. Upon receipt of an application, the approving authority shall e-mail and send via standard mail said application to the Conservation Advisory Council (“CAC”) for review and report. The CAC shall report back to the approving authority within 15 days of such referral if the approving authority is the Town Engineer, within 30 days of referral if the approving authority is the Town Board, and within 45 days of referral if the approving authority is the Planning Board. The time period within which the CAC shall be required to report back may be extended at the discretion of the approving authority. The approving authority shall give significant weight to the recommendations of the CAC as well as any reports or recommendations offered by environmental officials. Failure by the CAC to report back to the approving authority within the specified time period shall be interpreted as indicating no objection to the application. The approving authority shall send the final approved plan(s) to the CAC.

- g. Agricultural Resources. For projects located on lands designated as Agricultural Districts by the Dutchess County Department of Planning:
- i. Any Tier 3 Solar Energy System located on these Agricultural Districts shall not exceed fifty (50)% of the area of Prime Farmland or Farmland of Statewide Importance on the parcel.
 - ii. To the maximum extent practicable, Tier 3 Solar Energy Systems located in these Agricultural Districts shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.
 - iii. Tier 3 Solar Energy System owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes.
- h. Ownership Changes. If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special permit, site plan approval, and decommissioning plan. A new owner or operator of the Solar Energy System shall notify the zoning enforcement officer of such change in ownership or operator within 30 days of the ownership change.

(8) Site Plan Application: For any Solar Energy System requiring a Special Permit, site plan approval shall be required. The approval criteria are the same as set forth in Chapter 194 of the Town Code.

I. Safety

- (1) Solar Energy Systems and Solar Energy Equipment shall be certified under the New York State Uniform Fire Prevention and Building Code and applicable electrical codes as required.
- (2) Solar Energy Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.
- (3) If Storage Batteries are included as part of the Solar Energy System, they shall meet the requirements of the New York State Uniform Fire

Prevention and Building Code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the Town and any applicable federal, state, or county laws or regulations.

J. Permit Time Frame and Abandonment

- (1) The Special Permit and site plan approval for a Solar Energy System shall be valid for a period of twelve (12) months, provided that a building permit is issued for construction. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Town Board, within twelve (12) months after approval, the applicant or the Town may extend the time to complete construction for one hundred eighty (180) days. If the owner and/or operator fails to perform substantial construction after twenty-four (24) months, the approvals shall expire.
- (2) Upon cessation of electricity generation of a Solar Energy System on a continuous basis for twelve (12) months, the owner and/or operator of the Solar Energy System shall implement the decommissioning plan. The decommissioning plan must be completed within three hundred sixty (360) days of cessation.
- (3) If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, utilize the bond and/or security for the removal of the Solar Energy System and restoration of the site in accordance with the decommissioning plan.

K. Community Solar Energy Systems

Shares in Community Solar Energy Systems shall be offered first to Town of East Fishkill residents.

L. Fees

The fees for Solar Energy Systems shall be established from time to time by resolution of the Town Board.

M. Enforcement

Any violation of this Solar Energy Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in Chapters 80 and 194 of the Town Code.

N. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

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

Adopted at a Regular Meeting
Held on January 24, 2019

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

2. Open Adjourned Town Water Improve Area
Hopewell North – Adjourn to February 28, 2019

Supervisor D'Alessandro stated this will be adjourned until the February 28, 2019 meeting, as the meeting with the EPA had to be postponed.

Motion to adjourn the Public Hearing until February 28, 2019: Board Member Marinaro. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Approve Minutes:

December 13, 2018

Motion to approve the minutes for the December 13th 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 two that will be done at the end of the posted resolutions. The first is authorizing attendance for police officers to a training program and the second is designating Brandon Tobin as a town aide.

Receive and File:

Supervisor D'Alessandro stated everyone had a copy of the Dutchess County Safety Transportation Council Safety Assessment of Beekman Road. This has been posted on the website for public review also. They have indicated problematic areas on Beekman Road, especially by Carpenter Road.

Courtesy of the Floor:

Keith Dimaso had questions regarding GlobalFoundries water supply and Hillside Lake. Supervisor D'Alessandro explained how the assignment of water usage is done. If GlobalFoundries leaves, the contract would need to be renegotiated. Supervisor D'Alessandro stated he is planning on meeting with Steven Gruber to get a timeline in place regarding drainage. They are shooting for late spring for the lake. There has been a lot of rain this season.

Mr. Grasso wanted to thank the snowplow driver who used to be in Hillside Lake. He also questioned putting in a blinking light on Route 376 at the Rail Trail. Supervisor D'Alessandro stated he would have Councilman Beephan look into it.

Resolutions:

1. Re-Appoint Legislative Aide to the Town Board

RESOLUTION

(RE-APPOINT LEGISLATIVE AIDE TO THE TOWN BOARD)

WHEREAS, Civil Service Law allows the appointment of a person as a Legislative Aide to assist the Town Board in properly managing the Town and various operations thereof; and

WHEREAS, the Town Board would like to appoint a Legislative Aide to continue working in the in Finance and to perform such other functions as are assigned on a regular basis by the Town Board and Town Supervisor; and

NOW, THEREFORE, BE IT RESOLVED, that Claire Hurley, residing in Wappingers Falls be appointed for 2019 as the Legislative Aide to the Town Board; and

BE IT FURTHER RESOLVED, that she shall be paid \$16.59 per hour and benefits shall be provided in accordance with the Towns established policy on benefits.

Motion to re-appoint a Legislative Aide to the Town Board: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

2. Authorize the Continuation of Shared Services for the Town Assessor

RESOLUTION
(RE-APPOINT KATHLEEN MARTIN AS TOWN ASSESSOR)

WHEREAS, Kathleen Martin has served the Town of East Fishkill as its Assessor; and

WHEREAS, the term of office of the Assessor is fixed by Town Law and is set to expire in October of 2019; and

WHEREAS, it is the desire of the Town Board to re-appoint the Assessor at this time to provide for continuing stability in the area of assessment;

NOW, THEREFORE, BE IT RESOLVED, that Kathleen Martin be and hereby is re-appointed to a new term commencing October 2019 as Assessor of the Town of East Fishkill; and

BE IT FURTHER RESOLVED, that said term of office shall be six years as fixed by State Law; and

BE IT FURTHER RESOLVED, that said Kathleen Martin shall continue to meet all of the qualifications and requirements of the New York State Board of Real Property Services.

Motion to authorize the continuation of shared services for the Town Assessor: Board Member Beephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

3. Appoint All Board Chairpersons

RESOLUTION
(APPOINTING ALL BOARD CHAIRPERSONS)

WHEREAS, the Town Board on an annual basis appoints a Chairperson for each Town of East Fishkill Board; and

WHEREAS, it is the desire of the Town Board to appoint said Chairpersons for 2019;

NOW, THEREFORE, BE IT RESOLVED, that the following will be the Chairperson for each of the listed Boards for the Town of East Fishkill for calendar year 2019:

Lori Gee	Planning Board
Norma Drummond	Zoning Board
Brent Feldweg	Conservation Advisory Council
Paul Pesavento	Architectural Review Board
Michael Kieser	Recreation Board
Deborah McCaffery	Ethics Board
Thomas Toub	Board of Assessment Review
David Palin	Fire Advisory Board

Motion to appoint all Board Chairpersons: Board Member Beephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

4. Authorize Supervisor to Sign Agreement with Capital Markets

RESOLUTION

(AUTHORIZING THE SUPERVISOR TO SIGN AGREEMENT WITH CAPITAL MARKETS ADVISORS, LLC)

WHEREAS, there is a need to enter into an agreement with Capital Markets Advisors, LLC for various projects; and

WHEREAS, the Town Board is asked to authorize the Supervisor to sign the attached agreement with this firm; and

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be and hereby is authorized to execute the agreement with Capital Markets Advisors, LLC as per the attached.

Motion to authorize the Supervisor to sign an agreement with Capital Markets: Board Member Franco. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

5. Authorize Supervisor to sign Personal Service Agreement within Budgetary Lines 2019

RESOLUTION

(AUTHORIZING THE SUPERVISOR TO SIGN PERSONAL SERVICE AGREEMENT WITHIN BUDGETARY LINES)

WHEREAS, there are personal service agreements that are budgeted and require the Town Supervisor’s signature; and

WHEREAS, the Town Board is asked to authorize the Supervisor to sign any personal service agreements within the budget; and

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be and hereby is authorized to execute all personal service agreements as budgeted for 2019.

Motion to authorize the Supervisor to sign Personal Service Agreement within the budgetary lines 2019: Board Member Cassidy. Seconded: Board Member Beephan. All voted in favor. Motion carried.

6. Authorizing the Signing of an Intermunicipal Agreement and Contracts for Services and Agencies for Previously Budgeted Items

RESOLUTION
(AUTHORIZING THE SIGNING OF AN INTERMUNICIPAL AGREEMENT AND CONTRACTS FOR SERVICES WITH AGENCIES)

WHEREAS, The Supervisor signs Intermunicipal Agreements and contracts annually for services with agencies as budgeted; and

WHEREAS, the Town Board is asked to authorize the Supervisor to sign all Intermunicipal Agreements and contracts that are in the 2019 budget;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be and hereby is authorized to execute all Intermunicipal Agreements and contracts for services with agencies as budgeted in 2019.

Motion authorizing the signing of an Intermunicipal Agreement and Contracts for Services and Agencies for previously budgeted items: Board Member Cassidy. Seconded: Board Member Beephan. All voted in favor. Motion carried.

7. Authorize Water and Sewer Connection Fee

RESOLUTION
(AUTHORIZE WATER AND SEWER CONNECTION FEES)

WHEREAS, there have been recent inquiries about out-of-district parcel connections to the Town's water and sewer systems; and

WHEREAS, the Town Engineer has sent a memo to the Town Board with the fees for out-of-district parcels to connect to various municipal water and sewer systems;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the water and sewer connection fees for the out-of-district parcels as attached hereto; and

BE IT FURTHER RESOLVED, that the Supervisor be and hereby is authorized to execute agreements with regard hereto.

Motion to authorize a Water and Sewer Connection Fee: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

8. Authorize Supervisor to Sign ASPCA Contract

RESOLUTION
(AUTHORIZING THE 2019 CONTRACT WITH THE DUTCHESS COUNTY ASPCA)

WHEREAS, the Town of East Fishkill is charged with animal control within its boundaries; and

WHEREAS, it is necessary for the Town to have a proper shelter for any dogs seized by it; and

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be and hereby is authorized to execute a contract for calendar year 2019 with the Dutchess County ASPCA providing for the care of seized dogs; and

BE IT FURTHER RESOLVED, that the Town shall be reimbursed by any dog owner the sum of \$70.00 fee for the seizure of any unlicensed or stray dogs.

Motion to authorize the Supervisor to sign the ASPCA Contract: Board Member Beephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

9. Authorize Promotion in the Police Department

RESOLUTION
(AUTHORIZE PROMOTION IN THE POLICE DEPARTMENT)

WHEREAS, there is a vacant position in the Police Department for a Senior Police Assistant. The Chief of Police has asked the East Fishkill Town Board to promote the following to the position; and

Jerry Quint

NOW THEREFORE BE IT RESOLVED, that the Town Board promotes Jerry Quint to the position of Senior Police Assistant due to the retirement of Sally Rotundo; and

NOW THEREFORE BE IT RESOLVED, he will receive a \$1.00 an hour added to his current rate; and

NOW THEREFORE BE IT RESOLVED, that the Town Board does need to reopen the Public Hearing for February 28, 2019 at 7:00 PM solely for the purpose of explaining the proposed changes to the Map Plan and Report for said district; and

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby is authorized and directed to advertise and publish appropriate notices with respect hereto.

Motion set a Public Hearing for the Revised Plan for Hopewell Water West District: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

12. Authorize Attendance to a Training Program for Police Officers

RESOLUTION (AUTHORIZING ATTENDANCE TO A TRAINING PROGRAM)

WHEREAS, the Chief of Police has indicated his desire to send one (1) Lieutenant and one (1) Police Officer to attend the Rescue Task Force for Law Enforcement, an active shooter response course offered at the State Preparedness Training Center in Oriskany, New York from February 5-6, 2019; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize the Police Chief to send one (1) Lieutenant and one (1) Police Offer to attend the Rescue Task Force for Law Enforcement, an active shooter response course offered at the State Preparedness Training Center in Oriskany, New York with expenses for tolls and meals from February 5-6, 2019; and

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

Motion to authorize attendance at a training program for Police Officers: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

13. Authorize the Approval of an Unpaid Town Aide

RESOLUTION (DESIGNATING BRANDON TOBIN AS AN UNPAID AIDE)

WHEREAS, Brandon Tobin recently graduated from college and will be starting his career in July, 2019 in London; and

WHEREAS, Brandon is desirous of giving back to his community in the interim; and

WHEREAS, he is willing to volunteer his time to assist the town; and

WHEREAS, the Supervisor has indicated that there are some projects he can assist with;

NOW, THEREFORE, BE IT RESOLVED, that Brandon Tobin be and hereby is designated as an unpaid aide to assist on projects as determined by the Supervisor from time to time.

Motion to authorize the approval of an unpaid Town Aide: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

Comments from Town Board Members:

Board Member Beephan wished everyone a happy new year. He thanked the Supervisor, Gina, and the town for the swearing-in ceremony. He thanked the police chief and the Police Department for their Coffee with a Cop Day. It was a great turnout. January 9 was National Law Enforcement Day. He wanted to commend the Veterans Committee for their event at the Community Center. There was a great turnout and he hopes to see another one like that soon. He thanked Highway Superintendent Williams for the great job during the snowstorm.

Board Member Franco thanked the Highway Department for their work during the storm. He stated that on January 12 there was the very first East Fishkill Veterans Committee with Craig Marshall, a Seabee giving a 45 minute presentation on his time in Vietnam. They will be doing more of these in the future.

Board Member Marinaro stated he also attended Coffee with a Cop. He thanked the East Fishkill PBA for putting that on. It was a great turnout. He spoke with the Highway Superintendent prior to the storm and they are implementing a lot of cost saving things. It seems they are on a very good track. He commended the Board on how smooth everything is running lately. He has been approached by many people with concerns about people riding bicycles and walking in the dark. He asked that people please wear reflective clothes and stay safe in the dark. He gave a report from the Police Department for the past month. He thanked the Police Department, the Highway Department, and the Fire Department for great job during the storm. He also stated that the Board tries to promptly answer any questions from the public and he asked that they please refrain from using public media for bad publicity.

Board Member Cassidy also thanked everyone for their help during the storm.

Highway Superintendent Williams thanked everyone for their help during the storm. Everyone worked together beforehand and during the storm and it all went well. Supervisor D'Alessandro asked exactly how much a storm like the last one costs the Town. Superintendent Williams stated they use approximately 1,000 tons of sand and salt. He is working up the costs. There were a lot of man-hours included in this storm.

Police chief Orsino stated January 12 was the second Coffee with a Cop Day. It brings the Police Department and the community together. It was very well attended. He thanked John Diddio, the owner of Hopewell Hot Bagels for holding it there. He stated the Police Department will continue to do free CRAZ and Stop the Bleed training. The next Stop the Bleed class will be March 16 at the Police Department building. He stated there is a wonderful level of cooperation with the Highway Department. There is a wonderful dedicated and professional staff at the Police Department.

Supervisor D'Alessandro stated the swearing-in ceremony is on Channel 22 as well as his first State of the Town Address. He thanked the Board for their assistance and for everything that they do and stated it is a pleasure to work with them all.

Board Member Cassidy stated that DC 10-13 is putting on WingFest on Super Bowl Sunday. The doors open at 5 PM and it will be a fundraiser for DC 10-13.

Motion for Adjournment: **Time:** Motion to adjourn the regular meeting at 8:07 PM: Board Member Cassidy. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Town Board Meetings:

Workshop Meeting:
Regular Meeting:

February 14, 2019
February 28, 2019

Respectfully submitted by Julie J. Beyer on behalf of Town Clerk Carol A. Hurray
– January 31, 2019