

MINUTES
TOWN OF EAST FISHKILL
TOWN BOARD MEETING
AUGUST 24, 2023
6:00 p.m.

REGULAR BOARD MEETING

The Town of East Fishkill's Town Board Meeting on August 24, 2023, was called to order at 6:00 p.m. by Supervisor D'Alessandro with the Pledge of Allegiance to the Flag.

Supervisor's Announcements

Last month Supervisor D'Alessandro stated that there was a special Town Board meeting last week. The Tax Receiver, Claudia Dolan, submitted her resignation and this is the start of the tax collection cycle, so the Board met to accept her resignation and appoint a new Receiver of Taxes until the voters could vote in a new one in November. The Town has appointed Ann Goldsmith as the new tax receiver. She was the Deputy Tax Receiver for approximately 14 years prior to this. We wish Ms. Goldsmith luck and blessings in the position, and we thank Ms. Dolan for her years of service and wish her the best of luck as well.

The month began with the Mayors and Supervisors Association of Dutchess County meeting. The guest speaker this month was from Central Hudson. Prior to this meeting they had submitted to the New York State Public Service Commission a proposal for a new rate hike. It will be 16% for gas and 19% for electricity. The meeting attendees let their displeasure with this be known. Supervisor D'Alessandro said that a letter was sent to the New York State Public Service Commission outlining why this increase should not be approved. The letter is on the website for review. Assemblyman Beephan also submitted a letter. There have been several meetings with New York State and FEMA about the storm last month that did a lot of flooding. He thanked Congressman Lalor, Assemblyman Beephan, and State Senator Rollison for fighting to include Dutchess County in the disaster area declaration. Check the Town website for links for FEMA funding for damage you have incurred.

Summer Camp has concluded for the year. Director Danielle Keenan has done a fantastic job. He also thanked Christine Selback and Bill Green for their hard work as well. There were over 275 campers and 40 counselors with 15 to 20 trips. There was only one closure due to weather. This is the largest camp in Dutchess County. He thanked everyone for all their hard work on another successful year. The American Legion Manny Beacon Post annual summer picnic was this past month at the recreation fields. It was a great event as usual. They attend events all over the County. They are also part of the East Fishkill Veterans Council and will be instrumental in building the Veterans Memorial Park. An architect has been engaged for that project and hopefully they will have a plan soon.

Supervisor D'Alessandro attended the annual Sheriff's barbecue. It was a very big turnout and it was nice day.

Yesterday was the annual East Fishkill Senior Picnic and he and many Board members attended. There were also many other dignitaries present, including Congressman Mark Molinaro. It was a very nice event.

The East Fishkill PBA held their annual golf outing this month. Supervisor D'Alessandro attended with East Fishkill's two County legislators, Steve Caswell and John Metzger and acting Police Chief Cuccia. It is a very well attended event. Today Councilman Marinaro, Supervisor D'Alessandro, Detective Phillips, and acting Police Chief Cuccia attended the Dutchess County Police Academy for the graduation ceremony of the Town's newest officer, Officer Carmasino. He also received the Top Cop Award.

There have been several meetings with On Semiconductor and Supervisor Thurston from the Town of Wappingers regarding the National Chips Act and a possible new tenant at iPark. They also need to separate the waterline in that area. The Town has applied for a \$6 million grant to New York State Consolidated Funding. He thanked Senator Schumer for the letter of support that he wrote for this.

There have been some meetings planning for the upcoming Comprehensive Master Plan project. This is a very big undertaking. This should be done every 10 to 15 years and it has not been done in East Fishkill for over 20 years. Supervisor D'Alessandro would like to finalize the comprehensive planning committee at next month's voting meeting. This will be an 18 to 20 months project with Councilman Flores as the liaison.

Community Day is Saturday, September 23. The Recreation Department has been working very hard. He encourages everyone to come out and enjoy the day. Supervisor D'Alessandro stated that Tom Cirrincione had just passed. He was a member of the fire district for almost 50 years in many different capacities. He was an active member of the Dutchess County 4-H club, a Dutchess County elections inspector, and a brief employee of the East Fishkill Highway Department. He will be missed.

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

Board Members in were:

Craig	Thomas	Emanuele	Marieann	Nicolas
Arco	Franco	Marinaro	Flores	D'Alessandro

Also in attendance were:

Tom Wood, Attorney; George Cronk, Engineer; and Highway Superintendent Williams.

Public Hearing:**1. To Consider Regulating Airbnb Uses within the Town (Short Term Rentals)**

Motion to open the Public Hearing to consider amending regulating Airbnb uses within the Town (Short Term Rentals): Board Member Marinaro. Seconded: Board Member Flores. All voted in favor. Motion carried.

Supervisor D'Alessandro stated they have been discussing this for a long while. There have been some problems with some short term rentals in Town and as a result of this triggering the Town to come up with an Airbnb law.

Attorney Wood stated that the local law is a draft with the intention of adjourning this Public Hearing until the September meeting. They are still waiting for comments from Dutchess County Planning Department. They are looking for input from not only County Planning but from the residents of the Town. They have tried to address some of the complaints and situations that have occurred over the last few years. This would require anybody who wanted to use their property as an Airbnb to register it with the Town so the Town would be aware of it in case there are issues or neighborhood calls. It would require an annual fire inspection for the safety of those using it. They would also require that it be in single family homes only. The preliminary draft would exclude this in smaller lots in the Town, meeting the half acre, 1/3 acre, or quarter acre parcels. It would be allowed in the 1 acre and 3 acre larger lots. It will provide that the septic system servicing the property be certified to be operable and in compliance. It would not allow properties with shared driveway to be utilized as an Airbnb. This has been the most concerning area for neighbors. Usually the agreement for shared driveways does not allow this kind of use on it. This will put some controls on garbage disposal and limit occupancy to no more than two people per bedroom. It would also require that the owner of the property or their agent be available to respond to the site within 60 minutes. It does provide for penalties if the provisions of the law are not followed.

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

Donna Ogden asked for verification on the lot size allowance. Attorney Wood stated there would have to be one or more acres to be allowed to be an Airbnb.

Resident 1 stated concerns about speeding on her road, which was originally a campground and does not have two-way traffic. She spoke about the concerns with children in the road playing with people racing on the road. She feels that people coming for short time rentals loses the community feeling and security they have in the neighborhood. She feels people building for this purpose do not have the best interest of the neighborhood with the Town. Attorney Wood stated right now some activities happening throughout the town are not regulated and this law would put some controls in place to address some of these concerns. Supervisor

D'Alessandro stated they are trying to prohibit as much Airbnb use as they can. They are trying to control the safety of the home, renters, and the neighbors.

Keith Dimaso asked if this regulation was specifically for Airbnb. He asked if there was any review of multifamily dwelling in an R1/3 community. Supervisor D'Alessandro stated if they have a designation as a multi-family on the building card in the Town, at one point they had to have inspections to become that. Attorney Wood stated that they are talking about two different housing units. If a multifamily dwelling has more than four units it is required to have an annual fire inspection. Single family homes that have double occupancy can apply for an accessory apartment permit or they could have existed before zoning. The Town has no right to enter single family homes. Assessment records are based on sales in the community. An Airbnb would be registered and an analysis would have to be done as to if the residence was being used as a single-family home or rental and that whatever the income might be. Mr. Dimaso stated there is an impact in an R1/3 community because it is not on municipal sewer but septic systems. Supervisor D'Alessandro stated that is why it is not allowed in the R1/3. Attorney Wood stated if there are multi family dwelling in an R1/3 it is either grandfathered, has a permit, or may be illegal. The only way they could go in to check it is if a neighbor signs an affidavit and it is filed with the zoning administrator.

Resident 1 stated there seems to be a lot of local ordinances regarding road speeds and road directions and septic systems and she does not understand why there cannot be a local ordinance against this as well.

Dominic Shepas stated he is a Hillside Lake residence. He lives very close to a playground and a lot of small children play there or ride their bikes there and there are a lot of young teenage girls play there and he feels having an Airbnb very close to the playground leads to potential dangers. He would like to see regulations that you cannot have that within a quarter-mile or some specific distance from a public playground as an additional safety factor. Supervisor D'Alessandro asked if there were a lot of properties in Hillside Lake that were an acre or more and Mr. Shepas said not many.

Ms. Ogden stated she does not want an Airbnb in her neighborhood. And in the winter they watched a specific property yard get torn up and they are amazed with all of the damage that it is still going on. They speed down the roadway and the community is against this.

Supervisor D'Alessandro asked Attorney Wood to explain what would happen if the law is passed and people don't follow it. Attorney Wood stated there are penalties provided to fine that would start at \$350 up to \$1000 for each occurrence. The Town can seek an injunction from the court, which is a court order directing the property owner to cease that activity. If this law passes it will give the Town more control.

Resident 1 asked if they start a letter writing campaign to the Town Attorney, would that help get it passed through faster. Supervisor D'Alessandro stated it has been referred to Dutchess County and they are waiting for their comments. The Public Hearing is again in September, at which time the Board could close the Public Hearing and enact the law.

Mr. Dimaso stated in Hillside Lake there are many parcels that are adjacent parcels so maybe a provision could be included to not grandfather those parcels in to be consolidated so that they cannot be made into an Airbnb in the future. Supervisor D'Alessandro stated that is something they could consider as well.

Resident 2 asked about the 60-minute portion of the law. Supervisor D'Alessandro stated if someone gets the legal permit for the Airbnb and there is a problem with the renters, there has to be somebody on behalf of the owner that can be to the site within 60 minutes. She stated she is the owner that had the Airbnb in Hillside Lake and as soon as she found out it was not okay she closed it down.

Resident 3 asked if someone meets all of these regulations then the neighborhood hands are tied and there is nothing they can do to prevent it. Supervisor D'Alessandro said yes as long as they are meeting all the regulations. If they are missing anything they can receive the violation.

Supervisor D'Alessandro asked if there were any comments or questions from Town Board members.

Board Member Flores stated that one of the key things is that someone would have to register their property if they wish to operate as an Airbnb and they need all of the requirements. If they don't they are subject to the penalties.

Board Member Franco stated that he believes the restrictions are very reasonable.

Supervisor D'Alessandro stated that they want people to be able to do what they want to do but not necessarily affect the neighbors.

a. Adjourn Public Hearing

Motion to adjourn the Public Hearing to consider regulating Airbnb uses within the Town (Short Term Rentals) until September 28, 2023: Board Member Franco. Seconded: Board Member Flores. All voted in favor. Motion carried.

Approve Minutes:

July 27, 2023

Motion to approve the minutes for the July 27, 2023, meeting: Board Member Marinaro. Seconded: Board Member Flores. All voted in favor. Motion carried.

Announcement of Additions to the Agenda:

Supervisor D'Alessandro said he did receive a letter from the Mayor of the Village of Buchanan asking for a piece of equipment. He will ask the Board to consider selling that piece of equipment.

Courtesy of the Floor:

Supervisor D'Alessandro asked if there was anyone who wanted to speak about any general town issues.

Resident 4 spoke about the road conditions of Hillside Lake. Supervisor D'Alessandro explained how they review and grade roads to determine the schedule for the paving.

County Legislator Caswell stated they passed a bond last month for \$18 million to implement a countywide communication system. This has been in discussion since September 11, 2001. This will make it possible for police and firefighters and multiple agencies to all communicate together. The Dutchess Community College budget was accepted last month which will include a 2% increase in the County's contribution to the college's budget and tuition is going to go up \$100 a semester. Board Member Franco asked if the high school student cost was going to increase as well. County Legislator Caswell stated that high school students pay one third of the tuition cost so their payment will increase slightly as well. He stated enrollment for this upcoming semester is up 18%. He stated he has also been in conversations with Congressman Lalor's office and they are now accepting US Service Academy nomination applications. If anyone is interested in going to the academies that require nominations from your assemblyman, they are now accepting them until September 25. Board Member Arco asked if the highway departments were being included in the countywide radio system. Supervisor D'Alessandro stated not yet, but they will be at some point.

Receive and File:

Supervisor D'Alessandro stated there is a rezone request from JS1 Properties, LLC for 90 Old Route 52, Stormville, NY, which is being referred to the Planning & Zoning Departments.

Motion to refer the letter from JS1 properties LLC for 90 Old Route 52, Stormville, New York to the Planning and Zoning departments: Board Member Franco. Seconded: Board Member Arco. All voted in favor. Motion carried.

Resolutions:

1. Appoint Police Officer

Supervisor D'Alessandro stated due to civil service, this resolution needs to be tabled.

2. Adopt Zoning Map

RESOLUTION-153/2023

(APPROVE AND ADOPT REVISED OFFICIAL ZONING MAP)

WHEREAS, the Town is divided into zones or districts, as shown on the Official Zoning Map titled "Zoning Map for the Town of East Fishkill"; and

WHEREAS, in accordance with the provisions of Chapter §194-5 of the East Fishkill Zoning Code the Zoning Map shall be amended, from time to time, to depict subsequent zoning amendments which modify the Town Zoning Map; and

WHEREAS, the Town has worked with Dutchess County Planning to update the Official Zoning Map to reflect recent amendments approved by the Town Board and to make it easier to read by improving the visual presentation of the map; and

WHEREAS, the Draft Zoning Map was referred to the Planning Board on April 18, 2023 and a public hearing on the Draft Zoning Map was held on July 27, 2023; and

WHEREAS, once the amendments are approved the following entry will be promptly placed on the Official Zoning Map, "On August 24, 2023, by official action of the Town Board, the following change (changes) were made in the Official Zoning Map: the B1-A Zoning District, the B-3 Zoning District, the Hamlet Center District, and the Taconic Parkway Overlay District were added to the map; and

WHEREAS, the Official Zoning Map shall be located in the office of the Town Clerk and available for public review; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Board has reviewed and approved the revisions to the Official Zoning Map, and hereby adopts the "Zoning Map for the Town of East Fishkill" dated August 24, 2023.

Motion to adopt the Zoning Map: Board Member Flores. Seconded: Board Member Arco. All voted in favor. Motion carried.

3. Accept for Dedication of Recreation Land for Tucker Trails Subdivision

RESOLUTION

**(ACCEPT CONVEYANCE OF PARCEL FROM TUCKER TRAILS
SUBDIVISION)**

WHEREAS, the Planning Board approved a seven-lot subdivision consisting of six building lots and one open space lot known as the Tucker Trails Subdivision at its September 13, 2022 Meeting; and

WHEREAS, condition number two of the approval stated that the “applicant shall either deed the open space lot to the Town or file a restriction with the Dutchess County Clerk’s Office to ensure it remains as open space”; and

WHEREAS, the Applicant has offered to convey the parcel to the Town;

NOW, THEREFORE, BE IT RESOLVED that the Town Board accepts the conveyance of a portion of lot 6557-04-579147 as open space for recreation purposes and the installation of Town infrastructure and utilities.

Motion to accept for dedication of recreation land for Tucker Trails Subdivision: Board Member Franco. Seconded: Board Member Flores. All voted in favor. Motion carried.

4. Acknowledge Commencement of Mental Health America Program

RESOLUTION

**(ACKNOWLEDGE COMMENCEMENT OF MENTAL HEALTH AMERICA
PROGRAM)**

WHEREAS, the Town Board approved a contract with Mental Health America at its May 25, 2023 meeting pursuant to Resolution Number 105/2023; and

WHEREAS, this service will help the Police Department handle calls that involve emotionally distressed people; and

WHEREAS, the Town Board desires to alert the community that the program will begin within the next two weeks;

NOW, THEREFORE, BE IT RESOLVED that the Town Board acknowledges the commencement of the Mental Health America Program.

Motion to acknowledge commencement of Mental Health America Programs: Board Member Marinaro. Seconded: Board Member Arco. All voted in favor. Motion carried.

5. Appoint Full-Time Zoning Administrator

Supervisor D'Alessandro stated due to civil service, this resolution needs to be tabled.

6. Approve CSEA 1 year Contract Extension

RESOLUTION
(AUTHORIZING AN EXTENSION OF THE CSEA COLLECTIVE BARGAINING AGREEMENT)

WHEREAS, the current agreement with CSEA expires December 31, 2024; and

WHEREAS, it is the desire of both the Town and the CSEA to extend said agreement for an additional year with certain changes and modifications; and

NOW THEREFORE BE IT RESOLVED, that the Supervisor is authorized to sign a one year extension of the CSEA Agreement with the following changes:

- 1) Switching from the NYSHIP Plan to the Excelsior Plan for Health Coverage
- 2) Increase Wages by 3%

Motion to approve CSEA 1 year contract extension: Board Member Arco. Seconded: Board Member Franco. All voted in favor. Motion carried.

7. Appoint Full-Time Deputy Building Inspector

Supervisor D'Alessandro stated due to civil service, this resolution needs to be tabled.

8. Authorize 5-year Water Storage Agreement with Town of Poughkeepsie and Authorize Contract with DCWWA for 8500 gpd for West Campus Water District

(AUTHORIZING A WATER STORAGE AGREEMENT WITH THE TOWN OF POUGHKEEPSIE)

WHEREAS, some Town Water Districts obtain their Water from the Dutchess County Water and Wastewater Authority; and

WHEREAS, it is necessary to have water storage within the system; and

WHEREAS, the Town of Poughkeepsie has excess water storage available; and

NOW THEREFORE BE IT RESOLVED, that the Supervisor is authorized to sign a Water Storage Agreement with the Town of Poughkeepsie for 200,000 gallons of water for 5 years at a cost of \$10,000.00 with the right to extend; and

BE IT FURTHER RESOLVED, that the cost of same will be allocated to the Districts utilizing the storage.

BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute an agreement with the DCWWA for 8500gpd of water for The West Campus Water District.

Motion to authorize a five-year Water Storage Agreement with the Town of Poughkeepsie and authorize a contract with DCWWA for 8500 gpd for West Campus Water District: Board Member Flores. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

9. Accept Gift of Equipment Donation for Recreation Uses

RESOLUTION

(AUTHORIZING THE ACCEPTANCE OF DONATIONS TO RECREATION)

WHEREAS, two town residents have graciously offered to donate equipment to the Recreation Department; and

WHEREAS, one item is a golf cart that can be beneficial for Recreation to travel the recreation grounds at the main Town Park. The second item is a skate park rail to be added to our Skate Park; and

WHEREAS, the Town Board feels that these donations are in the Town’s best interest;

NOW, THEREFORE, BE IT RESOLVED, that the East Fishkill Town Board does accept the donations of the golf cart and the skate park rail.

Motion to accept a gift of equipment donation for recreation uses: Board Member Franco. Seconded: Board Member Flores. All voted in favor. Motion carried.

10. Appoint Seasonal Employees in Highway

RESOLUTION
(APPOINT SEASONAL EMPLOYEES IN HIGHWAY)

WHEREAS, the Town has interviewed Anthony Rapa and Tyler Pirone; and

WHEREAS, the Town is requesting the hiring of Anthony Rapa and Tyler Pirone as Seasonal Laborers for the Highway Department; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize the hiring of Anthony Rapa and Tyler Pirone, subject to receipt of a pre-employment background check, drug screening, and validation of driver's license; and

BE IT FURTHER RESOLVED, that Anthony Rapa and Tyler Pirone will be paid an hourly rate of \$17.00; and

BE IT FURTHER RESOLVED, upon completion of seasonal tasks, they shall be removed from the payroll.

Motion to appoint Seasonal Employees in Highway: Board Member Arco.
Seconded: Board Member Marinaro. All voted in favor. Motion carried.

11. Declare the electronics HD server as surplus and sell it to the Village of Buchanan

RESOLUTION
(DECLARING ELECTRONICS HD SERVER AS SURPLUS)

WHEREAS, MJM Television and Video Productions has provided the Town Board with a memo stating that an old piece of equipment 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 Electronics HD Server 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 the Electronics HD Server as surplus and sell it to the Village of Buchanan for one dollar: Board Member Franco. Seconded: Board Member Arco. All voted in favor. Motion carried.

Additions to the Agenda by Majority Vote:**Budget Transfer:**

Supervisor D'Alessandro stated there was a budget transfer. The Board was provided with copies prior to the meeting. Comptroller Pozniak is away, but answered any questions prior to the meeting.

Motion to accept the budget transfers as proposed: Board Member Arco.
Seconded: Board Member Marinaro. All voted in favor. Motion carried.

Comments from Town Board Members:

Board Member Arco stated the Highway Department has finished the drainage work and paving on Blueberry, Kim, and Ivy. The drainage work on Probst Terrace is complete. The road cuts are paved and the road is prepped for paving. They are hoping to be doing the paving within the next month. They are finishing up the drainage work on Jess Court and Tricia Court and will be preparing those roads for paving as well. They are working on a collaborative project with the Town of Kent and in September will be paving the section of Long Hill Road that borders the Town of Kent. This is the last dirt road in the Town of East Fishkill. They will begin the crack sealing process on a few of the town roads that have been paved within the last 10 years. This is a preventative measure to prolong the life of the road. The bucket truck was out of service and uninspected, but is now back. They will be doing preventative maintenance and tree trimming and winter prep. Board Member Arco met with the Fire Chief, a Commissioner, and the Building Inspector this past week at the iPark complex. They are trying to do walk-throughs just to become familiar with the interiors of this large facility. They are hoping this is something that can be done on a semiannual basis as there is a lot of new equipment going in. He is also working with the fire commissioners as they want to meet with the County legislators to discuss some EMS questions. Hopefully that will be set up within the next few weeks.

Board Member Marinaro stated there was a residential fire that appeared to be from a lit cigarette. He asked everyone to be careful. On the ninth there was an auto accident involving a teenager crossing route 376 at the Recreation Park. He asked everyone to please be careful driving through the Hamlet. There was an issue with juveniles at the McDonald's on Route 376 and this is still an active investigation. This morning was the graduation of one of East Fishkill's police officers. They are very proud of him as he was named Top Cop. He wished this officer best of luck in his job and congratulated him on his graduation. He did have a meeting with MHA Behavioral Specialist today. He wished much luck to Brian Reinahan on his new position with the Town.

Board Member Franco thanked everyone who came out to the ThinkDifferently Day at the Beach a few weeks ago. It was a tremendous success he thanked Christine Selback for all of her hard work on this. He also thanked all of the families who came out. Community Day is Saturday, September 23. Vendor information is on the East Fishkill Recreation webpage or you can call the recreation office. Tomorrow night is the first game under the lights at the new Field 5. There will be a brief ceremony at 7:30. Youth winter basketball registration is still open. Adult winter basketball and volleyball starts in October. Summer camp was a tremendous success and he thanked all those involved. The concert series is coming to an end. The last concert is September 1 and is Johnny Dell and the Nightlife. October 1 is a casino trip to Resorts World Catskills at \$40 a person and November 18 is Radio City Christmas Spectacular at \$150 per person.

Board Member Flores stated she has been working on a Master Plan Project. Rosemary Boyle Lasher is the master plan coordinator and she has also been working with Town Planner Michelle Robbins. They will be having a number of interviews scheduled and reviewing base studies as well as reviewing other communities' plans to help it get started. The next steps in the process include the formation of the Comprehensive Plan Committee and the hiring of a professional planning consultant who will assist them through the process and the creation of the Master Plan. They are hopeful to appoint the members of the committee and planning consultant at the September meeting. They're looking for a diverse representation of the community for the committee. They will also be conducting several public workshops to gather community input. There'll also be online questionnaires created for the community. She will continue to provide updates as they go through this process. She thanked the Recreation Department and Board Member Franco for all of the fabulous activities that were organized over the summer for the residents.

Motion for Adjournment: Time: Motion to adjourn the regular meeting at 7:18 PM: Board Member Franco. Seconded: Board Member Flores. All voted in favor. Motion carried.

Town Board Meetings: **Workshop/Voting Meeting: September 28, 2023**

Respectfully submitted by Julie J. Beyer on behalf of Town Clerk Peter Cassidy –
August 28, 2023