

MINUTES
TOWN OF EAST FISHKILL
TOWN BOARD MEETING
JULY 27, 2023
6:00 p.m.

REGULAR BOARD MEETING

The Town of East Fishkill's Town Board Meeting on July 27, 2023, was called to order at 6:00 p.m. by Supervisor D'Alessandro with the Pledge of Allegiance to the Flag.

Supervisor's Presentation

Supervisor D'Alessandro stated there are two presentations for the Valedictorian and Salutatorian of John Jay High School. Cassidy Schuchat was presented the proclamation as the Salutatorian and Nathan Leobandung as the Valedictorian. He wished them both the best of luck and congratulated them.

Supervisor's Announcements

There was a concert in the park and fireworks for the July 4th celebration. It was very well attended. He thanked the Recreation Department and the Highway Department for all of their work on that. Supervisor D'Alessandro also attended the Village of Fishkill's reading of the Declaration of Independence. It was a very nice event.

Last month he, Councilman Arco, and Attorney Wood attended a meeting with the Board of Fire Commissioners. They meet a few times during the year to discuss developments in the town and how it will affect the fire department. He stated our Fire District is the best in New York State, in his opinion. He discussed a few incidents that have happened in the last month and the amount of outside agencies that have participated as well and the efficiency that these things were dealt with. He thanked the Fire District.

During the severe storms earlier in the month there were several issues with flooding. Carol Drive Bridge was a large concern as well as access to the area. The Highway Superintendent spent the night assisting people across the bridge. Fire District Chief Lacalamita and Assistant Chief Conti found an alternate route in case of an emergency. There was a lot public reaching out and showing concern as well.

Supervisor D'Alessandro attended a meeting with the Engineer and the Traffic Consultant with New York State DOT regarding the Route 52 Pedestrian Improvements. A grant was awarded for sidewalks down the Route 52 corridor for \$1.1 million. The roundabout there is complete and the school drop off is working very well.

Supervisor D'Alessandro attended the Dutchess County EDAC meeting this quarter at Vassar Brothers Medical Center President's Board Room. It is a beautiful new building. There is a lot of training, especially with Dutchess County

Department of Health employees. Supervisor D'Alessandro has been working on a local municipal toolbox showing communities how to follow through with economic development projects. They are also working on an open retail space list for all municipalities. East Fishkill leads the County in economic development. It is a vital process.

Supervisor D'Alessandro attended the Dutchess County regional Chamber of Commerce contact breakfast. The guest speaker was New York State Comptroller Thompson DiNapoli who gave an overview of the New York State Pension Fund. He attended the Dutchess County Transportation Safety Council meeting. This committee works with Dutchess County Planning.

There was a meeting with Tax Aid Preparation Services, part of AARP, and we're going to work with the next tax season and provide them space in Town Hall for their needs. It is a free service for seniors and people with simple tax returns.

Supervisor D'Alessandro has had several meetings with the Town Planner, who will be making a presentation regarding the finalized zoning map. They have also been meeting with Board Member Flores and other staff members about the engaging process for the Comprehensive Master Plan. The current Master Plan is over 20 years old and should be reviewed closer to every 10 years. This is a large and costly project. They will be looking for grant funds to assist. He is asking all board members for names of people who they would consider putting on this committee.

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

Board Members in attendance were:

Craig	Thomas	Emanuele	Marianne	Nicolas
Arco	Franco	Marinero	Flores	D'Alessandro

Also in attendance were:

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

Presentation by the Town Planner:

Michelle Robbins, Town Planner, stated the Planning Department has been working with the Dutchess County Department of Planning and Development to update the official zoning map. It is the physical representation, or mapped representation, of a town's zoning districts. It is typically done by color, with each color representing a different zoning district. She stated they are not rezoning anything tonight. This is just an update to include some of the previous rezonings that have not made it onto the official map. They have also added parcel boundaries. The Planning Board has reviewed the zoning map and she is waiting for comments back from them. After that they will be able to adopt this.

Supervisor D'Alessandro asked if there were any questions or comments from the

Board.

Attorney Wood stated it should be noted that this will be on display at the Town Hall until the next town board meeting. Absent any issues, at that point the Town Board will be asked to consider adopting it. Ms. Robbins stated they will also be on the County website and the Town website as well.

Board Member Franco thanked her for all of the hard work. Dutchess County was a huge help with this.

Board Member Marinaro asked what the B1A - Transitional Business Zoning entailed. Ms. Robbins stated it is a zoning district that is a light business district that is in between a business zone and the residential zone. Traffic generating commercial uses are not allowed there.

Board Member Arco asked if he would be able to zoom in on the maps online. Ms. Robbins said yes, and the County map you will be able to zoom in.

Supervisor D'Alessandro stated this will be put on next month's agenda to be voted on. He thanked Ms. Robbins for all her hard work on this.

Public Hearing:

1. To Consider Amending Zoning Code to Correct Zoning Inconsistencies (Accessories Apt.)

Motion to open the Public Hearing to consider amending the Zoning Code to correct zoning inconsistencies (Accessories Apt.): Board Member Franco. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

Attorney Wood stated several months ago the Town Board updated and revised the Accessory Apartment Law. Accessory apartments are allowed in units that are owner occupied. They have to be recertified after a few years. After it was sent to the code publisher it was discovered that the electronic version had two lines omitted. One line omitted stated if the apartment is in an accessory structure, the apartment can't be more than 50% of the square footage of the accessory structure. The second line omitted was that if you're going to have an accessory apartment in a home you can't add on to the home by more than 100 square feet to facilitate the accessory apartment.

Supervisor D'Alessandro asked if there were any comments or questions from Town Board members. There were none.

Supervisor D'Alessandro asked if there was anyone from the public to speak for or against this zoning code amendment. There was no one.

- a. Close Public Hearing

Motion to close the Public Hearing to consider amending the Zoning Code to correct zoning inconsistencies (Accessories Apt.): Board Member Franco. Seconded: Board Member Flores. All voted in favor. Motion carried.

b. Adopt Negative Declaration and Local Law

Local Law No. 3 of 2023

(A LOCAL LAW TO AMEND TOWN CODE PROVISIONS WITH RESPECT TO ACCESSORY APARTMENTS)

Section 1. Legislative Intent

Pursuant to Section 194-91 of the Town Code, the Town already has provisions in place for the creation of accessory residential units in residential districts (Accessory Apartments). Most recently, the Supervisor and Town Board amended these provisions pursuant to Local law Number 7 of 2022. The way that Section 194-91 of the Town Code currently reads does not reflect the intent of the Town Board's most recent changes. The Supervisor and Town Board requested this Local Law to amend provisions to ensure that Accessory Apartments are sited in appropriate locations.

Section 2. Amendments to Town Code Section 194-91 for Accessory Residential Units in Residential Districts

Section 194-91 of the Town Code shall be amended to read as follows:

A. Purpose.

- (1) The purpose of this section is to allow accessory apartments, on single-family properties in zoning districts where single-family dwellings are permitted, except where enforceable deed covenants prohibit the same, in order to provide the opportunity and encouragement for the development of small housing units designed, in particular, to meet the special housing needs of the community. Further, it is the purpose of this section to allow the more efficient use of the Town's stock of dwellings and accessory buildings; to provide economic support for resident families of limited income; to protect and preserve property values; and to preserve the character and appearance of single-family neighborhoods.**
- (2) To achieve these goals, the following standards and conditions apply.**

B. Standards and conditions.

- (1) No more than one accessory apartment per lot may be permitted, nor shall the total number of dwelling units on any lot exceed two.**
- (2) No accessory apartment may be permitted in a two-family or multifamily dwelling.**
- (3) The owner of the lot upon which the accessory apartment is located shall occupy one of the dwelling units on the premises as his or her principal residence.**

- (4) Dimensional requirements. The following regulations shall apply:**
 - (a) Attached accessory apartments within single-family dwellings:**
 - [1] Minimum size of accessory apartment: 400 square feet.**
 - [2] Maximum size of accessory apartment: 50% of the habitable floor space of the principal dwelling or 1,000 square feet, whichever is less.**
 - (b) Detached accessory apartments in accessory structures:**
 - [1] Minimum size of accessory apartment: 400 square feet.**
 - [2] Maximum size of accessory apartment: Not exceeding 50% of the size of the accessory structure.**
 - [3] Minimum side and rear yards: as required for the principal dwelling.**
- (5) Exterior appearance. If an accessory apartment is located in the principal dwelling, the entry to such unit and its design shall be such that, to the degree reasonably feasible, the appearance of the building will remain as a single-family residence. In cases where alterations are to be made to accommodate the accessory apartment, elevation drawings may be required to be submitted with the application for a special permit.**
- (6) Off-street parking. Off-street parking shall be provided in conformance with the requirements of the off-street parking schedule in Chapter 194 of the Town Code.**
- (7) There shall be no renting of rooms in either the accessory apartment or in the principal dwelling.**
- (8) Sale or subdivision. Neither an accessory apartment nor the premises upon which such accessory apartment is located shall be sold, converted into cooperative or condominium ownership, or subdivided, unless such action is accomplished in full compliance with the codes and ordinances of the Town of East Fishkill, Dutchess County, and the laws of the State of New York.**
- (9) The accessory apartment shall meet the standards of the New York State Uniform Fire Prevention and Building Code for habitable space.**
- (10) The applicant shall comply with all applicable requirements of the Dutchess County Health Department.**
- (11) No expansion of the footprint of any structure by more than 100 square feet will be permitted to allow an Accessory Apartment.**

C. Procedure.

(1) Review by the Building Department:

- (a) No permit from the Building Department for an attached accessory apartment within a single-family dwelling shall be issued unless five years have elapsed from the date of issuance of a certificate of occupancy or certificate of compliance for the dwelling.**
 - (b) No permit from the Building Department for a detached accessory apartment within an accessory structure shall be issued unless five years have elapsed from the date of issuance of a certificate of occupancy or certificate of compliance for the accessory structure.**
- (2) The issued permit does not automatically transfer to new owners. Subsequent owners shall apply to the Building Inspector for a permit renewal. The Building Inspector shall issue the permit if the accessory apartment is in compliance with this chapter and the NYS Uniform Fire Prevention and Building Code. The Building Inspector shall provide notice to adjacent property owners 30 days prior to renewing the permit.**

Section 3. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF EAST FISHKILL
PETER CASSIDY, TOWN CLERK**

**Adopted July 27, 2023
At a Regular Meeting
Held at Town Hall**

Motion to adopt the Negative Declaration and Local Law: Board Member Marinaro. Seconded: Board Member Arco. All voted in favor. Motion carried.

Approve Minutes:

June 22, 2023

Motion to approve the minutes for the June 22, 2023, meeting as amended with a corrected number change: Board Member Flores. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

Announcement of Additions to the Agenda:

Supervisor D'Alessandro said there are two additions to the agenda. One is the installation of a shed at the recreation facility. The second one is accepting a settlement of the Notice of Claim Versus the Town of East Fishkill.

Courtesy of the Floor:

Supervisor D'Alessandro asked if there was anyone who wanted to speak about any general town issues. There was no one.

Receive and File:

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

Resolutions:

1. Appoint Part-Time Legislative Aide

RESOLUTION
(APPOINTING A PART-TIME LEGISLATIVE AIDE)

WHEREAS, Civil Service Law allows the appointment of a person as a Legislative Aide to assist the Town Board; and

WHEREAS, the Town Board would like to appoint a Part-Time Legislative Aide to assist in amending the Master Plan and to perform such other functions as are assigned by the Town Board and Town Supervisor; and

NOW, THEREFORE, BE IT RESOLVED, that Rosemary Boyle Lasher be appointed as a Part-Time Legislative Aide to the Town Board; and

BE IT FURTHER RESOLVED, that she shall be paid \$75 per hour, effective August 4, 2023.

Motion to appoint a part-time legislative aide: Board Member Flores. Seconded: Board Member Franco. All voted in favor. Motion carried.

2. Recognize Retirements in the Police Department and Grant Duty Weapons

RESOLUTION

(ACCEPT LETTERS OF RETIREMENT AND GRANT DUTY WEAPONS TO RETIREES)

WHEREAS, the East Fishkill Town Board has received letters of retirement from Police Chief Christopher Bellino and Officer Scott Grove; and

WHEREAS, the Town Board accepts these letters; and

WHEREAS, it has been standard Police Department, when a member has served 20(+) years with the Department and retires in good standing that their duty weapon is turned over to them upon leaving employment; and

WHEREAS, the following individuals have retired in good standing from the East Fishkill Police Department, and;

WHEREAS, the following individuals have been verified to hold valid NYS pistol permits; and

BE IT RESOLVED, that the Town Board accepts the letters of retirement from Police Chief Bellino and Officer Scott Grove; and

BE IT FURTHER RESOLVED, the Town Board does hereby grant permission to turn over duty weapons to the following individuals:

Chief Christopher Bellino - Glock 19 - Serial BEAG716
Officer Scott E. Grove - Glock 19 - Serial BEAG719

Motion to recognize retirements in the Police Department and grant duty weapons: Board Member Marinaro. Seconded: Board Member Flores. All voted in favor. Motion carried.

The Board all wished both of them best of luck and happy retirement

3. Appoint Supervisory Personnel for the Police Department

RESOLUTION
(APPOINT SUPERVISORY PERSONNEL)

WHEREAS, the East Fishkill Town Board has accepted a letter of retirement from Police Chief Christopher Bellino; and

WHEREAS, the Town Board accepted this letter; and

WHEREAS, the Town Board understands the need to provide appropriate supervisory structure; and

NOW THEREFORE BE IT RESOLVED, that Lieutenant Derrick Cuccia is appointed Officer in Charge with a stipend of \$575.00 per week effective June 30, 2023.

BE IT FURTHER RESOLVED, that Lieutenant Derrick Cuccia remain in this Position until which time a permanent Chief has been appointed.

Motion to appoint Supervisory Personnel for the Police Department: Board Member Marinaro. Seconded: Board Member Arco. All voted in favor. Motion carried.

4. Declaring Lead Agency for Water Supply WIIA Program for Interconnection of Five Town Water Districts

RESOLUTION
(DECLARING LEAD AGENCY FOR WATER SUPPLY WIIA PROGRAM)

WHEREAS, the Town of East Fishkill has experienced several lost water sources including the Hopewell Hamlet, Pine Wood Knolls, and Four Corners Water Districts due to emerging contaminants and reduction in well capacity; and

WHEREAS, the Town of East Fishkill studied several alternates for providing reliable water sources to the water districts and determined that the proposed multi- district interconnection and other improvements best meets water source needs; and

WHEREAS, the project will include water treatment for the Hopewell Hamlet Water Districts Well #1, #2, #3, and #5; and

WHEREAS, the project will include developing water supply at the Beekman Wellfield that will supply water to other town water districts; and

WHEREAS, the project will include interconnection between Hopewell North WD, Beekman WD, Pinewood Knolls WD, Little Switzerland WD, and Four Corners WD; and

WHEREAS, the project will also include system improvements to improve water quality and water flow. Improvements will include metering, water pipe replacement, and flushing hydrants; and

WHEREAS, to facilitate the proposed project, the Town is seeking funding through a WIIA Grant, managed by NYS Environmental Facilities Corporation (NYSEFC and

WHEREAS, a Full Environmental Assessment Form (FEAF) Part 1 was filed with the Town of East Fishkill Town Board (“Town Board”) as required by 6 NYCRR §617.6(a)(2) to initiate the State Environmental Review Act (SEQRA) for the proposed project; and the Town Board identified the project as an Unlisted Action; and

WHEREAS, the Action involves one or more other involved agencies, and the Town conducted a coordinated review under SEQR circulating the EAF along with a Notice declaring its intent to serve as Lead Agency to the Involved Agencies; and

WHEREAS, the Involved Agencies have consented to the Town Board role as Lead Agency;

NOW THEREFORE, IT IS RESOLVED, that the Town Board hereby declares and accepts Lead Agency status for the purpose of conducting the SEQR review of the Action.

Motion to declare lead agency for water supply WIIA Program for interconnection of five town water districts: Board Member Franco. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

5. Authorize Water and Sewer Department Grant Submission for Water Supply WIIA Program

RESOLUTION
**(AUTHORIZE WATER AND SEWER DEPARTMENT GRANT SUBMISSION
FOR WATER SUPPLY WIIA PROGRAM)**

WHEREAS, the Water and Sewer Department is requesting Town Board authorization for submission of grant application(s) for the WATER SUPPLY; and

WHEREAS, the Town previously made an application submission for grant consideration for the Emerging Contaminants Mitigation Project; and

WHEREAS, the Water and Sewer Department will submit a grant application for Water Supply for several Water Districts; and

WHEREAS, the grant program is administered through the New York State Environmental Facilities Corporation Drinking Water State Revolving Funds; and

WHEREAS, the Town will need to meet and adhere to all grant requirements; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the submission of the Grant Application and accompanying documents; and

BE IT FURTHER RESOLVED, that the Town Supervisor, Nicholas D’Alessandro, is authorized to represent and provide authorization on behalf of the Town for the Emerging Contaminants Project.

Motion to authorize water and sewer department grant submission for water supply for WIIA Program: Board Member Arco. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

6. Authorize Negative Declaration for an Unlisted Action Under SEQRA for Water Supply WIIA Program

RESOLUTION
**(Resolution of Negative Declaration for an UNLISTED ACTION Under
SEQRA FOR WATER SUPPLY WIIA PROGRAM)**

WHEREAS, the Town of East Fishkill has experienced several lost water sources including the Hopewell Hamlet, Pine Wood Knolls, and Four Corners Water Districts due to emerging contaminants and reduction in well capacity;

WHEREAS, the Town of East Fishkill having duly considered the water supply, interconnections, system improvements, and the funding for the

project and is cognizant that such proposed action may possibly be considered to have an effect on the environment; and

WHEREAS, the Town of East Fishkill by operation of law is the lead agency authorized to perform a review under the State Environmental Quality Review Act (hereinafter “SEQRA”) pursuant to Article 8 of the Environmental Conservation Law and undertook and COORDINATED review and enlisted the services of appropriate consultants to study and analyze the proposed action and provide professional opinions as to the classification of the nature of the proposed action for purposes of SEQRA; and

WHEREAS, a comprehensive review of the proposed project has been completed and it has been determined that the project is an UNLISTED ACTION for purposes of SEQRA; and

WHEREAS a Long Form Environmental Assessment Form (EAF) was reviewed, discussed, and completed during a town meeting of the Board held on the 22nd day of June 2023 at which time the review included the criteria and determined the significance of the project including the proposed action, its location, its purpose, and its potential impacts on the environment.

WHEREAS, the Town of East Fishkill studied several alternates for providing a reliable water source to the water districts and determined that the proposed multi- district interconnection and other improvements best meets water source needs; and

WHEREAS, the project will include interconnection between Hopewell North WD, Beekman WD, Pinewood Knolls WD, Little Switzerland WD, and Four Corners WD; and

WHEREAS, the project will include system improvements to improve water quality and water flow. Improvements will include metering, water pipe replacement, and flushing hydrants; and

WHEREAS, to facilitate the proposed project, the Town is seeking funding through a WIIA Grant, managed by NYS Environmental Facilities Corporation (NYSEFC); and

WHEREAS, a Full Environmental Assessment Form (FEAF) Part 1, 2, and 3 was filed with the Town of East Fishkill Town Board (“Town Board”) as required by 6 NYCRR §617.6(a)(2) to initiate the State Environmental Review Act (SEQRA) for the proposed project; and the Town Board identified the project as an unlisted action; and

WHEREAS, the Action involves one or more other involved agencies, and the Town conducted a coordinated review under SEQR circulating the EAF along with a Notice declaring its intent to serve as Lead Agency to the Involved

Agencies; and

WHEREAS, the Involved Agencies have consented to the Town Board role as Lead Agency;

NOW THEREFORE, IT IS RESOLVED, that the proposed action is classified as an Unlisted Action; and be it

FURTHER RESOLVED, that the said SEAF with both Parts 1 and 2 filled out be attached to this Resolution for inclusion in the Town’s Records, and be it

FURTHER RESOLVED, that the Town issues a negative declaration in connection with the SEQRA review of this project, be it

FURTHER RESOLVED, that the Supervisor is hereby authorized and directed to endorse the said Negative Declaration on Part 3 of the SEAF attached hereto; and be it

FURTHER RESOLVED, that based upon the consideration and completion of the SEAF process the Town determined the classification and negative declaration noted above, action is required by the Town to comply with SEQRA, through notification to the Environmental Notice Bulletin (ENB) and authorizes the Town Clerk to make notification.

Motion to authorize Negative Declaration for an unlisted action under SEQRA for water supply for WIIA Program: Board Member Franco. Seconded: Board Member Arco. All voted in favor. Motion carried.

7. Authorize Bond Resolution for Water Supply WIIA Program Subject to Permissive Referendum

RESOLUTION

BOND RESOLUTION FOR WATER SUPPLY WIIA PROGRAM

SUBJECT TO PERMISSIVE REFERENDUM

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE PURCHASE OF UPGRADING, AND IMPROVING PIPES, PUMPS, WELLS, AND APPERTANCES IN THE TOWN OF EAST FISHKILL, DUTCHESS COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$16,728,196., AND AUTHORIZING THE ISSUANCE OF \$16,728,196 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act and Findings Statement will not have a significant adverse effect on the environment; and

WHEREAS, it is now desired to authorize such capital project and its financing:

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of East Fishkill, Dutchess County, New York as follows:

Section 1. The purchase and installation of Pipes, Pumps, and Appetences each item of which costs \$30,000 or over, for the Town of East Fishkill, Dutchess County, New York, including incidental equipment and expenses in connection therewith, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$16,728,196.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$16,728,196. bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years, pursuant to subdivision 28 of paragraph of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of East Fishkill, Dutchess County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year unless paid from other revenues. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal

of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for

purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or summary form in the official newspaper(s) of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM**

Motion to authorize bond resolution for water supply for WIIA Program subject to Permissive Referendum: Board Member Franco. Seconded: Board Member Arco. All voted in favor. Motion carried.

8. Authorize State Reverse Betterment for Route 52 Traffic Mitigation Area

RESOLUTION

(AUTHORIZING DESIGN AND CONSTRUCTION OF ROUNDABOUT PAVING AND DRAINAGE ON ROUTE 52/AUDITORIUM DRIVE ON THE STATE HIGHWAY SYSTEM, THE PERFORMANCE AND FUNDING IN THE FIRST INSTANCE 100% OF THE COSTS OF DESIGN AND CONSTRUCTION OR RECONSTRUCTION THEREFORE, TO BE REIMBURSED BY THE STATE AND APPROPRIATING FUNDS THEREFORE.)

WHEREAS, the State of New York has requested the Town of East Fishkill to incorporate improvements (the State Reverse Betterment) to Paving & Drainage on Route 52/Auditorium Drive in the Town of East Fishkill, PIN 8021.76 combined with a Town improvements project to adjacent Town highways;

WHEREAS, Resolution No. 176-2022 adopted by the Town of East Fishkill on September 22, 2022 approved and agreed to advance the Project by making a commitment of 100% of the costs of the Project or portions thereof.

WHEREAS, it was subsequently found necessary to undertake additional work not contemplated in the original agreement authorized by the previous Resolution; and

WHEREAS, it has been found necessary to increase the non-federal share of costs for the additional work for the project; and

WHEREAS, the Town of East Fishkill desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the work for the Project or portions thereof.

NOW, THEREFORE, the East Fishkill Town Board, duly convened does hereby;

RESOLVE, that the East Fishkill Town Board hereby approves such project inclusive of the State Betterment (collectively the “Project”); and it is hereby further

RESOLVED, that the East Fishkill Town Board hereby authorizes the Town of East Fishkill to pay in the first instance 100% of the costs of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$118,000 (\$618,000 minus the previous \$500,000) is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the East Fishkill Town Supervisor be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests on behalf of the Town with NYSDOT in connection with the implementation of the Project, and reimbursement of the approved costs associated with the State Betterment, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

Motion to authorize State Reverse Betterment for Route 52 Traffic Mitigation Area: Board Member Arco. Seconded: Board Member Flores. All voted in favor. Motion carried.

9. Appoint an Assistant Civil Engineer

RESOLUTION (APPOINTING AN ASSISTANT CIVIL ENGINEER)

WHEREAS, there is need for an Assistant Civil Engineer in the Engineering Department; and

WHEREAS, the Town Engineer and members of the Town Board have interviewed Allison Marino; and

WHEREAS, the Town Engineer has recommended that Allison Marino be employed Full-time; and

NOW, THEREFORE, BE IT RESOLVED, that Allison Marino is appointed as a Full-time Assistant Civil Engineer with an annual salary of \$85,000, effective August 21, 2023.

Motion to appoint an Assistant Civil Engineer: Board Member Flores. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

10. Direct Preparation of Fuel Monitoring Policy and Safety Policy

RESOLUTION
(DIRECTING UPDATING OF FUEL DISPENSING & SAFETY POLICIES)

WHEREAS, from time to time the Town Board adopts policies in regard to employee conduct and activities; and

WHEREAS, at times the Town Board deems it necessary to update, modify or expand policies; and

WHEREAS, the Board has determined that the fuel dispensing and record policy as well as the safety policy of the Town need updating;

NOW, THEREFORE, BE IT RESOLVED, that the Town Comptroller and Town Attorney are directed to review the above policies and make recommendations to the Town Board with respect to same.

Motion to direct preparation of Fuel Monitoring Policy and Safety Policy: Board Member Marinaro. Seconded: Board Member Arco. All voted in favor. Motion carried.

11. Reschedule September 14 workshop meeting to September 28 at 5 PM

RESOLUTION
(AUTHORIZE CHANGE OF SEPTEMBER TOWN BOARD MEETING)

WHEREAS, due to conflicting schedules the Supervisor is requesting to change the September 14 Workshop meeting at 6:00pm to September 28 at 5:00pm; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board shall set September 28,2023 at 5:00PM as its regularly scheduled meeting; and

BE IT FURTHER RESOLVED, that the Town Clerk shall duly advertise

said meeting date change.

Motion to reschedule September 14 workshop meeting to September 28 at 5 PM: Board Member Franco. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

12. Set Public Hearing for December 14 for Battery Storage Local Law

RESOLUTION
(SETTING PUBLIC HEARING WITH RESPECT
TO LIMITING BATTERY STORAGE FACILITIES)

WHEREAS, the Town Board has determined that the establishment of Battery Storage Facilities of all kinds should be limited and only permitted under special conditions in industrial areas and only after full consultation with firematic officials;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hold a Public Hearing on December 14, 2023 at 6:00 p.m. at Town Hall, 330 Route 376, Hopewell Junction, NY to consider a Local Law entitled “A” Local Law Limiting and Regulating Battery Storage Facilities in the Town”.

Motion to set a Public Hearing for December 14 for Battery Storage Local Law: Board Member Arco. Seconded: Board Member Flores. All voted in favor. Motion carried.

13. Appoint Seasonal Lifeguard

RESOLUTION
(AUTHORIZING HIRING OF ADDITIONAL SEASONAL EMPLOYEES FOR
CAMP AND RED WING PARK)

WHEREAS, the Town of East Fishkill conducts extensive summertime programs for the Town; and

WHEREAS, the Director of Recreation has previously submitted to the Town Board a list of names of the temporary summer employees for the Recreation Camp and Red Wing Park; and

WHEREAS, the Town Board has previously authorized the hiring of temporary part-time workers for the 2023 summer season to assist in various programs; and

WHEREAS, the Director of Recreation has requested that the Town Board authorize the retroactive hiring of Anthony Forlivio as a lifeguard, to fill a vacancy created by a prior lifeguard exiting; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorize the retroactive hiring of Anthony Forlivio as a lifeguard, effective July 1, 2023; and

BE IT FURTHER RESOLVED, that the Director of Recreation is hereby authorized to hire additional temporary employees, beyond the initial list that was provided, as needed throughout the season.

BE IT FURTHER RESOLVED, that all additional temporary summer employees shall be hired subject to receipt of a background check.

Motion to appoint a a seasonal lifeguard: Board Member Flores. Seconded: Board Member Arco. All voted in favor. Motion carried.

14. Award Bid for Electronic Signs

RESOLUTION

(AUTHORIZING ADVERTISING FOR BIDS FOR ELECTRONIC SIGNAGE)

WHEREAS, it is the desire of the Town Board to install electronic signage in front of the Town Hall and in front of the main Recreation Park for important information to be displayed in a timely fashion; and

WHEREAS, the Supervisor's Office is completing the bid documents to allow for the receipt of bids for the signage; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize the completion of the bid documents for the development of the signs, including but not limited to the placement, electric and specifications; and

BE IT FURTHER RESOLVED, that upon completion of the bid specs, that the Town Clerk be and hereby are authorized to advertise for the receipt of bids for the development and installation of same; and

BE IT FURTHER RESOLVED, that upon the receipt of bids, the Town Engineer shall review the same and make a recommendation to the Town Board with respect to its award.

Motion to award the bid for electronic signs: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

15. Designate Additional Town Depository

RESOLUTION

(DESIGNATE AN ADDITIONAL OFFICIAL DEPOSITORY OF THE TOWN)

WHEREAS, the Town Board is responsible for authorizing official depositories for the Town; and

WHEREAS, the Town Comptroller has recommended that Raymond James Financial be added as a depository of the Town to be authorized by the Board for the deposit of money based upon competitive interest rates;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby designate Raymond James Financial, with offices located in Somers, New York as an official depository for the Town of East Fishkill for all official accounts of all public offices; and

BE IT FURTHER RESOLVED, that Raymond James Financial be and hereby is authorized to be an additional depository for the Town for funds to be deposited by the Town Supervisor based upon competitive interest rate quotes given at the time of investment within the limits of FDIC Insurance or third party reciprocal collateralization.

BE IT FURTHER RESOLVED, that the deposits shall all be secured in accordance with Town Law.

Motion to designate additional Town Depository: Board Member Franco. Seconded: Board Member Flores. All voted in favor. Motion carried.

16. Clarify and Further Define Duties of Grants Writer/Economic Development Existing Positions

RESOLUTION
**(MODIFYING THE DUTIES OF THE GRANT WRITER
AND ECONOMIC DEVELOPMENT DIRECTOR)**

WHEREAS, the Town has both a Grant Writer and Economic Development Director; and

WHEREAS, as both positions have developed it appears that modifications of duties should be considered;

NOW, THEREFORE, BE IT RESOLVED, that both positions will be renamed as Grant Development Coordinator who shall apply for grants as approved by this Board and will upon acceptance of any grant awarded, the Coordinator who applied for the grant, will become the grant facilitator.

Motion to clarify and further define duties of Grant Writer/Economic Development existing positions: Board Member Marinaro. Seconded: Board Member Arco. All voted in favor. Motion carried.

17. Authorize Salary Adjustment for Senior Police Assistant for Additional Duties

RESOLUTION
(AUTHORIZE SALARY ADJUSTMENT FOR SENIOR POLICE ASSISTANT)

WHEREAS, Alyssa Ashley current holds the title of Senior Police Assistant with the Town; and

WHEREAS, Alyssa Ashley has taken on additional duties pertaining to the department's implementation of New World Compensation Software; and

WHEREAS, the Town is requesting the authorization to adjust Alyssa Ashley's salary by an additional \$1.00 per hour; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize the adjustment of Alyssa Ashley's salary, retroactive to January 1, 2023; and

BE IT FURTHER RESOLVED, that this salary adjustment shall be ceased upon determination and notice from the Town Police Chief that these additional duties are no longer required.

Motion to authorize salary adjustment for Senior Police Assistant for additional duties: Board Member Arco. Seconded: Board Member Franco. All voted in favor. Motion carried.

18. Authorize a Shed at the Recreational Facility

RESOLUTION
(AUTHORIZING A THE INSTALLATION OF A SHED AT THE RECREATION FACILITY)

WHEREAS, the Southern Dutchess Patriots Football and Cheer have approached the Town with a plan to erect a two-bay garage shed at the McGrath Field; and

WHEREAS, said building will be purchased by the league with grant funds. This will be no cost to the town; and

WHEREAS, the structure will be given to the Town for recreation usage;

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby approves the installation of said structure near the McGrath Field. The Highway Department will oversee the project for proper installation and location; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute an agreement for the town's ownership of such property.

Motion to authorize a shed at the Recreation Facility: Board Member Franco. Seconded: Board Member Flores. All voted in favor. Motion carried

19. Consent to the Settlement of the Notice of Claim Versus the Town of East Fishkill

RESOLUTION
(CONSENTING TO THE SETTLEMENT OF THE CLAIM OF STEVENS v. TOWN OF EAST FISHKILL)

WHEREAS, in 2017 a Claim was filed against the Town by Cody Stevens for injuries sustained by him in an auto accident following his release from police custody; and

WHEREAS, his injuries are serious and substantial; and

WHEREAS, the Towns insurance carrier has agreed to settle the case for 11 million dollars under the terms of the insurance policy; and

WHEREAS, the original demand was for 23 million dollars; and

WHEREAS, the Town has the obligation to cooperate with its carrier in settling claims; and

WHEREAS, the Towns deductible and expenses in this matter will not exceed \$15,000.00; and

NOW THEREFORE BE IT RESOLVED, that pursuant to Town Law the Town Board approves of the settlement and authorizes the Town Comptroller to pay up to \$15,000.00 in deductibles and expenses,

Motion to consent to the settlement of the Notice of Claim versus the Town of East Fishkill: Board Member Franco. Seconded: Board Member Flores. 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 stated this is just moving appropriations from one line to another area. There is no net increase to the bottom line of the budget.

Motion to approve the budget transfers as proposed: Board Member Franco. Seconded: Board Member Flores. All voted in favor. Motion carried.

Comments from Town Board Members:

Highway Superintendent Williams stated they have been very busy at the Highway Department. Tonight a storm took out trees over by the covered bridge area so he will head there as soon as he is done. The July 10 storm created a lot of flooding, road washouts, catch basin and culvert issues and additional damage. Areas with the most damage were Long Hill, Miller Hill, Nanook, Hosner Mountain, East Hook Road, West Hook Road, Woodmont Road, and a few others. There were issues at Carol Drive bridge. He thanked the Town of Wappinger for the assistance with their sweeper and jet vac for the cleanup. They have finished

up on Blueberry, Kim, and Ivy with all the pipework and will hopefully be paving next week. They are finishing up the pipework on Probst Terrace and then they will be starting pipework on Patricia and Jess Court and then they will be doing the paving. He thanked the Board for all their support and thanked Board Member Arco for all his work as liaison.

Board Member Arco stated things are going well in the Highway Department. They have been having their toolbox talks every week and it has been working well. He thanked Assistant Highway Superintendent Tom Knapp. He has always stepped up to help with anything necessary. He thanked everyone as there are so many people who step up and help on a daily basis. He stated he does try to meet with the Fire District at least once a month. He does communicate with them on a biweekly basis as well. He is meeting with them and the Building Inspector, Matt Rickett, working on Knox Box issues. They are trying to get Knox boxes to have current keys for all businesses. The fire district will schedule time with a business to ensure current key is in the box. Please allow ample time to schedule that. The Fire Commissioners wanted to express their gratitude to Matt Rickett as well, as he has been responding to their calls 24/7 to assist with building inspections after incidents. Board Member Arco has been working with additional people throughout the Town on evaluating and creating specifications for current and future like safety work on the town owned properties. This is a multi-Department effort. He thanked everyone involved. He talked to the contractor regarding fuel management. They should have pricing in the next few days on the system that will help post costs to appropriate departments and evaluate usage.

Board Member Marinaro presented a report from the Police Department. They have been very busy in the last month. He reviewed several individual crime reports that happened during the month. The Police Department would like to thank Assistant District Attorney Matthew Weiser for his assistance putting together guidelines regarding New York State's recent changes. The Dutchess County Task Force would like to report their success with drug seizures and gun removals. The East Fishkill Police Department works jointly with this Department. There have been two graduating officers and Supervisor D'Alessandro and Board Member Marinaro attended the graduation ceremonies. Tomorrow will mark the completion of their successful field training. The Police Department would like to remind the residents that this summer they are participating in a program funded by grants for aggressive driving arrests. There was a tower issue for the radios and it is not corrected yet. The Exploratory Mental Health Program is going as planned. A behavioral specialist has been chosen and is currently going through a training process. They should be working with our department by early September. Training will go on in August for the active shooter training at Van Wyck Junior High in conjunction with the Town of Fishkill Police Department. They wanted to thank the Wappinger Central School Superintendent Bonk and the Van Wyck Principal Wilson Castro for allowing the training to happen at their building. The East Fishkill PBA is hosting their 25th annual golf tournament Monday, August 7 at Trump National Golf Course. Board member Marinaro stated he met last week with the two police lieutenants. Lieutenant Cuccia will be the leading

agent. They will all be working together to help create a better environment and to lead how things will move forward. There was an issue this past month with a contractor who was hired to dispose of tires from the site and decided to leave them all over town. Lieutenant Stanis removed the tires from the roadside on his own. Board Member Marinaro wanted to thank him for his efforts.

Board Member Franco stated Think Differently Day at the Beach will be August 13 at Red Wing Park. You can register at eastfishkillrecreation.com. Children of different abilities come from all over the county to participate in the events that day. It is a great day for all who attend. Youth Winter Basketball Registration opens on August 1. Summer camp is halfway through its season and the campers are having a great time. The concert series, which is being held Friday nights at the park, is a lot of fun and has great entertainment. July 28 is Chain Gang, August 4 is the Hurley Mountain Highway Band, August 11 is the Harvest Band, August 18 is Roadhouse 60s, August 26th is Steel Owl, September 1 is Johnny Dell and Nightlife.

Board Member Flores expressed her sincere appreciation to the first responders, Highway Department, and residents for how everyone pulled together during the storm. Watching how everyone works together is very impressive. This month she toured the iPark Complex and discussed current operations and future plans. A potential client was there and she was able to convey to the clients how eager the Town Board is for economic development. She is getting up to speed on her work as liaison to the Planning and Zoning boards. She is eager to be part of the Master Plan work. The Master Plan will help identify and unite short term activities with the long-term vision. She listed several benefits that the Master Plan will serve.

Supervisor D'Alessandro stated the acting Police Chief just sent a message that if you live in the area of Old Sylvan Lake Road, King Road, Pleasant Hill Road, Route 82 and Taconic State Parkway area, there were severely strong winds that have taken down many trees in the area. Most roads are still passable, but not all. They will be doing house checks as well. Please be careful in that area. He stated this past week the Honorable Frank Howlick, a past town justice, passed away. There will be a moment of silence at the end of the meeting for him. They offer their prayers and sympathies to the family.

Motion for Adjournment: Time: Motion to adjourn the regular meeting at 7:31 PM: Board Member Franco. Seconded: Board Member Arco. All voted in favor. Motion carried.

Town Board Meetings:

Workshop/Voting Meeting: August 24, 2023

Respectfully submitted by Julie J. Beyer on behalf of Town Clerk Peter Cassidy –
July 31, 2023