



Town of East Fishkill
Dutchess County, New York
330 Route 376, Hopewell Junction,
New York 12533

**TOWN OF EAST FISHKILL
TOWN BOARD MEETING
DECEMBER 14, 2023 @ 6:00 PM
AGENDA**

Call to Order

Pledge of Allegiance

Supervisor's Presentations

Performance by the Van Wyck Griffons Band, Chorus and Orchestra

Supervisor's Announcements

Roll Call

Presentation

Public Hearings

1. Open Public Hearing to Update Disabled Person Tax Exemptions
 - a. Close Public Hearing
 - b. Adopt Law

2. Open Public Hearing to Consider Battery Storage Local Law
 - a. Close Public Hearing
 - b. Adopt Neg Dec and Law

Approve Minutes

November 9, 2023 Town Board Meeting

Announcement of Additions to the Agenda

Courtesy of the Floor

Receive and File

Letter from the East Fishkill Historical Society
Letter WIIA Grant Award

Resolutions:

1. Authorize Advertisement of Bid for Sagamor Sewer District Dechlorination Upgrade
2. Declare Lead Agency for Rt 52 Commercial Water District Upgrades & Negative Declaration
3. Schedule Public Hearing for February 8, 2023 for Rt 52 Commercial Water District Improvements
4. Adopt Amended LL #5 of 2023 Correcting Typo
5. Set Public Hearing for March 28, 2024 to Consider Amending Local Law Limiting Location of Smoke Vape Shops, etc.
6. Authorization of Change Order of Term Contract for Additional Hydrant and Valve
7. Establish a Technical Review Committee
8. Update Town Employee Policy
9. Authorize Hiring Full-time Water Sewer Mechanic
10. Declare Surplus and Authorize the Auction of Same
11. Authorize Purchase of Monuments for Veterans Under a County Grant
12. Authorize Attendance Association of Towns
13. Approve Salary Schedule for 2024
14. Approve Water and Sewer Rates for 2024
15. Authorize Hiring Two Full-time Clerks
16. Appoint Seasonal Interns
17. Authorize Assignment of Agreements for Water Supply and Storage with respect to the Rt 52 Commercial Water District and Amended Agreements
18. Appoint Architectural Review Board Member and Alternate
19. Acknowledge the Hiring of Seasonal Wingmen

Additions to the Agenda by Majority Vote (If any)

Budget Transfers - Yes

Board Member Comments

Adjournment

Next Town Board Meetings: Regular Meeting: January 18, 2024 Regular Meeting
Regular Meeting: February 8, 2024 Workshop/Regular Meeting

Local Law No. ___ of 2023

(A LOCAL LAW TO AMEND TOWN CODE PROVISIONS WITH RESPECT TO TAX EXEMPTIONS FOR PERSONS WITH DISABILITIES)

Section 1. Legislative Intent

The Town Code currently contains provisions related to exemptions for certain groups. These exemptions are based on limits allowed by the State pursuant to the Real Property Tax Law (“RPTL”). From time to time, the State increases exemption limits for certain groups. Based on these increases, the Supervisor and Town Board now wish to update the Town Code to reflect these updated exemption limits.

Section 2. Amendments to the Town Code Section 168-15 for Tax Emption for Persons with Disabilities

Section 168-15(A) shall be amended to read as follows:

No exemption shall be granted if the income of the owner or the combined income of owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$43,399.99. Income tax year shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum.

The Table in Section 168-15(D) shall be removed and replaced with the following Table:

Annual Income	Percentage of Assessed Valuation Exempt from Taxation
\$35,000 or less	50%
\$35,000-35,999	45%
\$36,000-36,999	40%
\$37,000-37,999	35%
\$38,000-38,899	30%
\$38,900-39,799	25%
\$39,800-40,699	20%
\$40,700-41,599	15%
\$41,600-42,499	10%
\$42,500-43,399	5%
\$43,400 or more	0%

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 December 14, 2023
At a Regular Meeting
Held at Town Hall**

DRAFT

Local Law No. ___ of 2023

(A LOCAL LAW ADDING PROVISIONS TO THE TOWN CODE WITH RESPECT TO BATTERY ENERGY STORAGE SYSTEMS)

Section 1. Legislative Intent

Throughout the region, there has been an increase in the number of battery energy storage operators submitting proposals to municipalities. Due to safety concerns, most areas of the Town are inappropriate for battery energy storage systems. The Town Board seeks to codify requirements to ensure the safety and health of the residents of East Fishkill.

Section 2. Additions to the Town Code

The following provisions shall be added to the Town Code in relation to Battery Energy Storage Systems:

1. Statement of Purpose

This Battery Energy Storage System Law is adopted to advance and protect the public health, safety, welfare, and quality of life of the of East Fishkill by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

- A. To provide a regulatory scheme for the designation of properties suitable for the location, construction, and operation of battery energy storage systems;
- B. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems; and
- C. To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife, and other protected resources

2. Definitions

As used in this Chapter, the following terms shall have the meanings indicated:

ANSI: American National Standards Institute

BATTERY(IES): A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM: An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

BATTERY ENERGY STORAGE SYSTEM: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

CELL: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

COMMISSIONING: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

DEDICATED-USE BUILDING: A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group H occupancy as defined in the International Building Code, and complies with the following:

- 1) The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.
- 2) No other occupancy types are permitted in the building.
- 3) Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
- 4) Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:
 - a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.
 - b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

ENERGY CODE: The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

FIRE CODE: The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL): A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC: National Electric Code.

NFPA: National Fire Protection Association.

NON-DEDICATED-USE BUILDING: All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

NON-PARTICIPATING PROPERTY: Any property that is not a participating property.

NON-PARTICIPATING RESIDENCE: Any residence located on non-participating property.

OCCUPIED COMMUNITY BUILDING: Any building in Occupancy Group A, B, E, I, R, as defined in the International Building Code, including but not limited to schools, colleges, daycare facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

PARTICIPATING PROPERTY: A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.

UNIFORM CODE: the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

3. Applicability

A. The requirements of this Local Law shall apply to all battery energy storage systems permitted, installed, or modified in the Town of East Fishkill after the effective date of this Local Law, excluding general maintenance and repair.

B. Battery energy storage 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.

C. Modifications to, retrofits, or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this Local Law.

4. General Requirements

A. A building permit and an electrical permit shall be required for installation of all battery energy storage systems.

B. Issuance of permits and approvals by the Planning Board shall include review pursuant to the State Environmental Quality Review Act.

C. All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (1) contain or are otherwise associated with a battery energy storage system and (2) subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the Town Code.

5. Permitting Requirements for Battery Energy Storage Systems

Battery Energy Storage Systems are permitted through the issuance of a Special Permit by the Town Board and Site Plan Review issued by the Planning Board within the I-1 District, I-2 District, I-3 District, and shall be subject to the Uniform Code and the site plan application requirements set forth in this Section.

6. Permitting Requirements for Battery Energy Storage Systems

Battery Energy Storage Systems are permitted through the issuance of a special permit from the Town Board and within the I-1 District, I-2 District, I-3 District, and zoning districts, and shall be subject to the Uniform Code and the site plan application requirements set forth in this Section.

A. Applications for the installation Battery Energy Storage System shall be:

- 1) reviewed by the Engineering, Planning, and Building Departments for completeness. An application shall be complete when it addresses all matters listed in this Local Law including, but not necessarily limited to: (i) compliance with all applicable provisions of the Uniform Code

and all applicable provisions of the Energy Code and (ii) matters relating to the proposed battery energy storage system and Floodplain, Utility Lines and Electrical Circuitry, Signage, Lighting, Vegetation and Tree-cutting, Noise, Decommissioning, Site Plan and Development, Special Use and Development, Ownership Changes, Safety, and Permit Time Frame and Abandonment.

2) subject to a public hearing to hear all comments for and against the application as required by Chapter 194 of the Town Code. The Town Board is not required to have a Public Hearing if it believes that the Planning Board Public Hearing was sufficient.

3) referred to the Dutchess County Planning Department pursuant to General Municipal Law § 239-m if required.

B. Utility Lines and Electrical Circuitry. 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-way.

C. Signage.

1) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.

2) As required by the 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.

D. Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

E. Vegetation and tree-cutting. The site shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

F. Noise. The 1-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level as described in the noise ordinance of the Town Code as measured at the outside wall of any non-participating residence or occupied community building. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

G. Decommissioning.

1) Decommissioning Plan. The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall include:

- a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
- c. The anticipated life of the battery energy storage system;
- d. The estimated decommissioning costs and how said estimate was determined;
- e. The method of ensuring that funds will be available for decommissioning and restoration;
- f. The method by which the decommissioning cost will be kept current;
- g. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
- h. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

2) Security.

- a. 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 200% of the cost of removal of the Battery Energy Storage System and restoration of the property with an escalator of 2% annually for the life of the Battery Energy Storage System.
- b. 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.
- c. In the event of default or abandonment of the solar energy system, the system shall be decommissioned as set forth herein.

H. Site plan application. For a Battery Energy Storage System, site plan approval shall be required. Any site plan application shall include the following information plus all other Site Plan requirements found throughout the Town Code:

- 1) Property lines and physical features, including roads, for the project site.
- 2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.

- 3) An electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
- 4) A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters, and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
- 5) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.
- 6) Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.
- 7) Zoning district designation for the parcel(s) of land comprising the project site.
- 8) Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, Battery energy storage system commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to the Town Engineer prior to final inspection and approval and maintained at an approved on-site location.
- 9) Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code. The Applicant must satisfy all comments from the Fire Advisory Board. The Applicant shall be solely responsible for purchasing any new equipment required to ensure the safety of the community.
- 10) Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing, and commissioning information and shall meet all requirements set forth in the Uniform Code.
- 11) Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.
- 12) Prior to the issuance of the building permit or final approval by the Planning Board, but not required as part of the application, engineering documents must be signed and sealed by a NYS Licensed Professional Engineer.
- 13) Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code

officials, and emergency responders. The emergency operations plan shall include the following information:

- a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
- b. Procedures for inspection and testing of associated alarms, interlocks, and controls.
- c. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
- d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
- e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
- f. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
- g. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.
- h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

I. Special Use Permit Standards.

- 1) **Setbacks.** The principal structure of the Battery Energy Storage Systems shall be located at least 1,500 feet away from the nearest structure and 5,000 feet away from the nearest residential structure.
- 2) **Height.** Battery Energy Storage Systems shall comply with the building height limitations for principal structures of the underlying zoning district.
- 3) **Fencing Requirements.** Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by an 8-foot-high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.
- 4) **Screening and Visibility.** Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports.

J. Ownership Changes. If the owner of the battery energy storage system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Building Department of such change in ownership or operator within thirty (30) days of the ownership change. A new owner or operator must provide such notification to the Building Department in writing. The special use permit and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification to the Building Department in the required timeframe. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this Local Law.

7. Safety

A. System Certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

- 1) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
- 2) UL 1642 (Standard for Lithium Batteries),
- 3) UL 1741 or UL 62109 (Inverters and Power Converters),
- 4) Certified under the applicable electrical, building, and fire prevention codes as required.
- 5) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.

B. Site Access. Battery energy storage 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 and the local ambulance corps.

C. Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

8. Permit Time Frame and Abandonment

A. The Special Use Permit and site plan approval for a battery energy storage system shall be valid for a period of 24 months, provided that a building permit is issued for construction during this time. 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 Planning Board, within 24 months after approval, the Town may extend the time to complete construction. If the owner and/or operator fails to perform substantial construction after 36 months, the approvals shall expire.

B. The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than twelve (12) months. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, enter the property and

utilize the available bond and/or security for the removal of a Battery Energy Storage System and restoration of the site in accordance with the decommissioning plan.

9. Enforcement

Any violation of this Battery Energy Storage System Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Town Code.

10. Public Benefit Contribution

Each applicant for a Battery Energy Storage System shall be required to enter into a public benefit contribution agreement to benefit police, fire, basic life support, and advanced life support services in the Town of East Fishkill. Sufficiency of the contribution and duration of the agreement shall be determined by the Town Board.

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 December 14, 2023
At a Regular Meeting
Held at Town Hall**

RESOLUTION-xxx/2023

(AUTHORIZE ADVERTISEMENT FOR SAGAMOR SEWER MODIFICATIONS)

WHEREAS, the NYSDEC modified the operating permit for the Sagamor Wastewater Treatment Plant by reducing discharge limits, starting at the end of 2024; and

WHEREAS, the Water and Sewer Department utilized Consulting Engineering Services to complete an engineering design and obtain NYSDEC approval for the modifications; and

WHEREAS, the Water and Sewer Department is now requesting Town Board authorization for advertisement for construction services to complete the approved modifications; and

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor and Town Clerk be and hereby are authorized to advertise for BID responses for the Water and Sewer Department Sagamor Sewer Modifications; and

BE IT FURTHER RESOLVED, that said responses shall be received and evaluated by the Supervisor and Water and Sewer Department so that a recommendation can be provided to the Town Board for selection and authorization.

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

**DATED: DECEMBER 14, 2023
EAST FISHKILL, NY**

**RESOLUTION-xxx/2023
(DECLARING LEAD AGENCY AND ADOPTING A NEGATIVE DECLARATION
FOR ROUTE 52 COMMERCIAL WATER DISTRICT (WD))**

WHEREAS, the Town of East Fishkill has been requested by Natural Resources, Frito Lay, and ONSEMI conductor for the installation of a new waterline and storage tank that will serve the Rt 52 Commercial Water District; and

WHEREAS, the Town of East Fishkill has sought Engineering Consulting Services; and

WHEREAS, the Town of East Fishkill previously established the Water District; and

WHEREAS, the Town will utilize water source delivered by Dutchess County Water and Waste Water Authority (DCWWA); and

WHEREAS, the Town will receive easements for the eventual location of waterline and storage tank; and

WHEREAS, an Environmental Assessment Form (EAF) has been filed with the Town Board as required by 6 NYCRR §617.6(a)(2) to initiate the mandatory environmental review prescribed by the State Environmental Review Act (SEQRA) for the proposed project; and

WHEREAS, the Town Board reviewed the SEQRA list actions and determined the project is an Unlisted Action and declared their intent to be Lead Agency for the purpose of conducting the SEQR review on October 26, 2023; and

WHEREAS, the Town Board circulated the EAF to all involved and interested agencies on October 27, 2023 and received no objection to their declaration of Lead Agency; and

WHEREAS, upon review of the EAF and all SEQR documentation for the proposed action, the Town Board determined that the proposed action would not have a significant adverse impact on the environment and a Conditional Negative Declaration was prepared; and

WHEREAS, the SEQR documentation identified the need to prepare an Intrusive Activities Work Plan (IAWP) that will be permitted through the NYSDEC; and

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

FURTHER RESOLVED, that an Intrusive Activities Work Plan be prepared; and

FURTHER RESOLVED, that the Town Board adopts a Conditional Negative Declaration for the construction of the Route 52 Commercial Water District.

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

DATED: DECEMBER 14, 2023

DRAFT

Name of Action: **Route 52 Commercial Water District**

For Further Information:

Contact Person: Peter J. Cassidy, Town Clerk
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 will result in the construction of a new water system on portions of the iPark Campus and the ONSEMI facility. The proposed new water mains and storage tank would be located within existing roads, parking lots and previously disturbed areas and would not be expected to result in any significant adverse impacts on the environment for the following reasons:

1. It will not generate a significant amount of additional vehicles, noise or emission levels.
2. It will not affect rare or endangered species of animal or plant, or habitat of such species.
3. It will not result in any impacts to historic or archeological resources.
4. It will not result in any impacts related to hazardous materials.
5. It will not result in a significant effect on air, water quality or ambient noise levels for adjoining areas.
6. It will not be subjected to unacceptable risk of flooding or major geological hazards.
7. It will not have a substantial aesthetic affect.
8. It will not involve adversely affect any surface water or groundwater.
9. It will not allow for improper uses within specified zoning districts.
10. It will not result in adverse cumulative impacts.
11. It will not result in adverse growth-inducing impacts.
12. It will not conflict with the Town's Comprehensive Plan.

The ONSEMI/Natural Resources (formerly IBM) campus requires compliance with the EPA Site Identification Number NYD000707901. Compliance includes the development, approval, and actions needed for an Intrusive Activities Work Plan (IAWP). The IAWP is for NYSDEC Site Number 314054. Once the final waterline alignment is established, the IAWP will be prepared and submitted to the NYSDEC for review and permitting of soil disturbance. In general, the IAMP will require soil sampling prior to construction and Air Monitoring during construction. Typical IAWP allow soils can be reused on site. The IAWP ensures soil mitigation has been established. Attached is a copy of the IAWP template.

There are no other potential significant impacts were identified as a result of the Proposed Action.

Based on a review of 6NYCRR 617.7, the only potential significant adverse environmental impact would be from soil management. There appears to be no other significant adverse environmental impacts.

Therefore, this action includes a Conditional Negative Declaration as defined by Section 617.7(d).

The ONSEMI (formerly IBM) campus requires compliance with the EPA Site Identification Number NYD000707901. Compliance includes the development, approval, and actions needed for an Intrusive Activities Work Plan (IAWP). The IAWP is for NYSDEC Site Number 314054. Once the final waterline alignment is established, the IAWP will be prepared and submitted to the NYSDEC for review and permitting of soil disturbance. In general, the IAWP will require soil sampling prior to construction and Air Monitoring during construction. Typical IAWP allow soils can be reused on site. The IAWP ensures soil mitigation has been established. Attached is a copy of the IAWP template.

CONDITION #1: Project requires the preparation, submission to NYSDEC, and approval of an IAWP.

THIS CONDITIONAL NEGATIVE DECLARATION WAS AUTHORIZED AT A MEETING OF THE TOWN BOARD OF THE TOWN OF EAST FISHKILL HELD ON DECEMBER 14, 2023.

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)

RESOLUTION

4136-4124-4493.01

42459-2-706

At a regular meeting of the Town Board of the Town of East Fishkill, Dutchess County, New York, held at the Town Hall, in Hopewell Junction, New York on December 14, 2023, at 6:00 o'clock P.M., Prevailing Time.

PRESENT:

NICHOLAS D’ALESSANDRO
Supervisor

TOM FRANCO
Councilperson

EMANUELE MARINARO
Councilperson

CRAIG ARCO
Councilperson

MARIANNE FLORES
Councilperson

<p>In the Matter of The Increase and Improvement of the Facilities of Route 52 Commercial Water District, in the Town of East Fishkill, Dutchess County, New York</p>	<p>ORDER CALLING PUBLIC HEARING</p>
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WHEREAS, the Town Board of the Town of East Fishkill, Dutchess County, New York, has caused to be prepared a map, plan and report, including an estimate of cost, pursuant to

Section 202-b of the Town Law, relating to the increase and improvement of the facilities of Route 52 Commercial Water District, in the Town of East Fishkill, Dutchess County, New York (the “Water District”), being the purchase and installation of a new water storage tank on a [Town-owned/leased] parcel of land adjacent to the site of Building #350 at the ONSEMI/iPark Campus, together with metering building, meter vaults, water mains and original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$7,713,597.75; and

WHEREAS, said capital project, 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, which it has been determined will not have any significant adverse impact on the environment; and

WHEREAS, it is now desired to call a public hearing on the question of the increase and improvement of the facilities of said Water District, in the matter described above, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 202-b of the Town Law; NOW, THEREFORE, IT IS HEREBY

ORDERED, by the Town Board of the Town of East Fishkill, Dutchess County, New York, as follows:

Section 1. A public hearing will be held in the Town Hall, in Hopewell Junction, New York, in said Town, on February 8, 2024, at 6:00 o’clock P.M., Prevailing Time, on the question of the increase and improvement of the facilities of Route 52 Commercial Water District, in the Town of East Fishkill, Dutchess County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the official newspaper, and also to cause a copy thereof to be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty, days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the form attached hereto as Exhibit A and hereby made a part hereof.

Section 4. This Order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

COUNCILPERSON FRANCO VOTING _____

COUNCILPERSON MARINARO VOTING _____

COUNCIL PERSON ARCO VOTING _____

COUNCILPERSON FLORES VOTING _____

SUPERVISOR D'ALESSANDRO VOTING _____

The order was thereupon declared duly adopted.

* * * * *

RESOLUTION

(ADOPT AMENDED LOCAL LAW #5 OF 2023 CORRECTING TYPO)

WHEREAS, Local Law #5 of 2023 listed the Real Property Tax Law provision (“RPTL”) as “466-c” in code amendments pertaining to the exemption for Volunteer Fire and Ambulance Members; and

WHEREAS, the provision should be “466-a” of the RPTL; and

WHEREAS, the Town Board seeks to clarify this matter;

NOW, THEREFORE, BE IT RESOLVED that the Town Clerk is authorized to correct the RPTL provision in Local Law #5 of 2023 from 466-c to 466-a and resubmit the Local Law to the New York State Department of State.

**BY ORDER OF THE TOWN BOARD
PETER J. CASSIDY, TOWN CLERK**

**DATED: DECEMBER 14, 2023
EAST FISHKILL, NY**

DRAFT

RESOLUTION
(SETTING PUBLIC HEARING
TO CONSIDER A LOCAL LAW)

WHEREAS, the Town Board previously amended the Zoning Law with respect to vape product sales in business districts; and

WHEREAS, the Town Board wishes to clarify the definitions used as well as the distance requirements;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board will conduct a Public Hearing at 6:00 p.m. on March 28, 2024 at Town Hall, 330 Route 376, Hopewell Junction, NY to consider a Local Law clarifying the definitions for vaping products and distance requirements in the Zoning Ordinance.

BY ORDER OF THE TOWN BOARD
PETER CASSIDY, TOWN CLERK

DATED: DECEMBER 14, 2023
EAST FISHKILL, NY

DRAFT

RESOLUTION -xxx/2023

**TOWN OF EAST FISHKILL
WATER AND SEWER DEPARTMENT
HYDRANT/VALVE REPLACEMENTS CONTRACT EXTENSION**

WHEREAS, the Town of East Fishkill oversees maintenance and operations for the various water special districts and is seeking hydrant and valve replacements; and

WHEREAS, the Town previously awarded Legacy Supply, Inc. a contract to perform hydrant and valve projects; and

WHEREAS, the Town completed hydrant and valve replacements for the 2022 & 2023 years and the Town has identified additional valve and hydrant replacement locations needed at the Rt 52 Comercial Water Improvement Area; and

WHEREAS, the Town approved a contract extension in October, 2023;

WHEREAS, the Project cost has increased and an additional \$200,000 is needed. Project costs are paid by the Water District only;

NOW THEREFORE, IT IS RESOLVED, that the agreement is extended to add the additional \$200,000; and

NOW THEREFORE, IT IS FURTHER RESOLVED, that the Town Board hereby declares and authorizes Nicholas D'Alessandro, Town Supervisor, be provided the authority to authorize a contract change order with Legacy Supply, Inc.

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

**DATED: DECEMBER 14, 2023
EAST FISHKILL, NY**



Town of East Fishkill

Sewer and Water Department

330 Route 376, Hopewell Junction, New York 12533
Telephone 845-223-5114

Engineer's Memo

Subject: Hydrant & Valve Replacement Contract Extension
From: George Cronk, P.E.
Date: December 11, 2023

The Town of East Fishkill previously multiple rounds of hydrant replacements, shut off valves, and wet taps located throughout the town water districts. The Water and Sewer Department previously identified the need for a wet tap, valves, backflow prevention, and metering needed at the Rt 52 Commercial Water District. The Town previously authorized a contract extension of up to \$250,000 in October, 2023.

The project scope changes include adding redundant metering and back flow prevention, additional hydrant/valves and the installation of a small concrete building in lieu of a concrete vault allowing for safer building access.

Due to the additional improvements, we estimate that the project will be up to \$450,000.00. These additional project changes allow for better integration with the future watermain loop, storage tank, etc.

The additional changes and future tank, watermain construction, etc. will be partially funded through the \$4M grants already secured. Any remaining funding for this current and future work will be the responsibility of the Water District.

RESOLUTION

(ESTABLISHING A “TECHNICAL REVIEW COMMITTEE”)

WHEREAS, many times property owners wish to meet with Town officials to discuss proposed uses for their property that require zoning changes, municipal water/sewer or other services; and

WHEREAS, it is the desire of the Town Board to formalize these informational meetings with the Town’s professional staff;

NOW, THEREFORE, BE IT RESOLVED, that there is hereby established a Technical Review Committee which will be comprised of the Town Attorney, Engineer and Planner or their designees; and

BE IT FURTHER RESOLVED, that any property owners request for a meeting under the above criteria will be referred to this committee; and

BE IT FURTHER RESOLVED, that the fee for a meeting of no more than 90 minutes will be \$500.; and

BE IT FURTHER RESOLVED, that the Committee will advise the Town Board as to any meeting.

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

**DATED: December 14, 2023
East Fishkill, NY**

RESOLUTION – xxx/2023

(ESTABLISHING A POLICY WITH RESPECT TO PROVIDING HEALTH INSURANCE TO EMPLOYEES AND RETIREES OF THE TOWN)

WHEREAS, employees who are covered by Collective Bargaining Agreements or contracts of employment for non-union employees within the Town are entitled to receive health insurance benefits, both during their employment and during their retirement in accordance with said Collective Bargaining Agreement; and

WHEREAS, nothing in this policy shall be deemed to alter, enhance or diminish any of the benefits to which Union employees are entitled; and

WHEREAS, traditionally the Town has extended the same medical benefits coverage to other non-union employees of the Town; and

WHEREAS, the Town Board in 1997 and 2004 adopted a policy with respect to the providing of health insurance benefits for employees and retirees who are not of Collective Bargaining Agreements; and

WHEREAS, the Town Board deems it necessary to amend said policy so as to clarify any ambiguities that may have existed and to provide for a clear and orderly process with respect to this most important area;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby declare that nothing set forth in this Resolution shall impair the entitlement or require the re-qualification of anyone receiving health benefits from the Town; and

BE IT FURTHER RESOLVED, that the Town shall continue to pay the cost of health insurance benefits for all full-time (elected and appointed) non-union employees of the Town in the same manner as they provide benefits to the members of the CSEA Bargaining Unit, both while they are employed and after their retirement from the Town in accordance with the terms of the current Collective Bargaining Agreement, except that Full-Time elected officials (Supervisor, Town Clerk, Highway Superintendent) and Appointed officials (Comptroller, Engineer, Police Chief, Captain, Assessor and Secretary to the Supervisor) (Part-time Town Attorney receives no health insurance benefits) shall contribute 10% of the cost of their Health Insurance, except that anyone who has more than 30 years of full time service with the Town at the time of the adoption of this Resolution shall not be required to contribute if they are not already doing so; nothing herein shall prevent the Town Board from varying these terms in an individual employment; and

BE IT FURTHER RESOLVED, that all future, current and retired part-time elected officials shall contribute 15% of the cost of their Health Insurance (Councilpersons, Receiver of Taxes and Justices); and

BE IT FURTHER RESOLVED, that any retired full-time elected official of the Town with less than 30 years of full-time service shall contribute 10% of the cost of their Health Insurance; and

BE IT FURTHER RESOLVED, that a person's total service years with the Town shall be used in calculating years of service and nothing herein shall impair a former employee's entitlement to benefits under any Collective Bargaining Agreement under which their prior employment was governed; and

BE IT FURTHER RESOLVED, that any currently serving elected official will be subject to the following conditions:

1. Contributions as set forth above.
2. That the elected official certifies that he/she has no other coverage or benefits of equal or greater benefits available to him/her by virtue of his/her employment in other agencies or their spouses employment. Said certification shall be made annually to the Town if coverage is requested.
3. Upon receiving a retirement benefit from the NYS Retirement System and upon meeting the requirements of 1 and 2 above, shall receive health insurance coverage during retirement under the 2004 policy as modified herein.

BE IT FURTHER RESOLVED, that commencing April 10, 2008, the Town shall continue to provide health insurance benefits for all elected and non-union employees into and during their retirement from the service of the Town provided that they meet the following terms and conditions and the coverage extended to them will be upon the same terms and conditions as it was provided to them while they were employed:

1. Must have 20 full years of full-time service with the Town. Councilman and Town Justices and Receiver of Taxes receive partial annual credit as set by the NYS Employees Retirement System. For those whose office is subject to term limits the full time service credit shall be the max number of years and can hold that office.
2. Must be vested in the New York State Employees Retirement System.
3. Must actually be receiving a retirement benefit from the New York State Retirement System and provide verification thereof.
4. Will continue to contribute for the cost of said benefits in accordance with the same conditions as they were contributing at the time of their service or employment.

5. That the Town shall pay and contribute to the cost and expense of the same policy and plan as the employee was covered with while in the full active service of the Town.
6. Any retiree who becomes Medicare eligible shall at the sole discretion of the Town be switched to a Medicare supplement plan in lieu of full health insurance.
7. The coverage provided herein shall be the same coverage as provided when they were under payroll (single/family plan) which shall continue, but will change from family to single plan, upon the death of the employee, spouse or other co-dependent.
8. The benefits hereunder will continue for the life of the surviving spouse of the employee until the spouse is remarried. Said surviving spouse will contribute 25% of the cost of the coverage.
9. That none of the conditions herein shall affect the eligibility to receive benefits for any employee prior to the adoption of the first policy in 2004 and would have been covered with benefits except for the adoption of the terms and conditions of this policy except as specifically set forth herein.
10. The employee or elected official must certify that he/she by virtue of his/her employment in other agencies or their spouse's employment has no other coverage or benefits of equal or greater benefit available to them.
11. For part-time elected officials, they shall receive only an Individual Plan in retirement for which they will contribute 15%. They will have Family Coverage if they pay the full difference between Individual and Family.

BE IT FURTHER RESOLVED, that this policy shall take effect immediately and shall cover the terms for all present employees and elected officials of the Town as defined herein who are not a member of the Collective Bargaining Units and are not receiving health benefits from the Town; and

BE IT FURTHER RESOLVED, that whenever any term hereunder must be defined, the definition utilized in the Collective Bargaining Agreements of the Town shall be utilized in interpreting this policy, except that full-time hereunder means that the position requires a person to be available on a daily business day basis; and

BE IT FURTHER RESOLVED, that nothing herein shall impair nor shall it expand any benefit provided to an employee pursuant to the provisions of the Collective Bargaining Agreement or any other contractual right; and

BE IT FURTHER RESOLVED, that with respect to those employees who are disabled because of a job-related injury, the Town of East Fishkill will continue to provide their health insurance coverage for the full term of their disability, said period of disability to be determined by the New York State Worker's Compensation Board or the Town's Worker's Compensation Insurance Company, or Worker's Compensation Claims Management Company; and

BE IT FURTHER RESOLVED, that health benefits as used herein shall be determined to be the health insurance carrier provided to the Town employees in any given year and shall be subject and modifiable by the Town Board at any time during the period of time when such coverage is afforded; and

BE IT FURTHER RESOLVED, that the resolution adopted in 2004 be and the same hereby is amended; and

BE IT FURTHER RESOLVED, that anyone not yet contributing as required herein shall be required to contribute commencing June 1, 2008 (retirees – September 1, 2008); and

BE IT FURTHER RESOLVED, that nothing herein will impair the right of an employee or retiree not otherwise entitled to health insurance to pay for the full cost of the plan to be afforded coverage; and

BE IT FURTHER RESOLVED, at the time of appointment or hire this Board will set forth in their appointing Resolutions a determination of benefits as provided for herein.

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

**DATED: DECEMBER 14, 2023
EAST FISHKILL, NY**

RESOLUTION-xxx/2023
(APPOINTING FULL-TIME WATER AND SEWER MAINTENANCE MECHANIC)

WHEREAS, the Water and Sewer Department has identified the need for a Full-time Water and Sewer Maintenance Mechanic; and

WHEREAS, the Town has interviewed candidates and is requesting the Town Board authorize the Full-time hiring of Brandon Berryann; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby appoint Brandon Berryann as Full-time Water and Sewer Maintenance Mechanic, to be paid an hourly salary of \$32.21; and

BE IT FURTHER RESOLVED, that this appointment shall take effect December 19, 2023.

**BY ORDER OF THE TOWN BOARD
PETER J. CASSIDY, TOWN CLERK**

**DATED: DECEMBER 14, 2023
EAST FISHKILL, NY**



Town of East Fishkill

Dutchess County, New York

330 Rt. 376, Hopewell Junction, New York 12533

Town Engineer's Memo

Subject: Full Time Water & Sewer Maintenance Mechanic –
Hiring of Brandon Berryann

Attn: Supervisor and Town Board Members

From: Scott Bryant, P.E.

Date: December 11, 2023

The Water & Sewer Department is in need of a fulltime Maintenance Mechanic. This individual will perform routine tasks that we currently pay our operator, VRI, to perform.

These tasks include but are not limited to:

- Water meter installations and replacements
- Low water pressure investigations
- Fire hydrant flushing and maintenance
- Water meter reads and billing
- Water valve and curb stop locating and exercising

Mr. Berryann has 3.5 years of previous water department experience in the Town of Poughkeepsie and is also familiar with water billing software.

Accordingly, I recommend that the Town Board approve the hiring of Brandon Berryann.

RESOLUTION

**(DECLARING CERTAIN PROPERTY SURPLUS AND
AUTHORIZE THE AUCTION OF SAME)**

WHEREAS, the East Fishkill Highway Department has provided the Town Board with a list of vehicles and equipment which is deemed to be of no further use to the Town and thus, should be considered surplus; and

WHEREAS, the Town also has furniture that is no further use to the Town and should also be considered surplus; and

WHEREAS, the Town Board has reviewed said list and concurs; and

NOW, THEREFORE, BE IT RESOLVED, that the vehicles, equipment and furniture are hereby declared to be surplus and are to be disposed of by participating in an auction process held by Absolute Auctions & Realty without cost to the Town; and

BE IT FURTHER RESOLVED, that the equipment, vehicles, and furniture are hereby declared surplus and the bid amounts are accepted and approved,

BE IT FURTHER RESOLVED, that the Supervisor is authorize to sign documents pertaining to sale of said surplus.

**BY ORDER OF THE TOWN BOARD
PETER J. CASSIDY, TOWN CLERK**

**DATED: DECEMBER 14, 2023
EAST FISHKILL, NY**

RESOLUTION

**(AUTHORIZE THE PURCHASE OF MONUMENTS FOR VETERANS UNDER
A COUNTY GRANT)**

WHEREAS, the Town has been notified that we have been awarded a grant in the sum of \$15,000 for the East Fishkill Veterans Memorial Park; and

WHEREAS, it is requested of the Town Board to authorize the purchase of two monuments that total \$18,800.00. It is also requested that the Town Board authorizes the additional cost of \$3,800.00 from the General Fund be used towards the purchase of said monuments; and

WHEREAS, the Town has received quotes and it is requested to purchase said monuments from Randolph Rose;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be and hereby is authorized to approve the purchase of monuments using grant funds and General Funds; and

BE IT FURTHER RESOLVED, that the Supervisor be and hereby is authorized to execute any documents to effectuate said matter.

**BY ORDER OF THE TOWN BOARD
PETER J. CASSIDY, TOWN CLERK**

**DATED: DECEMBER 14, 2023
EAST FISHKILL, NY**

RESOLUTION

**(AUTHORIZING THE ATTENDANCE AT THE ASSOCIATION OF TOWNS FOR
VARIOUS TOWN OFFICIALS)**

WHEREAS, the Association of Towns of the State of New York, of which the Town of East Fishkill is a member, conducts their annual meeting and training sessions on February 18, 2024 to February 21, 2024; and

WHEREAS, by Town Law officers and officials of the Town are authorized to attend said function;

NOW, THEREFORE, BE IT RESOLVED, the Town Board does hereby authorize officials and employees as approved by the Town Supervisor to attend the Association of the State of New York Annual Meeting on February 21, 2024 to February 21, 2024; and

BE IT FURTHER RESOLVED, that one voting member is hereby designated as the official voting delegate of the Town of East Fishkill; and

BE IT FURTHER RESOLVED, that the 2024 membership for the Town is approved.

**BY ORDER OF THE TOWN BOARD
PETER J. CASSIDY, TOWN CLERK**

**DATED: DECEMBER 14, 2023
EAST FISHKILL, NY**

RESOLUTION
(SETTING SALARIES FOR TOWN EMPLOYEES)

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

WHEREAS, the Town Board has received rates for all of the Officials, Seasonal and Part-time positions for 2024; and

NOW, THEREFORE, BE IT RESOLVED, that the elected officials of the Town shall be paid in accordance with the amounts set forth in the 2024 adopted budget; and

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

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

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

BY ORDER OF THE TOWN BOARD
PETER J. CASSIDY, TOWN CLERK

DATED: DECEMBER 14, 2023
EAST FISHKILL, NY

RESOLUTION
(AUTHORIZE QUARTERLY RATES AND FEES FOR WATER AND SEWER)

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

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

NOW, THEREFORE, BE IT RESOLVED, the Town Board does hereby authorize the water and sewer rates for 2024.

BY ORDER OF THE TOWN BOARD
PETER J. CASSIDY, TOWN CLERK

DATED: DECEMBER 14, 2023
EAST FISHKILL, NY

DRAFT

Town of East Fishkill

2024 Water & Sewer Rates

WATER DISTRICTS						Quarterly
		\$/1000 Gal		Increase		7,000 Gal
<u>District</u>	<u>Code</u>	<u>2023</u>	<u>2024</u>	<u>1,000 gal</u>	<u>Percent</u>	<u>Minimum</u>
Revere Park	SW1	\$ 10.35	\$ 12.50	\$ 2.15	20.8%	\$ 87.50
Pinewood Knolls	SW2	\$ 10.35	\$ 12.50	\$ 2.15	20.8%	\$ 87.50
Taconic Water	SW3	\$ 10.05	\$ 12.50	\$ 2.45	24.4%	\$ 87.50
Little Switzerland	SW4	\$ 9.35	\$ 9.50	\$ 0.15	1.6%	\$ 66.50
Hamlet Water	SW5	\$ 5.75	\$ 5.90	\$ 0.15	2.6%	\$ 41.30
Hamlet Water 2	SW5a	\$ 6.65	\$ 6.80	\$ 0.15	2.3%	\$ 47.60
Brettview	SW6	\$ 7.50	\$ 8.00	\$ 0.50	6.7%	\$ 56.00
Brettview 2	SW6a	\$ 8.00	\$ 8.50	\$ 0.50	6.3%	\$ 59.50
Shenandoah	SW7	\$ 10.95	\$ 10.95	\$ -	0.0%	\$ 76.65
Fishkill Plains	SW8	\$ 6.65	\$ 6.75	\$ 0.10	1.5%	\$ 47.25
Hopewell Glen	SW9	\$ 7.20	\$ 6.70	\$ (0.50)	-6.9%	\$ 46.90
Four Corners Water	SW10	\$ 7.20	\$ 7.30	\$ 0.10	1.4%	\$ 51.10
Beekman Water	SW11	\$ 7.20	\$ 7.30	\$ 0.10	1.4%	\$ 51.10
Hopewell North (EPA)*	SW12	\$ 7.80	\$ 7.95	\$ 0.15	1.9%	\$ 55.65
Hopewell West (Worley)	SW13	\$ 223.75	\$ 228.75	\$ 5.00	2.2%	\$ 228.75
<ul style="list-style-type: none"> • Non-compliance fee (meter install/repair) \$250/qtr • 25% Premium applied on residential usage above 30,000 gal/qtr; 50% Premium applied on residential usage above 70,000 gal/qtr; 75% premium on residential usage over 100,000 gal/qtr • 25% Premium applied on Out-of-District Users • Payment Period 65 days (which allows for installment payments) 						
ENTERPRISE FUND WATER		<u>2023</u>	<u>2024</u>			
Hopewell Glen Irrigation		\$ 2.50	\$ 2.60			
Hamlet Water		\$ 3.50	\$ 3.55			
Hopewell North		\$ 5.30	\$ 5.40			
SEWER DISTRICTS						
		\$/Benefit Unit/Qtr		Increase		
<u>District</u>	<u>Code</u>	<u>2023</u>	<u>2024</u>	<u>per B.U.</u>	<u>Percent</u>	
Hopewell Hamlet	G1	\$ 173.00	\$ 180.00	\$ 7.00	4.0%	
Wildflower Hills Extension	G1a	\$ 103.80	\$ 108.00	\$ 4.20	4.0%	
Sagamor	G2	\$ 322.00	\$ 335.00	\$ 13.00	4.0%	
Beekman Sewer	G3	\$ 270.00	\$ 280.00	\$ 10.00	3.7%	
Four Corners Sewer	G4	\$ 270.00	\$ 280.00	\$ 10.00	3.7%	
John Jay Sewer	G5	\$ 840.00	\$ 830.00	\$ (10.00)	-1.2%	
<ul style="list-style-type: none"> • 25% Premium applied on Out-of-District Users • Payment Period 65 days (which allows for installment payments) 						

RESOLUTION-xxx/2023
(APPOINTING FULL-TIME CLERKS)

WHEREAS, the Town Engineer and Town Clerk are both in need of Full-time Clerks to assist with clerical functions necessary to operate; and

WHEREAS, Jennifer Swenson has been interviewed by the Town Engineer and recommended to the Town Board to be hired as Full-time Clerk, effective December 18, 2023; and

WHEREAS, Christine Jordan has been interviewed by the Town Clerk and recommended to the Town Board to be hired as Full-time Clerk, effective December 24, 2023; and

WHEREAS, Christine Jordan and Jennifer Swenson will be hired provisionally until it is verified that they are reachable on the Clerk Civil Service list; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize the provisional hiring of Christine Jordan and Jennifer Swenson as Full-time Clerks, to be paid in accordance with the CSEA Union Contract.

BY ORDER OF THE TOWN BOARD
PETER J. CASSIDY, TOWN CLERK

DATED: DECEMBER 14, 2023
EAST FISHKILL, NY



Town of East Fishkill

Dutchess County, New York
330 Rt. 376, Hopewell Junction, New York 12533

Town Engineer's Memo

Subject: Full Time Clerk- Hiring of Jennifer Swenson

Attn: Supervisor and Town Board Members

From Scott Bryant, P.E.

Date: December 11, 2023

The Water & Sewer and Building Departments are both in need of a clerk. This new hire will be trained in both departments.

Jennifer Swenson has a background in paralegal which I believe makes her a good candidate for this position.

Accordingly, I recommend that the Town Board approve the hiring of Jennifer Swenson.

RESOLUTION

(APPOINTING TEMPORARY SEASONAL INTERN)

WHEREAS, the Town is looking to hire back a seasonal intern to assist in town offices; and

WHEREAS Salena Gafur and Sebastian Kaldor has worked as an intern for the Town in the past; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby appoint Salena Gafur and Sebastian Kaldor as a Temporary Part-Time Seasonal Intern. The position is to be paid \$15.00 per hour; and

BE IT FURTHER RESOLVED, that said Internship position shall work at the pleasure of the Town Supervisor and will be removed from the payroll upon completion of his tasks.

**BY ORDER OF THE TOWN BOARD
PETER J. CASSIDY, TOWN CLERK**

**DATED: DECEMBER 14, 2023
EAST FISHKILL, NY**

RESOLUTION

(AUTHORIZING WATER FROM DCWWA)

WHEREAS, the Town is working to obtain water from the DCWWA and water storage from the Town of Poughkeepsie for the Route 52 Commercial Water District;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is authorized to sign the following:

- (1) Assignment to the Town of existing Water Supply and Water Storage Agreement for property within the District.
- (2) Water Supply Agreement with the DCWWA for 8,500 gpd.
- (3) Water Storage Agreement with the Town of Poughkeepsie for up to 200,000 gallons of storage at a cost of \$2,000. Per year.
- (4) Such incidental Assignments and Agreement as are necessary for the Water Supply & Storage for the Route 52 Commercial Water District.

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

**Dated: December 14, 2023
East Fishkill, NY**

RESOLUTION

(APPOINTING ARCHITECTURAL REVIEW BOARD MEMBER AND ALTERNATE)

WHEREAS, the Architectural Review Board is made up of five members and two alternates; and

WHEREAS, due to vacancies on the board, it is necessary for the Town Board to appoint one member and one alternate to the Architectural Review Board for a period of two years in accordance with the provisions of Town law;

NOW, THEREFORE, BE IT RESOLVED, that Saadurius Hamdi be appointed as a permanent member and Anthony DiCostanzo as an alternate to the Architectural Review Board expiring on December 31, 2026.

**BY ORDER OF THE TOWN BOARD
PETER J. CASSIDY, TOWN CLERK**

**DATED: DECEMBER 14, 2023
EAST FISHKILL, NY**

DRAFT

RESOLUTION- xxx/2023

(ACKNOWLEDGE THE HIRING OF SEASONAL WINGMEN)

WHEREAS, the Highway Department needs Seasonal Wingmen; and

WHEREAS, it is determined that the Seasonal Wingmen positions are limited and seasonal; and

WHEREAS, the Highway Superintendent has already hired Seasonal Wingmen; and

WHEREAS, the Highway Superintendent is hiring Lucas Franzen, Thomas Minet, and Michael Tavares as additional Wingmen; and

WHEREAS, all applicants have been interviewed and recommended to the Town Board by the Highway Superintendent for the Highway Wingmen positions; and

WHEREAS, that it may be necessary for the Highway Superintendent to hire additional Seasonal Wingmen and will notify the Town Board of such hiring; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Comptroller be and hereby is authorized to place them on Town payroll as Seasonal Wingmen; and

BE IT FURTHER RESOLVED, that said Highway Wingmen shall be Seasonal employment and that upon completion of their task, they shall be removed from the payroll, unless further ordered by the Town Board.

**BY ORDER OF THE TOWN BOARD
PETER J. CASSIDY, TOWN CLERK**

**DATED: DECEMBER 14, 2023
EAST FISHKILL, NY**