



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

**TOWN OF EAST FISHKILL
TOWN BOARD MEETING
FEBRUARY 8, 2024 @ 6:00 pm
REGULAR VOTING MEETING**

Call to Order

Pledge of Allegiance

Supervisor's Announcements

Roll Call

Public Hearings

- 1) Open Public Hearing to Consider Issuing a Bond to Finance Improvements to Route 52 Commercial Water District
 - a. Close Public Hearing
 - b. Adopt Public Interest and Bond Resolution

- 2) Update Town Code Regarding Defense and Indemnification
 - a. Close Public Hearing
 - b. Adopt Local Law

- 3) Reopen Adjourned Public Hearing to Consider Battery Storage Local Law
 - a. Close Public Hearing
 - b. Adopt Neg Dec and Local Law

Approve Minutes

January 18, 2024

Announcement of Additions to the Agenda

Courtesy of the Floor

Receive and File

Letter offering to Dedicate property from Frito Lay to the Route 52 Commercial Water District

Resolutions:

1. Request NYSDOT to Study Segment of Rt 376 from Rt 82 to Rt 52 to Consider Lowering Speed Limit Beyond the Existing 35 MPH Speed Zone
2. Authorize Hiring Red Wing Directors and Assistants
3. Authorize to Advertise for Worley Homes Community Drainage Project
4. Authorize Acting Recreation Director to Attend 2024 Training Program
5. Award Sagamor Sewer Chlorine Limit Bid
6. Authorize Application for Greenway Compact Grant
7. Authorize Purchase of Vacant Land Adjoining Town Recreation Field
8. Authorize Engineer Services for Water System Interconnection Evaluation
9. Accept South Drive and Rename Arcadia Farms Boulevard

Additions to the Agenda by Majority Vote (If any)

Budget Transfers – Yes

Adjournment

Next Town Board Meetings: Meeting/Workshop March 14, 2024
Regular Meeting March 28, 2024

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 in said Town, on February 8, 2024, at 6:00 o'clock P.M., Prevaling Time.

PRESENT:

Nicholas D'Alessandro
Supervisor

Tom Franco
Councilperson

Emanuele Marinaro
Councilperson

Craig Arco
Councilperson

ABSENT:

Marianne Flores
Councilperson

<p style="text-align: center;">In the Matter of</p> <p>The Increase and Improvement of Facilities of Route 52 Commercial Water District in the Town of East Fishkill, Dutchess County, New York</p>	<p style="text-align: center;">PUBLIC INTEREST ORDER</p>
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WHEREAS, the Town Board of the Town of East Fishkill, Dutchess County, New York, has duly 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 proposed increase and improvement of the facilities of Route 52 Commercial Water District, in the Town of East Fishkill, Dutchess County,

New York, consisting of purchase and installation of a new water storage tank on a 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, at a meeting of said Town Board duly called and held on December 14, 2023, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of Route 52 Commercial Water District in said Town at a maximum estimated cost of \$7,713,597.75, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Hopewell Junction, New York, in said Town, on February 8, 2024, at 6:00 o'clock P.M., Prevailing Time; and

WHEREAS, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of Route 52 Commercial Water District, in the Town of East Fishkill, Dutchess County, New York, consisting of purchase and installation of a new water storage tank on a 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.

Section 2. This Order shall take effect immediately.

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

COUNCILPERSON TOM FRANCO VOTING _____

COUNCILPERSON EMANUELE MARINARO VOTING _____

COUNCILPERSON CRAIG ARCO VOTING _____

COUNCILPERSON MARIANNE FLORES VOTING ABSENT

SUPERVISOR NICHOLAS D'ALESSANDRO VOTING _____

The Order was thereupon declared duly adopted.

* * * * *

RESOLUTION – XXX/2024

BOND RESOLUTION DATED FEBRUARY 8, 2024.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$7,713,597.75 BONDS OF THE TOWN OF EAST FISHKILL, DUTCHESS COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ROUTE 52 COMMERCIAL WATER DISTRICT, IN THE TOWN OF EAST FISHKILL, DUTCHESS COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of Route 52 Commercial Water District, in the Town of East Fishkill, Dutchess County, New York, at a maximum estimated cost of \$7,713,597.75; and

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, which it has been determined with a conditional negative declaration will not have any significant adverse impact on the environment; and

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

Section 1. For the specific object of purpose of paying the cost of the increase and improvement of the facilities of the Route 52 Commercial Water District, in the Town of East Fishkill, Dutchess County, New York, consisting of the purchase and installation of a new water storage tank on a 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, there are hereby authorized to be issued \$7,713,597.75 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object of purpose is \$7,713,597.75, which specific object of purpose is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is by the issuance of the \$7,713,597.75 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object of purpose is forty years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial 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. To the extent not paid from monies raised from said Route 52 Commercial Water District as applicable in the manner provided by law, 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 serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, 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. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial 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 serial 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 8. The Supervisor is hereby further authorized, at the Supervisor's sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object of purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue

of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. 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 of 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 11. 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 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

COUNCILPERSON TOM FRANCO VOTING _____

COUNCILPERSON EMANUELE MARINARO VOTING _____

COUNCILPERSON CRAIG ARCO VOTING _____

COUNCILPERSON MARIANNE FLORES VOTING ABSENT

SUPERVISOR NICHOLAS D'ALESSANDRO VOTING _____

The resolution was thereupon declared duly adopted.

* * * * *

DRAFT

Local Law No. ___ of 2024

(A LOCAL LAW ADDING A CHAPTER TO THE TOWN CODE TITLED "DEFENSE AND INDEMNIFICATION OF PUBLIC OFFICIALS AND EMPLOYEES")

Section 1. Legislative intent.

The Town Board of the Town of East Fishkill has determined that in order to ensure the continued and future service of responsible and capable individuals as officials, employees, and appointees of the Town of East Fishkill, it is necessary and proper to ensure that they are afforded protection against individual liability for actions taken in good faith within the scope of their duties and employment.

Section 2. Addition to the Town Code

The following provisions shall be added as a new chapter to the Town Code:

1. Definitions.

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

EMPLOYEE

Unless the context otherwise requires, any person holding a position by election, appointment or employment in either a full-time or part-time capacity in the service of the Town of East Fishkill, whether or not compensated, but shall not include an independent contractor. The term "employee" shall include a former employee, his estate or judicially appointed personal representative. The benefits of this chapter shall inure only to "employees" as defined herein and shall not enlarge or diminish the rights of any other party.

TOWN

The Town of East Fishkill.

2. Defense of Employees by the Town; exception.

- A. The Town shall provide for the defense of an employee in any civil action or proceeding in any state or federal court or administrative action arising out of any alleged act or omission which occurred or is alleged in the complaint to have occurred while the employee was acting in good faith within the scope of his or her public employment or duties or which is brought to enforce a provision of §§ 1981 through 1988 of Title 42 of the United States Code. Provided, however, that the duty of the Town to defend, indemnify or save harmless shall be conditioned upon actual notice of the lawsuit by the Town Supervisor and Town Board or the Town Attorney, and the full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against the Town based upon the same act or omission and in the prosecution of any appeal.
- B. This duty to provide for a defense shall not arise where such civil action or proceeding

is brought by or on behalf of the Town of East Fishkill against an Employee.

3. Representation by Town Attorney or private counsel.

Subject to the conditions set forth in the preceding section of this chapter, the employee shall be entitled to be represented by the Town Attorney, his or her designee, or such attorney as provided by the Town's insurance carrier if insurance coverage exists for the allegations complained of; provided, however, that the employee shall be entitled to representation by private counsel of his choice in any civil judicial proceeding whenever the Town Board determines, based upon its investigation and review of the facts and circumstances of the case and upon the recommendations of the Town Attorney, that representation by the Town Attorney would be inappropriate, or whenever the court of competent jurisdiction, upon appropriate motion or by a special proceeding, determines that a conflict of interest exists and that the employee is entitled to be represented by private counsel of his choice. The Town Attorney shall notify the employee, in writing, of such determination that the employee is entitled to be represented by private counsel.

4. Fees and expenses.

The Town Attorney may require, as a condition to payment of the fees and expenses of such representation by private counsel, that appropriate groups of such employees be represented by the same counsel. If the employee or group of employees is entitled to representation by private counsel under the provisions of this chapter, the Town Attorney shall so certify to the Comptroller of the Town of East Fishkill. Reasonable attorneys' fees and litigation expenses shall be paid by the Town to such private counsel from time to time during the pendency of the civil action or proceeding, subject to certification that the employee is entitled to representation under the terms and conditions of this chapter by the head of the department, commission, division, office or agency in which such employee is employed and upon the audit and warrant of the Town Board. Any dispute with respect to representation of multiple employees by a single counsel or the amount of litigation expenses or the reasonableness of attorneys' fees shall be resolved by the court upon motion or by way of a special proceeding.

5. Town Attorney to avoid entry of default judgment.

Where the Supervisor and Town Board or Town Attorney has actual knowledge of the lawsuit, the Town Attorney shall take the necessary steps, including the retention of private counsel, under the terms and conditions therein provided, on behalf of the employee to avoid entry of a default judgment pending resolution of any question pertaining to the obligation to provide for a defense.

6. Judgments and settlements.

- A. The Town shall indemnify and save harmless an employee in the amount of any judgment obtained against such employee in any state or federal court or in any administrative action, or in the amount of any settlement of any claim brought against such employee, provided that the act or omission from which such judgment or settlement arose incurred while the employee was acting in good faith within the scope of his public employment or duties. The duty to indemnify and save harmless prescribed by this subsection shall be conditioned upon

the employee's compliance with the requirements set forth in this chapter, as well as any other applicable provisions of this section; provided, however, that the duty to indemnify and save harmless prescribed by this subsection shall not arise where the injury or damage resulted from intentional wrongdoing or recklessness on the part of the employee.

- B. An employee represented by private counsel shall cause to be submitted to the head of the department, commission, division, office or agency in which he is employed any proposed settlement which may be subject to indemnification by the Town and, if not inconsistent with the provisions of this section, such head of the department, commission, division, office or agency in which he is employed shall certify such settlement and shall submit such settlement and certification to the Town Attorney. The Town Attorney shall review such proposed settlement as to form and amount and shall give his recommendation to the Town Board. If the Town Board believes it is in the best interest of the Town to accept such settlement, it shall give its approval thereto. Nothing in this section shall be construed to authorize the Town to indemnify or save harmless an employee with respect to a settlement not so reviewed and approved by the Town Board.
- C. When an employee is represented by the Town Attorney and the Town Attorney has before him any proposed settlement which may be subject to indemnification by the Town, the Town Attorney shall, after reviewing such proposal as to form and content, and after consultation with and certification of such proposed settlement by the head of the department, commission, division, office or agency wherein the employee is employed, give his recommendation to the Town Board. If the Town Board believes it is in the best interest of the Town to accept such settlement, it shall give its approval thereto. Nothing in this section shall be construed to authorize the Town to indemnify or save harmless an employee with respect to a settlement not so reviewed and approved by the Town Board.

7. Exceptions.

Nothing in this chapter shall require the Town to indemnify or save harmless an employee with respect to punitive or exemplary damages, fines or penalties or money recovered from an employee, unless approved by an affirmative vote of the Town Board.

8. Construal of provisions.

- A. The provisions of this chapter shall inure only to employees as defined herein and shall not enlarge or diminish the rights of any other party, nor shall any provision of this chapter be construed to affect, alter or repeal any provision of the Workers' Compensation Law.
- B. This chapter shall not in any way affect the obligation of any claimant to give notice to the Town under any provision of law.
- C. The provisions of this chapter shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance.
- D. Except as otherwise specifically provided in this chapter, the provisions of this chapter shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity

available to or conferred upon any unit, entity, officer or employee of the Town or any right to defense and/or indemnification provided for any governmental officer or employee by, in accordance with or by reason of any other provision of state or federal statutory or common law.

9. Applicability to pending and ongoing actions.

The provisions of this chapter shall apply to all actions and proceedings pending and ongoing upon the effective date thereof or thereafter instituted.

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 February 8, 2024
At a Regular Meeting
Held at Town Hall**

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 February 8, 2024
at a Regular Meeting Held
at Town Hall**

DRAFT

RESOLUTION 2024

**(REQUEST NEW YORK STATE DEPARTMENT OF TRANSPORTATION
TO LOWER THE SPEED LIMIT FOR SECTION OF ROUTE 376)**

WHEREAS, in recent weeks a local resident has advised the Town Supervisor of his concerns with respect to the speed limit within the area of Route 376 from Route 82 to Route 52; and

WHEREAS, the request is to lower the speed limit to 35 mph; and

WHEREAS, these roads are under the control and jurisdiction of the New York State Department of Transportation; and

NOW THEREFORE BE IT RESOLVED, that the Town Board does hereby request the New York State DOT to review the speed limits established by them throughout the area on Route 376 from Route 82 to Route 52; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to forward said request to the New York State Department of Transportation.

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

**DATED: FEBRUARY 8, 2024
EAST FISHKILL, NY**

RESOLUTION-XXX

(AUTHORIZING HIRING OF RED WING DIRECTORS AND ASSISTANT RED WING DIRECTORS)

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

WHEREAS, the Recreation Director has submitted a letter to the Town Board with the names of a Red Wing Director and Red Wing Assistant Camp Director, and the hourly salaries attached hereto; and

WHEREAS, the Recreation Director recommends that the Town Board rehires Erik Pugliese as Red Wing Director; and

WHEREAS, the Recreation Director recommends that the Town Board rehires Daniel Schmidt as Assistant Camp Director; and

WHEREAS, it is the desire of the Town Board to authorize the hiring of a Red Wing Director and Red Wing Assistant Director for the 2024 summer season; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby appoints Erik Pugliese as Red Wing Director at an hourly salary of \$21.00, and Daniel Schmidt as Assistant Camp Director at an hourly salary of \$19.00; and

BE IT FURTHER RESOLVED, that employment shall be for the period of time from which they are hired until the conclusion of their summertime program; and

BE IT FURTHER RESOLVED, 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 CASSIDY, TOWN CLERK**

**DATED: FEBRUARY 8, 2024
EAST FISHKILL, NY**

RESOLUTION-xxx/2024

(AUTHORIZE BID FOR CDBG GRANT PROJECT)

WHEREAS, the Town sought a Community Development Block Grant (CDBG) in 2022 for assistance with drainage improvements at the Worley Subdivision; and

WHEREAS, the Community Block Development Grant (CDBG) program, administered through Dutchess County awarded the Town \$150,000 towards the cost of the project.; and

WHEREAS, the Town prepared engineering plans that received approval in December 2024 by Dutchess County; and

WHEREAS, the Town will need to perform a public bid for the supply of materials needed for the project, to be self-performed by the Town of East Fishkill Highway Department; and

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor and Town Clerk be and hereby are authorized to advertise for BID responses for materials for the Worley Drainage Project; 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: FEBRUARY 8, 2024
EAST FISHKILL, NY**

RESOLUTION-2024

(AUTHORIZING ATTENDANCE TO A CONFERENCE)

WHEREAS, the Recreation Director, Christine Selback, has indicated her desire to attend the 2024 New York State Recreation and Park Society Conference being held in Monticello, New York from April 14, 2024 through April 16, 2024; and

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

WHEREAS, it is the desire of the Town Board to authorize the Supervisor to approve said travel;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize Christine Selback to attend the 2024 New York State Recreation and Park Society Conference held in Monticello, New York to include the overnight stay and expenses for tolls and meals from April 14, 2024 through April 16, 2024; and

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

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

**DATED: FEBRUARY 8, 2024
EAST FISHKILL, NY**

RESOLUTION 2024-xxxx

**(TOWN OF EAST FISHKILL WATER AND SEWER DEPARTMENT
AWARD BID FOR SAGAMOR SEWER MODIFICATIONS)**

WHEREAS, the NYSDEC modified the operating permit for the Sagamor Wastewater Treatment Plant by reducing chlorine 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 Town advertised, via Poughkeepsie Journal, for bid construction services to complete the NYSDEC approved modifications; and

WHEREAS, the Town received bids on February 1, 2024; and

WHEREAS, the lowest, qualified bid was received by VRI Environmental; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares and Authorizes Nicholas D'Alessandro, Town Supervisor, be provided the authority to authorize a contract with VRI Environmental for the services described in WS2024.01 SAGAMOR WWTP CHLORINE REDUCTION in the amount not to exceed \$20,947.50.

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

**DATED: FEBRUARY 8, 2024
EAST FISHKILL, NY**



Town of East Fishkill

Sewer and Water Department

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

Memo

Subject: Sagamor Sewer Modifications
From: George Cronk, P.E.
Date: February 2, 2024

The Town of East Fishkill operates the Sagamor Sewer District. The New York State Department of Environmental Conservation (NYSDEC) permits the treatment plant discharge. In 2023, the NYSDEC adjusted the discharge limits for chlorine residual. As a result of the new permit requirement, the Town has sought an engineering solution, regulatory approvals, and most recently bid responses for the construction of system upgrades.

At the December town Board meeting, the Town authorized the bidding of the construction project. The Town received one bid during this time period. The lowest, qualified, bid is \$20,947.50. Funding for this project has been identified and budgeted by the Comptroller.

The Water and Sewer Department is of the opinion that the bid amount is reasonable for the scope of work. Therefore, the Water and Sewer Department is of the opinion that the Town Board should authorize the proposal of services from VRI Environmental in the amount of \$20,947.50. Once authorized, this work will be scheduled in the next few months.

Once construction is complete, the Town will then be able operate the facility for about 6 months to ensure we are meeting the new regulatory chlorine level reduced limit.

George Cronk, P.E.
Asst. Town Engineer

RESOLUTION-XXX/2024

(AUTHORIZE STAFF TO SUBMIT A HUDSON RIVER VALLEY GREENWAY GRANT APPLICATION IN THE AMOUNT OF \$25,000 TO PARTIALLY FUND AN UPDATE TO THE TOWN'S COMPREHENSIVE PLAN UNDER THE HUDSON RIVER VALLEY GREENWAY PLANNING GRANT PROGRAM)

WHEREAS, the Town of East Fishkill is applying to the Hudson River Valley Greenway for a grant under the Hudson River Valley Greenway Planning Grant Program for a project entitled Town of East Fishkill 2024 Comprehensive Plan to be located in the Town of East Fishkill; and

NOW, THEREFORE, BE IT RESOLVED that the East Fishkill Town Board hereby does approve and endorse the application for a grant under the Hudson River Valley Greenway Planning Grant Program, for a project known as Town of East Fishkill 2024 Comprehensive Plan and located within the Town of East Fishkill.

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

**DATED: FEBRUARY 8, 2024
EAST FISHKILL, NY**

RESOLUTION (Subject to Permissive Referendum)

NO.

**(AUTHORIZING THE PURCHASE OF A LOT CONTAINING
APPROXIMATELY 1.01 +/- ACRES ON ROUTE 376 ADJACENT
TO TOWN'S EXISTING RECREATION AREA)**

WHEREAS, Kenneth Formicola is the owner of approximately 1.01 +/- Acres on Route 376 adjoining the town recreation field which is part of Grid #6457-03-392487; and

WHEREAS, the purchase price is \$130,000. and is in line with an independent appraisal received by the parties; and

WHEREAS, the above parcel is shown on a proposed Subdivision Map dated 5-15-22, updated October 20, 2023 filed with the Planning Board; and

WHEREAS, this parcel would be added to the Town's current recreation field holding;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is authorized to purchase the above parcel for \$130,000.; and

BE IT FURTHER RESOLVED, this resolution is subject to permissive referendum.

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

**Dated: FEBRUARY 8, 2024
EAST FISHKILL, NY**

RESOLUTION - /2024

**(AWARD ENGINEERING SERVICES FOR
WATER SYSTEM EVALUATION)**

WHEREAS, The Town recently received and confirmed acceptance of a grant award that includes project scope to interconnect several water districts for source redundancy; and

WHEREAS, the Town previously qualified multiple professional engineering firms to perform professional services of this nature; and

WHEREAS, the Town Water and Sewer Department solicited and reviewed proposals, and determined that the WSP USA, Inc. proposal of services best meets the project objectives; and

WHEREAS, the selected consulting firm will need to meet the requirements of the funding source, including, but not limited to MWBE thresholds; and

NOW THEREFORE, IT IS RESOLVED, that the Town Board hereby declares and Authorizes Nicholas D'Alessandro, Town Supervisor, be provided the authority to authorize a contract WSP USA, INC in the initial amount of \$32,000.00 and not too exceed \$50,000.00 (in total sum) for additional services.

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

**DATED: FEBRUARY 8, 2024
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: DWSRF PROJECT 19146 Water District Interconnections Analysis Award
From: George Cronk, P.E.
Date: January 30, 2024

The Town applied for and received a \$5M grant award from the Drinking Water State Revolving Fund, administered by NYSEFC. At the January 2024 Town Board meeting, the Town accepted the grant award. The project objectives include multiple water district interconnections, as well as, mitigation for emerging contaminants at multiple locations.

The Water and Sewer Department requested proposals of service from WSP USA, INC. and Barton & Loguidice, DPC to provide professional engineering services that will determine the steps needed to interconnect Hopewell North WD, Beekman WD, and Little Switzerland WD. The interconnections of these three districts is one of several project phases outlined in the grant award project. Other project phases include interconnecting Pinewood Knolls WD and Four Corners WD as well as the construction of a new well at Beekman WD.

WSP USA, INC has familiarity with the project. WSP has been providing engineering and hydrology services for a new well to be installed at the Beekman WD.

Although both professional firms solicited are well qualified, we are recommending that WSP USA, INC provide the professional engineering services needed to model the interconnections of the three water districts.

RESOLUTION-xxx-2024

**(A RESOLUTION ACCEPTING SOUTH DRIVE AS A TOWN ROAD
AND RENAMING IT TO ARCADIA FARMS BOULEVARD)**

WHEREAS, it is the desire of the Town Board to accept South Drive as a Town Road; and

WHEREAS, it is the desire of the Town Board to rename said Drive to Arcadia Farms Blvd. as approved by Dutchess County E911; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of East Fishkill hereby accepts South Drive nunc pro tunc as a Town Road as of May 2022 and authorizes renaming South Drive to Arcadia Farms Boulevard; and

BE IT FURTHER RESOLVED, that the Town Clerk shall notify the appropriate school, postal and emergency officials of the acceptance, dedication and name change of said road.

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

**DATED: FEBRUARY 8, 2024
EAST FISHKILL, NY**