

MINUTES
TOWN OF EAST FISHKILL
TOWN BOARD MEETING
DECEMBER 14, 2023
6:00 p.m.

REGULAR BOARD MEETING

The Town of East Fishkill's Town Board Meeting on December 14, 2023, was called to order at 6:00 p.m. by Supervisor D'Alessandro with the Pledge of Allegiance to the Flag.

Supervisor's Presentations

Supervisor D'Alessandro stated the Van Wyck Griffins Band, Chorus and Orchestra were going to give a performance before the rest of the meeting. He listed all the participants and staff attending and thanked them for performing for everyone. He wished them all a very Merry Christmas.

Supervisor's Announcements

Supervisor D'Alessandro stated last month there was a tour of the new Justice In Transitions Center in Poughkeepsie. This new jail is located next to the old jail. He thanked all officers and correctional officers for everything that they do. He thanked the Dutchess County Sheriff's Department for providing the tour. He attended the monthly Dutchess County Supervisors and Mayors Association meeting. Their guest speaker was the Assistant County Executive Ron Hicks. They got an overview of what EDAC does and what the plans for next year are. Councilman Flores organized a meeting that he attended with the iPark ownership and senior members of the IBM organization. They are trying to assist On Semi with their chip manufacturing. There are also DEC approvals required for expansion on any IBM property that has not been previously constructed on due to prior contamination.

The interim police chief, Councilman Marinaro, and Supervisor D'Alessandro met with Michelle Franks, the Southern Dutchess Community Coalition Director for CAPE, to discuss their 2024 goals. Dutchess County is the third highest county in New York State with opioid deaths. They do need to find a way to address this. There was a ribbon cutting for the new Carol Drive Bridge, which was done ahead of schedule. He thanked the Town Engineer and staff, and the Highway Department, as well as all the consultants and politicians who assisted with this project. This project was financed 95% by grants.

The Town has been applying for many grants. They have been awarded a \$5 million grant from New York State EFC, the Environmental Facilities Corporation. This will assist with the water districts who have PFOA and PFOS mitigation with interdistrict connections. The engineering staff and grant writers have worked very

hard on getting these grants approved. They have also been awarded a DASNY grant, and a SAM grant for the Veterans Park.

Yesterday was the East Fishkill seniors Christmas party which was combined with the seniors from the Town of Beekman. Everyone who worked on it did a wonderful job. He thanked Mill Creek Caterers.

The annual Christmas tree and Menorah lighting was this past Saturday at the Community Center. It was very well attended and he thanked staff and the Recreation and Highway departments.

Today there was a tour of the new Amazon facility. The new fire chiefs and some police members attended as well as the John Jay principal. It was interesting to see the facility up and running. They also met with the Vice President of Human Resources and the site General Manager to discuss some issues that have come up.

Supervisor D'Alessandro wanted to thank the residents of Taconic Estates. They have been very helpful. The Department of Health has also been helpful during this process. They did get back online relatively quickly. Construction started November 3 and was completed to all residents by December 5. They will complete paving on the road next year. He does believe the final cost is lower than what they anticipated. They will be meeting with the residents in the future.

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

Board Members in attendance were:

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

Also in attendance were:

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

Public Hearings:

1. Open Public Hearing to Update Disabled Person Tax Exemptions

Motion to open the Public Hearing to update the Disabled Person Tax Exemptions: Board Member Marinero. Seconded: Board Member Arco. All voted in favor. Motion carried.

Attorney Wood stated that from time to time the State Legislature allows the Board to enhance an exemption. This exemption is granted to persons with disabilities who own property in the town. Previously the Town has addressed this with two senior citizen exemptions and one for firefighters and EMTs. If adopted tonight this local law will increase income eligibility. The current maximum amount of income for a disabled person to be eligible for a 50% tax exemption is \$35,000.

The law would raise that to \$43,400. It is a sliding scale. The more a person makes the less the exemption is. This also mirrors what Dutchess County has adopted.

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

Supervisor D'Alessandro asked if there were any members from the public to speak for or against this local law. There were none.

a. Close Public Hearing

Motion to close the Public Hearing to update the Disabled Person Tax Exemptions: Board Member Franco. Seconded: Board Member Flores. All voted in favor. Motion carried.

b. Adopt Law

Local Law No. 6 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 Exemption 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**

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

2. Open Public Hearing to Consider Battery Storage Local Law

Motion to open the Public Hearing to consider a Battery Storage Local Law: Board Member Franco. Seconded: Board Member Flores. All voted in favor. Motion carried.

Supervisor D'Alessandro stated that there was a bad lithium ion battery fire in

town over the summer. This was the largest lithium ion battery fire in the state of New York. There was an astounding amount of batteries in this individual home. Thank goodness for the fast response from the first responders. Several homes could have caught on fire but they did not. The Board decided they needed to review this type of storage.

Attorney Wood stated that they are starting to see a bigger impact on commercial battery storage facilities. This draft local law is partly based on a recommendation from the New York State Energy Corporation. It has been circulated among expert consultants and they are asking that this be held over until January to clarify some of the comments that were received at the last moment. Overall this local law will limit the commercial battery storage facility to certain limited districts. Our zoning ordinance as it now stands allows public utilities in any zoning district of the town. That would include the residential districts. Other communities have had applications presented for battery storage facilities in residential zones as a public utility, which is debatable as they are not regulated. That plus some firematic issues have made the Town feel that they need to look at having better standards and zoning controls for these facilities. He did not review all of the conditions of this, but there are sizing limitations and spacing conditions. They may have to address this as they did with the solar law and may keep having to make adjustments until it fits what they need.

Supervisor D'Alessandro wanted to open this Public Hearing to get a dialogue going with the board and to let the public know that this is being discussed. It will be adjourned until the February meeting.

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

Councilperson Flores stated this is a very important topic as there is constantly something in the news regarding lithium-ion batteries. The technology is changing rapidly and taking a good hard look at this is the right thing to do.

Councilperson Marinaro stated this will set some guidelines and will hopefully make it safer for neighborhoods and communities. Supervisor D'Alessandro stated this should also help protect our emergency responders going to the sites.

a. Adjourn Public Hearing

Motion to adjourn the Public Hearing to consider a Battery Storage Local Law until the February 2024 meeting: Board Member Franco. Seconded: Board Member Flores. All voted in favor. Motion carried.

Approve Minutes:

November 9, 2023, Town Board Minutes

Motion to approve the minutes for the November 9, 2023, Town Board meeting minutes: Board Member Arco. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

Announcement of Additions to the Agenda:

Supervisor D'Alessandro said there is an addition to the agenda. It is to apply for a previously awarded grant for a Hillside Lake culvert.

Courtesy of the Floor:

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

Robert Grasso asked what the batteries from that fire were used for. Supervisor's D'Alessandro stated he did not know but there were tens of thousands of them. Kyle Austin, from Hillside Lake, spoke about the marquee sign at Hillside Lake and they would like to use it more often and have more input on what goes on it. Supervisor D'Alessandro stated they don't have the staff to do the lettering on it. They have discussed it before and they are not sure of the condition of the sign. Mr. Austin stated there are some families willing to raise funds for a digital sign, as Supervisor D'Alessandro stated the town will not be replacing it. Mr. Austin will be the point person for this and they will meet after the holidays. Mr. Austin said there are some lights out in the area. Superintendent Williams will call Central Hudson to report it if someone gets him the pole numbers. Board Member Marinaro stated the community should come to a consensus before approaching the Board.

Receive and File:

Supervisor D'Alessandro stated there is a letter received from the East Fishkill Historical Society thanking the Board for their annual contribution. There is a letter regarding the WIIA Grant Award and one for the Sam Grant for Veteran's Memorial Park.

Resolutions:

- 1. Authorize Advertisement of Bid for Sagamor Sewer District Dechlorination Upgrade**

RESOLUTION

(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.

Motion to authorize an advertisement of bid for Sagamor Sewer District Dechlorination Upgrade: Board Member Franco. Seconded: Board Member Flores. All voted in favor. Motion carried.

2. Declare Lead Agency for Rt 52 Commercial Water District

RESOLUTION (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.

Motion to declare Lead Agency for Route 52 Commercial Water District: Board Member Marinaro. Seconded: Board Member Arco. All voted in favor. Motion carried.

3. Schedule Public Hearing for February 8, 2023 for Rt 52 Commercial Water District Improvements

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 AYE
COUNCILPERSON MARINARO	VOTING AYE
COUNCIL PERSON ARCO	VOTING AYE
COUNCILPERSON FLORES	VOTING AYE
SUPERVISOR D’ALESSANDRO	VOTING AYE

The order was thereupon declared duly adopted.

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Motion to schedule a Public Hearing for February 8, 2023 for Route 52 Commercial Water District Improvements: Board Member Arco. Seconded: Board Member Franco. All voted in favor. Motion carried.

4. Adopt Amended LL #5 of 2023 Correcting Typo

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.

Motion to adopt Amended LL #5 of 2023 correcting a typo: Board Member Flores.
Seconded: Board Member Arco. All voted in favor. Motion carried.

5. Set Public Hearing for March 28, 2024 to Consider Amending Local Law Limiting Location of Smoke Vape Shops, etc.

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.

Motion to set a Public Hearing for March 28, 2024 to consider amending Local Law limiting location of smoke vape shops, etc.: Board Member Franco.
Seconded: Board Member Flores. All voted in favor. Motion carried.

6. Authorize a Change Order of Term Contract for Additional Hydrant and Valve

RESOLUTION

**(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 Commercial 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

Motion to authorize a Change Order of Term Contract for additional hydrant and valve: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

7. Establish a Technical Review Committee

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.

Motion to establish a Technical Review Committee: Board Member Arco.
Seconded: Board Member Franco. All voted in favor. Motion carried.

8. Update Town Employee Policy

RESOLUTION

(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 Receiver of Taxes) and Appointed officials (Comptroller, Engineer, Police Chief, Captain, Assessor, 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 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 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.

Motion to update the Town Employee Policy: Board Member Flores. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

9. Authorize Hiring Full-time Water Sewer Mechanic

RESOLUTION
(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.

Motion to authorize hiring a full-time Water Sewer Mechanic: Board Member Franco. Seconded: Board Member Flores. All voted in favor. Motion carried.

10. Declare Surplus and Authorize the Auction of Same

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.

Motion to declare surplus and authorize the auction of same: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

11. Authorize Purchase of Monuments for Veterans Under a County Grant

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.

Motion to authorize the purchase of monuments for Veterans under a County Grant: Board Member Arco. Seconded: Board Member Franco. All voted in favor. Motion carried.

12. Authorize Attendance at Association of Towns

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.

Motion to authorize attendance at the Association of Towns: Board Member Flores. Seconded: Board Member Franco. All voted in favor. Motion carried.

13. Approve Salary Schedule for 2024

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.

Motion to approve the Salary Schedule for 2024: Board Member Franco.

Seconded: Board Member Flores. All voted in favor. Motion carried.

14. Approve Water and Sewer Rates for 2024

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.

Motion to approve the water and sewer rates for 2024: Board Member Marinaro.

Seconded: Board Member Arco. All voted in favor. Motion carried.

15. Authorize Hiring Town Full-time Clerks

RESOLUTION

(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.

Motion to authorize hiring Town full-time Clerks: Board Member Arco. Seconded: Board Member Franco. All voted in favor. Motion carried.

16. Appoint Seasonal Interns

RESOLUTION **(APPOINTING TEMPORARY SEASONAL INTERNS)**

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

WHEREAS Salena Gafur and Sebastian Kaldor have worked as interns 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 Interns. 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.

Motion to appoint Seasonal Interns: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

17. Authorize Assignment of Agreements for Water Supply and Storage with respect to the Route 52 Commercial Water District and Amended Agreements

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. .

Motion to authorize assignment of agreements for water supply and storage with respect to the Route 52 Commercial Water District and Amended Agreements: Board Member Franco. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

18. Appoint Architectural Review Board Member and Alternate

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.

Motion to appoint Architectural Review Board Members and Alternate: Board Member Flores. Seconded: Board Member Franco. All voted in favor. Motion carried.

19. Acknowledge the Hiring of Seasonal Wingmen

RESOLUTION
(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.

Motion to acknowledge the Hiring of Seasonal Wingmen: Board Member Arco.
Seconded: Board Member Flores. All voted in favor. Motion carried.

20. Expand on the Hillside Lake Culvert Applying for a New Grant

RESOLUTION
(HILLSIDE LAKE CULVERT)

WHEREAS, the Town was previously awarded (2021) a grant to Replace the Hillside Lake Culvert; and

WHEREAS, the original cost was estimated at approximately One million dollars; and

WHEREAS, upon further planning and review it has now been determined that the cost would be excess thereof; and

NOW THEREFORE BE IT RESOLVED, that the Town Engineer is hereby authorized to apply for a grant based on current detailed estimates; and

BE IT FURTHER RESOLVED, that the Town Engineer is authorized to seek an extension of time on the current grant if available.

Motion to expand on the Hillside Lake culvert by applying for a new grant: Board Member Marinaro. Seconded: Board Member Arco. All voted in favor. Motion carried.

Additions to the Agenda by Majority Vote:

None.

Budget Transfer:

Supervisor D'Alessandro stated there is none for this meeting.

Comments from Town Board Members:

Highway Superintendent Williams stated they have completed the paving for the year. They have been out with the grade-all. There is a lot of black ice issues, so please be aware that there are some spots. If anyone sees something, please call the office. All of the Hometown Banners are down for the season. They have been doing tree work in the Hillside Lake area and on Grape Hollow Road. The jet vac has been out almost every day weather permitting. They are also continuing to fill

in potholes as they are reported. they did attend a good housekeeping meeting in the City Poughkeepsie for the MS4 education. They are in compliance. He wished everyone a happy holidays. Supervisor D'Alessandro thanked him for the Hometown Hero banner program. It is a wonderful program.

Clerk Cassidy wished everyone a Merry Christmas.

Board Member Arco said they are still reviewing projected labor allowances for 2024. He congratulated John Zboinski as the new incoming Fire Commissioner. He thanked Corey Ehrhart for his time and efforts in his time as Fire Commissioner. There were 265 calls for the fire district in November. There were 2,707 calls and there were only 2,840 calls in 2022. He gave the breakdown of types of calls. He is working on another meeting with the County to continue speaking about the EMS issues in the Town. The County has passed the resolution necessary to submit paperwork to do a countywide EMS. They will address this further after the new year. He wished everyone happy holidays.

Board Member Marinaro stated there has been an increase in domestic disputes. There were three major personal injury auto accidents in the past month. He reminded everyone to please be careful and stay alert while driving. If you are walking outside in the dark please wear reflective clothing. He thanked the Police Department for their assistance with the tree lighting ceremony. They handed out many gifts to a lot of children. They also ensured that the Grinch and Cindy Lou Who were present to meet children. He wished everyone a Merry Christmas and Happy New Year and Happy Hanukkah and hopes everyone has a safe New Year.

Board Member Franco thanked everyone who helped with the tree lighting ceremony. It was a wonderful event. Recreation has moved to the Davis House and they're very happy there. The Veterans Memorial Park is moving forward and he is very grateful for the grant and thanked Councilperson Caswell for his assistance. They are hoping to break ground next year. He stated that in regard to the Hometown banners, East Fishkill was the first in Dutchess County to do that. About two months ago he received an e-mail from a woman in Louisiana who heard about them, and she wanted to know how the program got started. He wished everyone a Merry Christmas and happy Hanukkah and hopes everyone enjoys the holidays and has a happy and healthy New Year.

Board Member Flores stated they are making great progress on the Comprehensive Master Plan Project. They are all very engaged. There are lots of different opinions and views and a lot of good dialogue. The committee meets monthly. The agendas, presentations, and notes are on a dedicated tab on the Town website. The Town Engineer presented at the recent meeting and she thanked him for his time. The committee has worked on their draft mission statement which has been circulated to the Board. They have also started working

