

MINUTES
TOWN OF EAST FISHKILL
TOWN BOARD MEETING
MARCH 28, 2024
6:00 p.m.

REGULAR BOARD MEETING

The Town of East Fishkill's Town Board Meeting on March 28, 2024, was called to order at 6:00 p.m. by Supervisor D'Alessandro with the Pledge of Allegiance to the Flag.

Supervisor's Announcements

Supervisor D'Alessandro stated he had a meeting with the Dutchess County Transportation Safety Council. This is the Metropolitan Planning Organization for Dutchess County. They ensure that all the Federal Transit Funds are spent within Dutchess County. They work on all kinds of transportation studies.

There was the monthly meeting with the Dutchess County Supervisors and Mayors Association in the Town of Washington. This month they voted on the membership and the executive committee. Supervisor D'Alessandro is the Chairman for the Dutchess County Small Government for the Dutchess County Economic Development Advisory Council.

Supervisor D'Alessandro met with the new director of the East Fishkill Library, Kristen Salierno. She has lots of new ideas, which should be good.

There have been several meetings with the Grant Director and the Economic Development Director, Congressman Lawlor, and Senator Schumer. Both have made notice to the Town that they will be providing appropriations to East Fishkill. Senator Schumer is providing \$2 million towards the iPark Water District. New York is committed to incoming semiconductor businesses. Congressman Lawlor is providing \$2 million towards the Pinewood Water District. This is the water interconnection project. The Congressman has also stated they are hoping to secure \$20 million for a company called Emargin. They have a lot of government contracts. Approximately \$18 million will be going towards the facility in East Fishkill for expansion. Supervisor D'Alessandro will keep everyone updated as this progresses. He thanked both men for their assistance and funding.

The annual gala for the Dutchess County Chamber of Commerce was last week. It was a wonderful event at the Grandview in Poughkeepsie. The Chamber of Commerce provides so much help to local business owners.

Supervisor D'Alessandro spoke about negative comments on social media and stated to please contact any of the Board members with any questions on things that are going on in the Town. Their numbers are posted on the website. The things they do are done to help the Town overall.

A first public outreach meeting for the Master Plan was at the Community Center last Thursday night. Over 100 people came out. It was presented very well to the

public. He thanked the committee and Councilman Flores and Town Professionals for all their hard work on this. They will be holding an additional meeting for local businesses as well.

The Economic Development Director and Supervisor went to the FDR library a few weeks ago to accept a grant of \$25,000 for the Master Plan. He thanked the Greenway for the funds and will be applying for another grant through them as well for \$125,000.

The Police Chief and Supervisor attended a ribbon cutting for CAPE of Dutchess County. They opened up a new space by the Department of Motor Vehicles in Wappinger Falls. He stated that Dutchess County is number 2 in the State of New York for overdose deaths.

Last Sunday was a pancake breakfast at the Stormville Fire Department that was attended by the Town Board. Please support them in their fundraising events. He thanked all the volunteers.

He attended a Dutchess County CDAC meeting. They oversee grants given out by Dutchess County. They did make their recommendations to the County Executive who will soon be awarding those grants.

Supervisor D’Alessandro met with the Chairman of the Conservation Advisory Council, Brent Feldweg. They have been working with the Fishkill Creek Water Shed communities. They are trying to designate the Fishkill Creek as a waterway which will help them apply for grants for cleanup or creek protection. Chairman Feldweg will be at the April meeting to present a review to the Town Board.

They have started taking down trees and have started the beginning process for the new Veterans Memorial Park. The Supervisor presented a slide that showed the proposed plan. There will be more information coming as it becomes available.

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

Board Members in attendance were:

Tom	Craig	Emanuele	Marianne	Nicholas
Franco	Arco	Marinero	Flores	D’Alessandro

Also in attendance were:

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

Public Hearings:

1. Open Public Hearing to Consider a Local Law Clarifying the Definitions for Vaping Products and Distance Requirements in the Zoning Ordinance

Motion to adjourn the Public Hearing to consider a Local Law clarifying the definitions for vaping products and distance requirements in the Zoning Ordinance

until the June voting meeting: Board Member Franco. Seconded: Board Member Flores. All voted in favor. Motion carried.

Supervisor D'Alessandro stated they needed more information on this. There are a few other towns reviewing this at the same time and he would like to see what they are considering as well.

2. Open Public Hearing to Consider the Formation of Swartout Water District

Motion to open the Public Hearing to consider the formation of Swartout Water District: Board Member Flores. Seconded: Board Member Marinaro. All vote in favor. Motion carried.

Supervisor D'Alessandro stated this water district is being formed for one property. It is on Joe's Mother's Road. This will be for East Fishkill's first and only senior housing project. They will be getting water from Dutchess County.

Attorney Wood stated the total cost for the district will be paid for by the developer. There is no taxpayer money being spent on this. The Town will take control of the tap to the County water line and infrastructure that the developer has agreed to put on site. This will, in the future, allow for the extension of water along the Route 82 corridor. All costs of building it will be borne by that parcel.

Supervisor D'Alessandro stated to come up with the name Swartout they looked at the historical map of the town and in the past that was referred to as the Swartout area of Town. They did not want to refer to it as Joe's Mother's Road Water District.

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

Supervisor D'Alessandro asked if there was anyone in the public to speak for or against this update. There were none.

a. Close Public Hearing

Motion to close the Public Hearing to consider the formation of Swartout Water District: Board Member Franco. Seconded: Board Member Arco. All voted in favor. Motion carried.

b. Adopt Negative Declaration and Order Establishing Water District

- Short Form EAF
- Supplemental Part III Information
- Storm Water Pollution Prevention Plan (SWPPP)
- Other (Describe)

Name of Action: **Swartout Water District Creation**

For Further Information:

Contact Person: Peter J. Cassidy, Town Clerk
Town Hall, 330 Route 376
Hopewell Junction, New York 12533
(845) 221-4303

REASONS SUPPORTING THIS DETERMINATION:

(See 617.7(c) for requirements of this determination; see 617.7(d) for conditioned Negative Declaration)

The Proposed Action is an administrative action that will result in the creation of the Swartout Water District. The Proposed Action would not be expected to result in any significant adverse impacts for the following reasons:

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

12. It will not conflict with the Town’s Comprehensive Plan.

In conclusion, no significant potential impacts were identified as a result of the Proposed Action.

Based on a review of 6NYCRR 617.7, there appear to be no significant adverse environmental impacts.

THIS NEGATIVE DECLARATION WAS AUTHORIZED AT A MEETING OF THE TOWN BOARD OF THE TOWN OF EAST FISHKILL HELD ON MARCH 28, 2024.

Chairperson/Designee	Date

- For Type I Actions and Conditioned Negative Declarations, a Copy of this Notice Sent to:
- Commissioner, Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-0001
 - Appropriate Regional Office of the Department of Environmental Conservation.
 - Office of the Chief Executive Officer of the political subdivision in which the action will be principally located.
 - Applicant (if any)
 - Other involved agencies (if any)

RESOLUTION

ORDER ESTABLISHING THE SWARTOUT WATER DISTRICT

A MEETING was conducted by the Town Board of the Town of East Fishkill on Thursday, March 28, 2024 at 6:00 pm at the Town Hall located at 330 Route 376, Hopewell Junction, NY at which time the following were present:

NICHOLAS D’ALESSANDRO
SUPERVISOR

TOM FRANCO
COUNCILPERSON

EMANUELE MARINARO
COUNCILPERSON

CRAIG ARCO
COUNCILPERSON

MARIANNE FLORES
COUNCILPERSON

WHEREAS, an application was made to form a Water District to serve Grid #6357-04-934400;

WHEREAS, the Town Board on January 18, 2024 adopted an Order Calling a Public Hearing on the establishment of the above district; and

WHEREAS, copies of said order were duly published and posted according to law, and said Town Board did, at the time and place specified in said order, duly meet and consider such proposal and heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same; and

WHEREAS, the evidence offered at such time and place requires that the Town Board make the determination hereinafter made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board, in the County of Dutchess, that it be and hereby is determined as follows:

(1) The notice of hearing was published and posted as required by law and is otherwise sufficient.

(2) That all of the property and property owners, within the proposed Water District are benefited thereby.

(3) That all of the property and property owners benefited are included within the proposed Water District.

(4) It is in the public interest to establish the proposed Water District as hereinafter described, and

BE IT FURTHER RESOLVED, that the Town Board does hereby approve the establishment of a Water District as hereinafter described to be known as Swartout Water District,
Town of East Fishkill, Grid# 6357-04-924400; and

BE IT FURTHER RESOLVED, that the improvements are being made by the Developer at no cost to the Town; and

BE IT FURTHER RESOLVED, that this resolution is subject to a 30-day permissive referendum; and

BE IT FURTHER RESOVLED, that the Town Clerk be and she hereby is authorized and directed to file a certified copy of this resolution, in duplicate in the office of the State Department of Audit and Control, at Albany, New York.

Voting As Follows:

<u>COUNCILPERSON THOMAS FRANCO</u>	VOTING	AYE
<u>COUNCILPERSON EMANUELE MARINARO</u>	VOTING	AYE
<u>COUNCILPERSON CRAIG ARCO</u>	VOTING	AYE
<u>COUNCILPERSON MARIANNE FLORES</u>	VOTING	AYE
<u>SUPERVISOR NICHOLAS D’ALESSANDRO</u>	VOTING	AYE

By Order of The Town Board
of the Town of East Fishkill,
Dutchess County, New York

Dated: East Fishkill, New York,
March 28, 2024

Peter Cassidy
East Fishkill Town Clerk

Motion to adopt the Negative Declaration and Order Establishing Water District: Board Member Flores. Seconded: Board Member Franco. All voted in favor. Motion carried.

3. Reopen Adjourned Public Hearing to Consider Battery Storage Local Law

Motion to reopen the Public Hearing to Consider the Battery Storage Local Law: Board Member Franco. Seconded: Board Member Arco. All vote in favor. Motion carried.

Supervisor D'Alessandro stated they were discussing this several months ago. Last Fourth of July there was a terrible fire in Town. In the garage of this home was over 50,000 lithium ion batteries. There is no law to prohibit someone from doing what that resident was doing. The Town was fortunate that this fire started elsewhere in the house and did not get the batteries. Due to the toxicity of the batteries, the DEC was involved. There was fear of contamination to the water tables.

Attorney Wood stated that if adopted this local law would restrict the creation of commercial battery facilities to the industrial parcels in the Town. It limits batteries on any other properties within the Town to batteries which are utilized on the product which they are intended for. If someone has an electric car and the battery is in the car that is allowed. They can have reasonable excess batteries. Anyone who proposes a battery storage facility must apply to the Town Board to be granted a Special Permit. It would then go to the Planning Board and they would do a site specific review and plan. It brings into play many of the State and national codes, building codes or any other regulatory codes that need to be complied with. It also requires certification from the local utility company that the facility is needed in the system and can be connected into the system. He does believe that as time progresses, this law will be amended to add or create more provisions that continue to keep the Town up to date. The current zoning allows any public utility in any district of the Town. This proposal would clearly limit this use into the industrial zones. This is probably not a perfect law as none of them are but it will be a good start to get it on the books.

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

Board Member Flores asked if this was for industrial facilities as opposed to residents. Attorney Wood stated this does not include batteries for a consumer product. His understanding of the home owner involved in the July 4th incident is that they had way more batteries than devices. This will not lend itself to an inspection of every house to see if they are in compliance, but if they do find proof that someone is charging batteries beyond the demands of normal consumer usage, they would have leverage under this law to issue a violation. As to commercial facilities, they would be limited to the current industrial zones. Board Member Flores stated that as it is written, she does not believe it differentiates between the size and capacity or the number of batteries. She asked if they should. Engineer Bryant stated under the battery use storage system it states it is one or more devices connected together.

Board Member Arco stated in the industrial zoning it still requires Planning Board approval. Attorney Wood stated there are two levels. The Town Board has to agree that the site is appropriate, and then Planning Board does the site specific spacing requirements, screening, and security. There is a provision for a Decommissioning Bond to be posted. It is a similar process to the solar panels.

Supervisor D'Alessandro asked about enforcement. Attorney Wood stated there are fines in place for violations. The fine can be up to \$3000 a week for each week that the violation occurs. They can also seek conjunctive relief from the Supreme Court for a Cease and Desist order. If that order is failed, the Justice of the Supreme Court can imprison them until they comply. Supervisor D'Alessandro asked if the process was the same as zoning enforcement and Attorney Wood said yes. There is due process. There is notice and time to correct. If it is a life

safety issue, a notice can be issued with an immediate correction required.

Supervisor D'Alessandro asked if there was anyone in the public to speak for or against this new law for battery storage systems. There was no one.

a. Close Public Hearing

Motion to close the Public Hearing to consider Battery Storage Local Law: Board Member Marinaro. Seconded: Board Member Arco. All voted in favor. Motion carried.

b. Adopt Negative Declaration and Local Law

NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Date: March 28, 2024

This notice is issued pursuant to Part 617 of the implementing regulation pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of East Fishkill Town Board has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Battery Energy Storage Systems

Description of Action: The Proposed Action would result in the adoption of an ordinance adding provisions to the Town Code with respect to Battery Energy Storage Systems. The proposed law would codify requirements to ensure the safety and health of the residents of East Fishkill 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.

The Proposed ordinance would not be expected to result in any significant adverse environmental impacts.

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

In conclusion, no significant potential impacts were identified as a result of the Proposed Action.

Based on a review of 6NYCRR 617.7, there appear to be no significant adverse environmental impacts.

THIS NEGATIVE DECLARATION WAS AUTHORIZED AT A MEETING OF THE TOWN BOARD OF THE TOWN OF EAST FISHKILL HELD ON MARCH 28, 2024.

Chairperson/Designee

Date

For Type I Actions and Conditioned Negative Declarations, a Copy of this Notice Sent to:

- Commissioner, Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-0001
- Appropriate Regional Office of the Department of Environmental Conservation.
- Office of the Chief Executive Officer of the political subdivision in which the action will be principally located.
- Applicant (if any)
- Other involved agencies (if any)

Local Law No. 2 of 2024
**(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 March 28, 2024
At a Regular Meeting
Held at Town Hall**

VOTE	VOTING
COUNCILPERSON FRANCO	AYE
COUNCILPERSON MARINARO	AYE
COUNCILPERSON ARCO	AYE
COUNCILPERSON FLORES	AYE
SUPERVISOR D'ALESSANDRO	AYE

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

Approve Minutes:

February 8, 2024, Town Board Minutes

Motion to approve the minutes for the February 8, 2024, Town Board meeting minutes: Board Member Arco. Seconded: Board Member Franco. All voted in favor. Motion carried.

Announcement of Additions to the Agenda:

Supervisor D'Alessandro said there is one addition to the agenda. Everyone received a memo from the Town Engineer regarding a road bond. This will be addressed last.

Courtesy of the Floor:

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

Liz Seri, a Hopewell Junction resident, stated she is a volunteer with New York Citizens Audit. It is part of a nationwide organization. She spoke about voter data and the findings of their audit and a proposed resolution regarding voter accuracy.

Carmine Retorno read a portion of the resolution proposed by the NY Citizens Audit.

Michael Helm read another portion of the resolution.

John Elsworth read existing voter laws.

Barbara Helm spoke about election inaccuracies. They are asking for meaningful remedies for the 2024 elections.

James Seri spoke about voter accuracy.

Board Member Marinaro stated he met the president of this organization in January, and she did a great presentation. He thanked all of these people for coming and making this presentation. He believes their work is important and the base for voting and integrity for voting is very important.

Supervisor D'Alessandro thanked them for the comments and stated he will review their draft resolution.

Receive and File:

Supervisor D'Alessandro stated there is a letter regarding the Justice Court Assistance Program Grant. This is for receipt of a JCAP Grant for \$30,000 for records management. There is a letter regarding the Hudson River Valley Greenway Compact Grant Award and the one from Congressman Lawlor's office regarding the grant for Town of East Fishkill FY 2024 Clean Water Project Funding.

Resolutions:

- 1. Set a Public Hearing for April 25, 2024 DWSRF 19146 Water Supply Bond**

RESOLUTION

At a regular meeting of the Town Board of the Town of East Fishkill, Dutchess County, New York, held at the Town Hall, 330 Route 376, in Hopewell Junction, New York, in said Town, on March 28, 2024, 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

In the Matter
of
the Joint Increase and Improvement of the
Facilities of Various Water Districts, in the
Town of East Fishkill, Dutchess County,
New York

ORDER CALLING
PUBLIC HEARING

WHEREAS, the Town Board of the Town of East Fishkill, Dutchess County, New York, has had under consideration the joint increase and improvement of the facilities of six of the water districts in said Town, as hereinafter described in said Town (together, the “Water Districts”, each a “Water District”), consisting of the construction of various system improvements to the water supply, treatment and distribution facilities to establish an interconnected water supply, treatment and distribution system, including original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith; and

WHEREAS, the maximum estimated cost to said Water Districts of such joint increase and improvement of facilities is determined to be \$16,700,000; and

WHEREAS, such cost shall be annually apportioned among such Water Districts by said Town Board, and the amounts so apportioned shall be annually apportioned and

assessed upon the several lots and parcels of land within each said Water District benefitted thereby, and as otherwise provided by law, in an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due; and

WHEREAS, it is anticipated at this time that the apportionment of such cost between the following Water Districts shall be Beckman Water District (\$1,480,553.35), Four Corners Water District (\$8,442,199.80), Hopewell Hamlet Water District (\$3,178,298.30), Hopewell North Water District (\$545,232.05), Little Switzerland Water District (\$272,616.03), and Pinewood Knolls Water District (\$2,809,296); and

WHEREAS, the components of such joint increase and improvements shall be as follows:

Beckman Water District:	Construction of new well and improvements to water treatment plant, and interconnection improvements
Four Corners Water District:	Interconnection improvements
Hopewell Hamlet Water District:	Wells mitigation and ion exchange improvements
Hopewell North Water District:	Interconnection improvements
Little Switzerland Water District:	Interconnection improvements
Pinewood Knolls Water District:	Interconnection improvements

Including in each case original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses, as well as water main and water meter buildings as interconnection improvements, as applicable; and

WHEREAS, said capital project 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 result in any significant environmental impact; and

WHEREAS, it is now desired to call a public hearing on said proposed joint increase and improvement and estimate of cost pursuant to Section 202-b of the Town Law; NOW, THEREFORE, BE IT

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

Section 1. A meeting of the Town Board of the Town of East Fishkill, Dutchess County, New York, shall be held at the Town Hall, in Hopewell Junction, New York, in said Town, on the 25th day of April, 2024, at 6:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing on the proposed joint increase and improvement of the facilities of the each of the aforescribed Water Districts, in said Town, and the estimate of cost referred to in the preambles hereof, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

Section 2. The Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be published in the official newspaper of said Town, and posted in the manner prescribed by law, which notice shall be in substantially the form attached hereto as Exhibit A and hereby made a part hereof:

Section 3. This resolution shall take effect immediately.

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

**DATED: MARCH 28, 2024
EAST FISHKILL, NY**

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 AYE
COUNCILPERSON EMANUELE MARINARO	VOTING AYE
COUNCILPERSON CRAIG ARCO	VOTING AYE
COUNCILPERSON MARIANNE FLORES	VOTING AYE
COUNCILPERSON NICHOLAS D’ALESSANDRO	VOTING AYE

The resolution was thereupon declared duly adopted.

* * * *

Motion to set a Public Hearing for April 25, 2024 DWSRF 19146 Water Supply Bond: Board Member Franco. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

2. Approve Cares Reallocation

RESOLUTION
(TOWN OF EAST FISHKILL ARPA FUND TRANSFER)

WHEREAS, the Town of East Fishkill previously received funding from the American Rescue Plan Act (ARPA) and identified approximately \$2.5M in project infrastructure needs that will be distributed to thirteen special districts for infrastructure upgrades as identified in the attached distribution schedule; and

WHEREAS, the Town of East Fishkill allocated the funds to various infrastructure needs in October 23, 2023 and last modified the allocations in October 2023; and

WHEREAS, the Town need to utilize these funds by the end of 2026 year and has identified the Taconic Homes Repair Project and the Pinewood Knolls new water source as an immediate priorities that are each able to utilize up to \$300,000 of the ARPA funds; and

NOW THEREFORE, IT IS RESOLVED, that the Town Board hereby declares and authorizes the transfer of funds as listed below.

MARCH 2024 TRANSFER SCHEDULE

Description	Current Allocation	Revised Allocation
Revere/Worley Cost Escalation	\$175,000	\$400,000
Hopewell Hamlet PFOA Mitigation	\$250,000	\$0
Fishkill Plains GWUDI Filters	\$250,000	\$200,000
Beekman Water Supply Study	\$250,000	\$100,000
Four Corners Storage Tank	\$125,000	\$0
Cannon Well #5	\$125,000	\$125,000
Pinewood Knolls PFOA	\$100,000	\$300,000
Little Switzerland/Taconic/Shenandoah Repairs	\$150,000	\$150,000
Beekman Sewer Upgrades	\$125,000	\$25,000
Hamlet Sewer Upgrades	\$250,000	\$0
Four Corners Well #5	\$500,000	\$100,000
Meter Replacements	\$150,000	\$500,000
Sagamor UV Treatment	\$50,000	\$50,000
Taconic Emergency Repairs	\$0	\$300,000
Miscellaneous/ (Locate Equipment)	\$28,401	\$28,401
TOTAL	\$2,528,401	\$2,528,401

Motion to approve ARPA Funds transfer: Board Member Franco. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

3. Authorize Settlement of Tax Certiorari – Holiday Summer Homes

RESOLUTION
(AUTHORIZING THE SETTLEMENT OF A
TAX CERTIORARI – HOLIDAY SUMMER HOMES)

WHEREAS, Holiday Summer Homes, filed a tax certiorari for the year 2023; and

WHEREAS, after discussions and review with the Town Assessor it was deemed that a reduction in the roll would be appropriate; and

WHEREAS, it is necessary to review and approve this reduction;

NOW, THEREFORE, BE IT RESOLVED, that the Town Attorney be and hereby is authorized to execute a Consent Judgment and Stipulation of Settlement with respect to the above referenced tax certiorari proceedings as follows:

Tax Map No.: 6558-04-7324540

<u>Assess. Year</u>	<u>Assessed Valuation</u>		<u>Amount of Reduction</u>
	<u>Reduced From</u>	<u>Reduced To</u>	
2023	\$2,800,000.	\$2,400,000.	\$400,000.

BE IT FURTHER RESOLVED, that upon approval of the Justice of the Supreme Court, all appropriate steps will be taken by the appropriate Town Officials to effectuate the changes herein.

Motion to authorize a settlement of a tax certiorari for Holiday Summer Homes: Board Member Marinaro. Seconded: Board Member Arco. Supervisor D’Alessandro voted nay. All others voted in favor. Motion carried.

4. Authorize Hiring Temporary Typist

RESOLUTION
(APPOINT TOWN HALL TEMPORARY PART-TIME TYPIST)

WHEREAS, the Town is in need from time to time of temporary employees commonly referred to as Floaters to assist in the clerical functions necessary to operate Town Departments; and

WHEREAS, Michelle Wright has been interviewed and is recommended to be hired as a Temporary Typist; and

NOW, THEREFORE, BE IT RESOLVED, that the applicant is hereby appointed as a Temporary Part-time Typist in the Town, being paid at the hourly rate of \$16.69; and

BE IT FURTHER RESOLVED, that said typist shall work at the pleasure of the Town Supervisor in accordance with all the previously established rules and regulations.

Motion to authorize hiring a temporary typist: Board Member Arco. Seconded: Board Member Flores. All voted in favor. Motion carried.

5. Authorize Sons of Italy Fireworks Permit and Grant Permission to Use Hopewell Recreation Field May 23 – 26, 2024

RESOLUTION

(AUTHORIZE FIREWORKS PERMIT AND GRANT PERMISSION TO USE HOPEWELL RECREATION FIELD MAY 23-26, 2024)

WHEREAS, the Sons of Italy conduct their annual event to provide entertainment and fireworks to the community; and

WHEREAS, the Town has traditionally allowed them the use of the Hopewell Recreation Field for this purpose; and

WHEREAS, the Sons of Italy is requesting the Town Board approve the use of the Hopewell Recreation Field from Thursday, May 23, 2024 through Sunday, May 26, 2024; and,

WHEREAS, the Sons of Italy is requesting the Town Board approve the fireworks display for Sunday, May 26, 2024; and

THEREFORE, BE IT RESOLVED, that the Sons of Italy is authorized to use the Recreation Field and have the fireworks display on the date requested; and

BE IT FURTHER RESOLVED, that the Town Police, Town Recreation Department and all other agencies of the Town are authorized and directed to allow the use of the Hopewell Recreation Field by the Sons of Italy for the firework display; and

BE IT FURTHER RESOLVED, that this consent is subject to the receipt of a Certificate of Insurance from the Sons of Italy indemnifying the Town for any liability arising out of their use of the fields.

Motion to authorize the Sons of Italy Fireworks Permit and grant permission to use the Hopewell Recreation Field May 23 – 26, 2024: Board Member Flores.

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

6. Acknowledge April as Parkinson’s Awareness Month

RESOLUTION

(DESIGNATE APRIL AS PARKINSON’S AWARENESS MONTH)

WHEREAS, Parkinson’s disease is a progressive neurological movement disorder of the central nervous system, which has a unique impact on each patient; and

WHEREAS, according to the Parkinson’s Action Network, the Parkinson’s Disease Foundation, the American Parkinson’s Disease Association and the

National Institutes of Health, there are over one million Americans diagnosed with Parkinson’s disease; and

WHEREAS, symptoms include slowness, tremor, difficulty with balance and speaking, rigidity, cognitive and memory problems; and

WHEREAS, although new medicines and therapies may enhance life for some time for people with Parkinson’s, more work is needed for a cure; and

WHEREAS, increased education and research are needed to help find more effective treatments with fewer side effects and ultimately a cure for Parkinson’s disease; and

WHEREAS, a multidisciplinary approach to Parkinson’s disease care includes local wellness, support, and caregiver groups; and

WHEREAS, April has been proclaimed as World Wide Parkinson’s Awareness Month for all to recognize the need for more research and help in dealing with the devastating effects of Parkinson’s disease.

NOW, THEREFORE, we the Town Board of East Fishkill do hereby proclaim April as Parkinson’s Awareness Month in 2024.

Motion to acknowledge April as Parkinson’s Awareness Month: Board Member Franco. Seconded: Board Member Flores. All voted in favor. Motion carried.

7. Acknowledge National Child Abuse Prevention Month

RESOLUTION
(DESIGNATE APRIL AS CHILD ABUSE PREVENTION MONTH)

WHEREAS, National Child Abuse Prevention Month is an annual observance in the United States dedicated to raising awareness and preventing child abuse and neglect. April has been designated National Child Abuse Prevention Month in the United States dating back to 1983; and

WHEREAS, statistics have shown that 1 in 10 children will be sexually abused before their 18th birthday. Five children die a day in the US. In Dutchess County, over 1000 cases of child abuse are reported each year and about 5 times as many go unreported; and

WHEREAS, the Town of East Fishkill is committed to preventing and stopping the abuse, neglect, and maltreatment of children, and

WHEREAS, the Town of East Fishkill recognizes the importance in increasing awareness on the warning signs to recognize and report the abuse of children; and

WHEREAS, National Child Abuse Prevention Month recognizes the importance of families and communities working together to strengthen families to prevent child abuse and neglect; and

THEREFORE, BE IT RESOLVED, the Town Board of East Fishkill declares April 2024 as Child Abuse Prevention Month.

Motion to acknowledge National Child Abuse Prevention Month: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

8. Authorize Town Clerk to Attend Town Clerk’s Association Conference April 21-24, 2024

RESOLUTION
(AUTHORIZING ATTENDANCE AT THE NEW YORK STATE TOWN CLERKS ASSOCIATION)

WHEREAS, the New York State Town Clerks Association Conference conducts their annual meeting and training sessions in Albany April 21, 2024 to April 24, 2024; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board does hereby authorize the Town Clerk, approved by the Town Supervisor, to attend the New York State Clerks Association Conference held in Albany April 21-24, 2024; and

BE IT FURTHER RESOLVED, the expenses to the Town will be for tuition, lodging, meals and tolls.

Motion to authorize the Town Clerk to attend Town Clerk’s Association Conference April 21-24, 2024: Board Member Arco. Seconded: Board Member Franco. All voted in favor. Motion carried.

9. Acknowledge Hiring Seasonal Laborers for Highway

RESOLUTION
(APPOINT SEASONAL LABORERS)

WHEREAS, the Town has interviewed Lucas Franzen, Kenneth Williams Jr., DeShawn Primarolo-Ratliff, and Jerrid Torres; and

WHEREAS, the Town is requesting the hiring of Jerrid Torres, and the rehiring of Lucas Franzen, Kenneth Williams Jr., and DeShawn Primarolo-Ratliff as Seasonal Laborers; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize the hiring of Jerrid Torres, and the rehiring of Lucas Franzen and DeShawn Primarolo-Ratliff as Seasonal Laborers in Highway; and

BE IT FURTHER RESOLVED, that the Town Board does hereby authorize the rehiring of Kenneth Williams Jr. as a Seasonal Laborer in Water and Sewer; and

BE IT FURTHER RESOLVED, that Jerrid Torres will be paid at an hourly rate of \$17.00, DeShawn Primarolo-Ratliff will be paid at an hourly rate of \$17.50, and Lucas Franzen and Kenneth Williams Jr. will be paid at an hourly rate of \$18.50; and

BE IT FURTHER RESOLVED, that their effective date will be April 8, 2024, and that upon completion of their seasonal tasks, they shall be removed from the payroll.

Motion to acknowledge hiring of seasonal laborers for Highway: Board Member Flores. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

10. Acknowledge Arbor Day Proclamation

RESOLUTION (ACKNOWLEDGE ARBOR DAY 2024)

WHEREAS, the first Arbor Day was celebrated in 1872 in Nebraska as a special day for planting trees and has grown to thousands of celebrations in communities across our nation each year; and

WHEREAS, community partners, families and friends will be joined together at local Arbor Day ceremonies to recognize the benefits of trees and urban forests; and

WHEREAS, trees will be planted in the town creating a lasting legacy for future generations; and

WHEREAS, trees improve water quality and quantity, reduce the erosion of precious topsoil, increase property values and economic vitality in business

areas, provide shade, cleanse the air, create habitat for wildlife, and add beauty to our community; and

WHEREAS, trees promote outdoor recreation which improves human health and well-being and reduces “Nature-Deficit Disorder” in children by encouraging more activity and connection to the natural world; and

WHEREAS, all of East Fishkill benefits from forestry, which contributes thousands of dollars annually to our Town’s economy and provides employment; and

NOW, THEREFORE, BE IT RESOLVED, that we the Town Board of East Fishkill acknowledge and celebrate Arbor Day each and every year in East Fishkill and encourage our citizens to plant trees thus leaving a legacy for present and future generations.

Motion to acknowledge Arbor Day Proclamation: Board Member Franco.

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

11. Award Concession Stand Bids for Red Wing Park and Main Park and Soccer Field

RESOLUTION

(GRANTING CONCESSION FACILITY USE PRIVILEGES)

WHEREAS, on various recreational sites owned and operated by the Town, there are concession facilities; and

WHEREAS, the Town Board has reviewed request for proposals for various vendors to utilize the concession facilities on these sites to serve the users of the facilities over the summer months; and

WHEREAS, the Town Board has reviewed the references, the menus and other issues pertaining to the vendors; and

WHEREAS, it is the desire of the Town Board to authorize the use of the concessions;

NOW, BE IT RESOLVED, that the Rt. 376 Hopewell Recreation Concession Facility may be utilized from April 1, 2024 through November 1, 2024 by Amani’s Kitchen upon payment to the Town of the sum of **\$1,100.00** and upon agreement of the vendor to be open during all activities and events at the site as set forth in the annexed proposal and report what the net actually was; and

NOW, THEREFORE, BE IT RESOLVED, that the Rt. 52 Complex Concession Facility may be utilized from April 1, 2024 through November 1, 2024 by East

Fishkill Soccer Club upon payment to the Town of the sum of **\$1,100.00** and upon agreement of the vendor to be open during all activities and events at the site as set forth in the annexed proposal and report what the net actually was; and

NOW, BE IT FURTHER RESOLVED, that the Red Wing Park Concession Facility may be utilized from April 1, 2024 through November 1, 2024 by Amani’s Kitchen upon payment to the Town of the sum of **\$550.00** and upon agreement of the vendor to be open during all activities and events at the site as set forth in the annexed proposal and report what the net actually was; and

BE IT FURTHER RESOLVED, that all of the vendors shall sign a letter agreement as prepared by the Town Attorney and provide to the Town Attorney for approval, Certificates of Insurance prior to entering upon the use of the concession facilities. Renovations and/or improvements proposed in said bids shall be agreed upon after inspection from the Recreation/Highway Department.

Motion to award concession stand bids for Red Wing Park and Main Park and Soccer Field: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

12. Award Lawn mowing Bids – Lomala and Park & Rides

RESOLUTION
(AWARDING BIDS FOR LAWN MOWING/GROUNDS KEEPING SERVICES
2024-2025)

WHEREAS, the Town also is responsible for providing mowing services on behalf of special districts within the Town and to charge back those districts the cost thereof; and

WHEREAS, the Town Clerk duly advertised for the receipt of bids with respect to providing mowing services within the Town; and

WHEREAS, those bids have been received and it is the desire of the Town Board to consider the award thereof; and

NOW, THEREFORE, BE IT RESOLVED, that the bidder Beechtree Holdings, LLC be and hereby is awarded the Grounds Keeping bids at Lomala Park District and the Town Wide Park and Rides for the years 2024 and 2025; and

BE IT FURTHER RESOLVED, that the Supervisor be and hereby is authorized to execute these bid documents and the Town Clerk shall notify the bidder as to the outcome of the bid.

Motion to award lawn mowing bids for Lomala and Park & Rides: Board Member Arco. Seconded: Board Member Franco. All voted in favor. Motion carried.

13. Award Worley Drainage Materials Bid

RESOLUTION

(AUTHORIZE AWARD FOR WORLEY DRAINAGE MATERIALS)

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 performed 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

WHEREAS, this is a Type II SEQR Classification and no further SEQR action is needed; and

WHEREAS, the public bidding process yielded two bid responses; and

WHEREAS, the Town also holds competitive bid pricing for various drainage materials for the 2023-2024 years from various bidders; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor and/or Highway Superintendent be and hereby are authorized to enter into agreements for up to \$150,000.00 for materials needed for the Worley Drainage Project.

Motion to award Worley drainage materials bid: Board Member Flores.
Seconded: Board Member Marinaro. All voted in favor. Motion carried.

14. Authorize Four Corners Water Plant Access Repair

RESOLUTION

(AUTHORIZE AWARD FOR WORLEY DRAINAGE MATERIALS)

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 performed 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

WHEREAS, this is a Type II SEQR Classification and no further SEQR action is needed; and

WHEREAS, the public bidding process yielded two bid responses; and

WHEREAS, the Town also holds competitive bid pricing for various drainage materials for the 2023-2024 years from various bidders; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor and/or Highway Superintendent be and hereby are authorized to enter into agreements for up to \$150,000.00 for materials needed for the Worley Drainage Project.

Motion to authorize Four Corners Water Plant access repair: Board Member Franco. Seconded: Board Member Flores. All voted in favor. Motion carried.

15. Appoint After Camp Director for Recreation

RESOLUTION
(APPOINT AFTER CAMP DIRECTOR FOR RECREATION)

WHEREAS, the Recreation Director has interviewed Jacob Rynn; and

WHEREAS, the Recreation Director is requesting the hiring of Jacob Rynn as After Camp Director for East Fishkill Summer Camp; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize the hiring of Jacob Rynn; and

BE IT FURTHER RESOLVED, that Jacob Rynn will be paid an hourly rate of \$18.00.

Motion to appoint an after camp director for Recreation: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

16. Authorize Hiring Foreman/MS4 Officer Engineering Department

RESOLUTION
(ACKNOWLEDGE HIRING IN HIGHWAY DEPARTMENT)

WHEREAS, the Highway Superintendent has interviewed and hired Delmar Jackson as a Full-time Motor Equipment Operator (MEO) for the Highway Department, and

WHEREAS, the Highway Superintendent has submitted a memo to the Town Board; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby acknowledge the hiring of Delmar Jackson as a Full-time Motor Equipment Operator (MEO) in the Highway Department; and

BE IT FURTHER RESOLVED, that Delmar Jackson will be paid in accordance with the CSEA contract, with an effective date of April 15, 2024.

Motion to authorize the hiring of a Foreman/MS4 Officer Engineering Department: Board Member Arco. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

17. Establish the East Hook Road Bridge Capital Project and Authorize Acquisition of Materials

RESOLUTION
(ESTABLISHING A CAPITAL FUND FOR EAST HOOK ROAD BRIDGE REPLACEMENT AND AUTHORIZE ACQUISITION OF MATERIALS)

WHEREAS, the Town Board has been working with FEMA for the replacement of East Hook Rd Bridge; and

WHEREAS, the New York State DOT has provided a temporary bridge and is requesting the bridge be removed by the contractor; and

WHEREAS, an agreement has been reached with the bridge contractor to purchase said structure in the amount of \$35,000.; and

WHEREAS, it is the desire of the Town Board to authorize a Capital Fund to be created for this Capital Project for the purchase of this structure and other costs for the eventual replacement of the bridge; and

NOW THEREFORE BE IT RESOLVED, that the Town Comptroller is authorized to establish a Capital Fund for the East Hook Road Bridge Replacement; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to apply to FEMA for the funds to replace this bridge; and

BE IT FURTHER RESOLVED, that the Comptroller is authorized to pay the \$35,000. for the purchase of the temporary bridge from the appropriate budget line.

Motion to establish the East Hook Road Bridge Capital Project and authorize acquisition of materials: Board Member Flores. Seconded: Board Member Franco. All voted in favor. Motion carried.

18. Authorize Change Order OCS Carol Drive Bridge Project for Emergency Repair Warren Farm Rd Bridge

RESOLUTION

(AUTHORIZING A CHANGE ORDER OCS CAROL DRIVE BRIDGE PROJECT FOR EMERGENCY REPAIR WARREN FARM RD BRIDGE)

WHEREAS, the Town Board has authorized the emergency repairs to the Warren Farm Rd Bridge; and

WHEREAS, the contractor for the Carol Drive Bridge, OCS Industries, met the requirements to perform the repairs quickly; and

WHEREAS, a change order is required in the amount of \$91,338.09 in the Carol Drive Bridge Contract to facilitate payment for this emergency repair work; and

WHEREAS, the Town Engineer's recommendation to the Town Board is to approve a change order for OCS Industries for the Carol Drive Bridge Contract; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board approve the change order for the emergency repairs.

Motion to authorize Change Order OCS Carol Drive Bridge Project for emergency repair to Warren Farm Rd Bridge: Board Member Franco. Seconded: Board Member Flores. All voted in favor. Motion carried.

19. Set Public Hearing for Special Joint Town Board Meeting with Planning Board regarding Re-Use Special Permit for Lidl

RESOLUTION
**(RECEIVING & REFERRING THE APPLICATION OF LIDL US OPERATIONS,
LLC FOR A RE-USE SPECIAL PERMIT AND SITE PLAN APPROVAL FOR
EAST DRIVE iPARK)**

WHEREAS, the Town Board has received the above application for consideration; and

WHEREAS, the Town Board must take certain preliminary actions; and

NOW THEREFORE BE IT RESOLVED, that the Town Board acknowledges receipt of the application and refers the same to the Planning Board; and

BE IT FURTHER RESOLVED, the Town Planning Staff is hereby directed to circulate a notice of the intent of the Town Board to be Lead Agency under SEQRA; and

BE IT FURTHER RESOLVED, that the Town Board sets a Public Hearing for a Special Joint Town Board Meeting with the Planning Board regarding Re-Use Special Permit for Lidl for April 25, 2024 at 6:00 PM at the Town Hall; and

Motion to set a Public Hearing for a Special Joint Town Board meeting with the Planning Board regarding a Re-use Special Permit for L.I.D.L.: Board Member Marinaro. Seconded: Board Member Arco. All voted in favor. Motion carried.

20. Authorize Change of Commercial Fire Inspection Fee

RESOLUTION
(AUTHORIZE CHANGE OF COMMERCIAL FIRE INSPECTION FEE)

WHEREAS, it is necessary for the Town Board from time to time to re-evaluate fees; and

WHEREAS, fees for commercial occupancies for fire inspections have been reviewed and it is recommended that the fee for tenants up to 3,000 sq. ft. be adjusted; and

WHEREAS, the Town Board has received the attached revised fee schedule; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board does hereby authorize the revision to the 2023 Fire Inspection schedule.

Motion to authorize a change of commercial fire inspection fees: Board Member Arco. Seconded: Board Member Franco. All voted in favor. Motion carried.

21. Appoint Member to the Comprehensive Master Plan Committee

RESOLUTION

(APPOINTING A MEMBER TO THE COMPREHENSIVE PLAN COMMITTEE)

WHEREAS, the Town of East Fishkill has begun the process of updating their Comprehensive Master Plan; and

WHEREAS, The Town has appointed members to the East Fishkill Comprehensive Plan Committee; and

WHEREAS due to the resignation of a current member, the Committee has interviewed and is requesting the Town Board appoint Brian Stacy as a Comprehensive Plan Committee Member;

NOW, THEREFORE, BE IT RESOLVED, that Brian Stacy is hereby appointed to the East Fishkill Comprehensive Plan Committee (“CPC”).

Motion to appoint a member to the Comprehensive Master Plan Committee. Board Member Flores. Seconded: Board Member Arco. All voted in favor. Motion carried.

22. Acknowledge Hiring Full-time MEO for Highway Department

RESOLUTION

(AUTHORIZE HIRING OF FOREMAN/MS4 OFFICER)

WHEREAS, the Town has identified the need for a Foreman, with the assignment of MS4 Officer; and

WHEREAS, the Town Engineer and Highway Superintendent have interviewed Joseph Oakes; and

WHEREAS, the Town Engineer has submitted a memo to the Town Board requesting the hiring of Joseph Oakes as Full-Time Foreman, to be used between the Engineering, Water & Sewer and Highway Departments; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize the hiring of Joseph Oakes as Full-Time Foreman, with the assignment of MS4 Officer, effective April 1, 2024; and

BE IT FURTHER RESOLVED, that Joseph Oakes will receive fringe benefits according to the CSEA Contract, and will be paid \$33.02/hr.

Motion to acknowledge hiring a full-time MEO for the Highway Department: Board Member Flores. Seconded: Board Member Franco. All voted in favor. Motion carried.

Additions to the Agenda by Majority Vote:

Supervisor D'Alessandro stated there was one addition to the agenda. It is a memo from the Engineer. There is a Road Infrastructure Bond.

Motion to accept the Town Engineer's recommendation to set the bond amount: Board Member Arco. Seconded: Board Member Franco. All voted in favor. Motion carried.

Budget Transfer:

Supervisor D'Alessandro stated there are no budget transfers at this time.

Comments from Town Board Members:

Highway Superintendent Williams stated they completed all of the drainage work on Wilmont Court. They will be doing some patchwork next week. They are continuing to patch potholes throughout Town. They are doing catch basin repairs in the Eisenhower development. The Grade-all has been out where they have had some washouts due to the heavy rain. They have been fixing broken curbing and some plow damage. The tree crews have been out clearing dead trees throughout Town. They have also been working over in Veterans' Park. They finished building the log truck in the garage. They converted it over from the old Jet-Vac truck. The new Jet-Vac has been out cleaning out catch basins throughout the Town. The street sweepers will be starting next month.

Chief Cuccia stated the crime report is low, which is a good thing. He thanked the Supervisor for attending the CAPE meeting. The County is, unfortunately, the second in the state for overdose deaths. East Fishkill is a smaller percent of the problem. On St. Patrick's Day there was a successful DWI checkpoint. It was multi agency so he thanked the Sheriff's Department and the New York State Police for participating with East Fishkill officers. They are starting to kick off their grant fund for aggressive driving details along with seatbelts. They will be enforcing things in Hillside Lake for this upcoming month. Town Cleanup is on April 6. There is usually a large contingency from the Police Department. The PBA supports this as well. The PBA also sponsors the Easter egg hunt with the petting zoo and obstacle course. They have one recruit at the Westchester Academy and one recruit at the Rockland Police Academy and they are both doing very well. They

will graduate in May and June. There was taser training last month and this month they will be working with stop sticks.

Board Member Arco stated he and Highway Superintendent Williams have been evaluating cost savings, labor, and parts acquisition. He thanked Joe Angot and Tom Knapp for the work on the old Jet-vac truck. They took it off the frame and built a log truck from scratch. They did an awesome job. They have been evaluating multiple software solutions in regard for proactive routine Town Highway work, and scheduling maintenance work on buildings and vehicles. He met with the Comptroller and reviewed the annual software costs, and he will be reviewing those numbers with the Supervisor. He is being taught the operations of the Police Department as well as what the Chief's responsibilities are. The Police Chief and Board Member Arco have been reviewing tasks that Board Member Arco can help with. He will also be doing ride-a-longs over the next two months. He would also like to sit with the dispatchers. The cameras have been distributed this week.

Board Member Marinaro stated he and the Supervisor met with the group regarding the status of Dutchess County EMS. They did discuss the national crisis and lack of first responders. One of their suggestions was to share costs among all of the municipalities in Dutchess County and giving seminars on proper use of EMS services for the future. Board Member Marinaro stated this is a national crisis. They did discuss increasing salaries as an option. He gave the monthly report from the fire department regarding their responses for the month. He stated he attended a meeting with the Board of Fire Commissioners on March 11. The volunteer fire district saves taxpayers a large sum of money. Last month was Black History Month and he stated that East Fishkill is an all-inclusive community with respect for all its citizens. He wished the community a happy and peaceful Easter.

Board Member Franco thanked the Highway Department for getting rid of all of the wood at the future Veterans Memorial Park. April 1 is the Town Spring Community Food Drive. The Town Hall is a drop-off location as well as the Recreation Office and the Highway Department. April 6 is Cleanup Day. Registration is at the Town Hall from 8 AM to 8:30 AM. You will be fed coffee and snacks. The East Fishkill Police Department will be there. The annual Easter Egg Hunt is also that day from 12:30 PM to 2:30 PM. April 12 is the Howland Chamber Music Circle Concert, sponsored by the Town, and held at the library at 6:30 PM. Supervisor D'Alessandro stated this was very well done last year. Board Member Franco stated Opening Day is April 13 for soccer and baseball and there will be a parade at 9 AM starting in the fields and ending at Field 3. Special thanks to Christine Selback for bringing that back. Women's basketball registration can be done online or at the recreation office. Games will start on June 3 and will be held on Mondays at Hopewell Recreation. April 1 starts adult registration for pickleball clinic being held in May at the Lime Kiln facility. Summer camp registration is still open.

Board Member Flores stated they are six months into the master plan work. It is a very aggressive schedule, and she appreciates everyone that came out for their workshop. There were very engaged members of the community participating. She thanked Jennifer Bolger from the John Jay Photo Club who acted as their photographer. She is proud and appreciative of all of the work of the volunteer committee. The next committee meeting is April 4, and they will continue the discussion on housing and start the discussion on traffic. They are also working on drafting the chapters of the documents that they have already discussed. This is a very open process. Although the meetings are not televised, they are open to the public and all materials are posted on the website. They welcome any suggestions or questions. They do plan on doing additional outreach. There will be consultants presenting at the Town Board Workshop April 11, and they will be meeting with business owners in April, as well as the senior group. There will be a public session possibly planned for August time frame. She wished everyone a happy Easter.

Supervisor D'Alessandro stated the next workshop is April 11. He wished everyone a happy, healthy, and pleasant Easter.

Motion for Adjournment: Time: Motion to adjourn the regular meeting at 7:45 PM: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

<u>Town Board Meetings:</u>	Meeting/Workshop Meeting:	March 14, 2024
	Regular Meeting:	March 28, 2024

Respectfully submitted by Julie J. Beyer on behalf of Town Clerk Peter Cassidy – April 10, 2023