

MINUTES
TOWN OF EAST FISHKILL
TOWN BOARD MEETING
AUGUST 22, 2024
6:00 p.m.

REGULAR BOARD MEETING

The Town of East Fishkill's Town Board Meeting on August 22, 2024, was called to order at 6:00 p.m. by Supervisor D'Alessandro with the Pledge of Allegiance to the Flag.

Supervisor's Presentation:

Supervisor D'Alessandro stated the Son's and Daughters of Italy were present to make a presentation to the Town. The Chairman of the Memorial Day festival was present. He stated this was the 34th year of having this festival. They greatly appreciated the cooperation between the Town and the lodge. He stated this is a fraternal organization that promotes the Italian heritage. One of the benefits of holding the festival was to keep their lodge going and to make donations to many charities. They do give away scholarships every year. This year they gave five scholarships to this year's graduating seniors. He thanked the Town Recreation, Police Department, the Fire Department, and EMS. He stated they could not have had a successful weekend without all of their help. They presented a \$2000 check to the Town and expressed their thanks for all their support.

Supervisor D'Alessandro stated the second presentation was for the Manny Bacon American Legion Post 1758. He read a proclamation in recognition of their 75th anniversary and all their contributions to the community. The Commander stated they appreciate all that the Town does to support them.

Supervisor's Announcements:

Supervisor D'Alessandro attended a meeting with the County Executive and the surrounding town supervisors and mayors from southern Dutchess regarding the issues with Emergency Medical Services. This is a huge problem nationwide. There are not enough services for the demand for EMS. The County is trying to step in and provide some aid. The plan is to provide a backup for the entire county. This will help, but it will not solve the problem.

There was a Dutchess County Transportation Council meeting. This group works together to implement transportation plans. East Fishkill was the recipient of funds for Carol Drive project through this organization, so it is important to be a member on this board.

Supervisor D'Alessandro attended a meeting with Attorney Wood, and Councilwoman Flores with IBM. This was to discuss the development of the former East Campus and the prior contamination. It was a positive communication.

There was a meeting regarding the Comprehensive Master Plan. They are moving forward, and a lot has been accomplished. This is something that should be done every 10 to 15 years and the Town has not had one done in over 20 years. It takes a lot of time and resources to do this. There will be another Open House for the public next Thursday, August 29 from 6 PM to 7:30 PM at the Community Center.

The Think Differently Day at the Beach at Red Wing was attended by the full Board. It was a great day, and everyone had a fantastic time. The turnout was great. He thanked everyone who helped out.

Last week was the end of East Fishkill’s Day Camp. It was a successful season and everyone seems to have a good time.

There was a Department head meeting last week. Supervisor D'Alessandro does try to hold these once a quarter. This is a good collaboration for everyone. All the employees are doing a great job.

Yesterday was the Dutchess County Regional Chamber of Commerce monthly contact breakfast. This month's guest speaker was the CEO of Dutchess Tourism. They do a tremendous job for the County. Tourism generates over \$700 million in visitor spending each year. This converts to \$8 million in state and local taxes. Without tourism in Dutchess County each taxpayer would have to pay an additional \$791 in taxes a year. Yesterday was the annual senior lunch and at the Community Center. It is hosted by Dutchess County Office of the Aging. It is the largest senior luncheon that the County holds. There were over 200 seniors. It was a great event.

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

Board Members in attendance were:

Tom Craig Emmanuel Marianne Nicholas
Franco Arco Marinaro Flores D'Alessandro

Also, in attendance were:

Tom Wood, Attorney; George Cronk, Engineer; Ken Williams, Highway Superintendent; and Lieutenant Knapp, Police Department.

Public Hearings:

- 1) Open Public Hearing to Consider a Moratorium until Master Plan is completed**
 - a. Open Public Hearing

LOCAL LAW NO. “D” OF 2024
A LOCAL LAW ESTABLISHING A MORATORIUM ON
CERTAIN USES UNDER THE ZONING ORDINANCE

SECTION ONE: LEGISLATIVE INTENT

This Local Law is enacted by the Town based upon the following rationale and reasons:

In 2023 the Town Board exercised its authority and appointed a Special Committee to prepare an updated Master Plan for the Town. Said Committee commenced meeting monthly in 2023.

The Town engaged the services of a professional planning consultant who commenced working with the Master Plan Committee in early 2023.

The Master Plan Committee has been working diligently in preparing a Master Plan and it is anticipated that the proposed Master Plan will be presented to the Town Board at their January 2025 Town Board meeting. The Town Board will then engage in the approval and review process which is estimated to take 90 to 120 days.

The Master Plan contains many new and innovative approaches to creating various uses and concepts of new development idea concepts for various parts of the Town. Some of these proposals would require modification of existing provisions of the Zoning Ordinance and others would require the insertion of new provisions in their totality.

The Town Board is concerned that applications filed under the existing provisions of the Zoning Ordinance may be contrary to the vision set forth in the proposed Master Plan and should the proposed Master Plan be enacted, future development should be in accordance with said plan.

It is with this and all many other issues in mind that the Town Board deems it appropriate to establish a moratorium on certain uses in areas of the Town pending the Town Board's adoption of the new Master Plan and associated Zoning Ordinance changes.

SECTION TWO: MORATORIUM

During the period of this moratorium neither the Planning Board nor Zoning Board shall grant preliminary or final approval for any application filed with the respective Board. Any application filed may be processed through the SEQRA process up to and including the Public Hearing but no preliminary or final approval may be granted.

SECTION THREE: EXEMPTIONS

The following applications are exempt from this Moratorium:

- (1) Subdivisions not exceeding 6 lots.
- (2) Amendments to existing site plans.

- (3) Any application requiring a Special Permit granted by the Town Board.
- (4) Any application that received its approval prior to the effective date of this Local Law.

SECTION FOUR: DURATION

This moratorium shall expire on June 30, 2025 unless further extended by this Board.

SECTION FIVE: HARDSHIP

The Town Board retains onto itself the right to consider variances to this Local Law and to make all determination with respect to its applicability and interpret and determine the same. Any issues with respect to the interpretation of and variances from this Law shall be determined by the Town Board upon written request of a property owner.

SECTION SIX: EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State of the State of New York.

Motion to open the Public Hearing to consider a Moratorium until the Master Plan is completed: Board Member Arco. Seconded: Board Member Flores. All voted in favor. Motion carried.

Supervisor D'Alessandro stated they discussed this a while ago. It is the Town Board's intent to propose this moratorium to make sure that the Master Plan fulfills the wishes of the community, especially in regard to zoning. The zoning will be a big part of the Master Plan. Once it is adopted, they will commence their zoning portion of the Master Plan. They all thought it was appropriate to take a timeout from development to make sure that they gain as much perspective as they can as to what types of the zoning is needed, what different zoning is needed in different areas, and to make sure that it coincides with the Master Plan.

Attorney Wood stated that before most communities hand off their Master Plan to the Planning Board and Town Boards for consideration of adoption they attempt to moderate development to the point that, in case the Master Plan is proposing any re-zoning of any particular area, that the integrity of the Master Plan will be upheld. A moratorium is a balancing act between property rights, so the duration has to be as short as possible. The Town Board is proposing a nine-month moratorium. They are also proposing that the Public Hearing from tonight be held over until next month so that it cannot be adopted until next month and then it would be in effect for at least nine months. The Town Board can modify the moratorium at any time if the Master Plan is completed earlier. It could also be extended if necessary. This moratorium allows people to file their applications

before the Planning Board or the Zoning Board. Most development projects take a year or two to get through this process and either be approved or disapproved. The moratorium would only be applicable for subdivisions in excess of six lots. It does not affect existing site plans. If the property already has a site plan approval, they can get it modified without being stopped by the moratorium. A vacant piece of property filing for site plan approval could process it and go through the Public Hearing with the Planning Board, but the Planning Board would be precluded from granting any approval until the moratorium is expired. It would still allow any modifications with the zoning ordinance based on the Master Plan to be affected. There are other areas that the Staff has recommended the Town Board consider. One modification for this law to be considered is that applications that go to the Zoning Board want to be differentiating between some that are for properties that are already developed that just need variances will not be held up. This is also going to the Dutchess County Planning Department for comment. Those comments should be back before the September meeting.

Supervisor D'Alessandro asked if there was anyone one from the public who had questions or comments regarding this. There was no one.

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

Board Member Flores stated she believes this is a balanced and fair approach during this time. They do not want to approve something that may be conflicting with the end result of the Master Plan.

Supervisor D'Alessandro stated that this will be held open for another month. If there is anyone from the public who has any questions or comments to please e-mail his office or any of the Board members for any information they would like.

Attorney Wood stated for the record they did receive one letter from a property owner opposing the moratorium. Supervisor D'Alessandro stated he did have it for receipt and file. It is a letter from Attorneys Zarin and Steinmetz opposing the moratorium.

b. Adjourn Public Hearing

Motion to adjourn the Public Hearing, until the September voting meeting, to consider a Moratorium until the Master Plan is completed: Board Member Franco. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

2) Open Public Hearing to Consider Re-Use Special Permit for IPark East Fishkill LLC

a. Open Public Hearing

Motion to open the Public Hearing to consider a Re-Use Special Permit for iPark East Fishkill LLC: Board Member Arco. Seconded: Board Member Franco. All voted in favor. Motion carried.

Supervisor D'Alessandro stated they had an application for the former East Campus of IBM. It was originally for a large building, and they wanted to make some changes. Now iPark is going to be the developer of the warehouse to relocate the water tank. It will be relocated on lots 4,6, and 7.

Joe Cotter, the owner of iPark, thanked the board members for the support that they have had at iPark. They are engaged with three live tenancies. They are all in the energy transition area as well as semiconductors. If this were to happen it would be very exciting and promises a lot of jobs. As this relates to the former L.I.D.L. sites, there were complications with the DEC and delays and they ran out of time. This was not due to the Town Board or the Planning Board. There were delays with DEC and that company ran out of time. iPark has decided to proceed with the project in their own rights and they are proceeding with the same permitting. They feel that they are able to get there, they might be able to keep this deal. Yesterday they had to meet a big requirement from New York State, and they were asked if they had the utilities and the infrastructure and if the town is supportive of this type of project. He wanted to thank the Board for all of their hard work as it needs to be a team to get some of these bigger companies to come to East Fishkill.

Board Member Marinaro thanked Mr. Cotter for all of his hard work on the site. He is sorry that they have had to deal with the frustration of all of the bureaucracy and they are trying to expedite things as quickly as possible.

Mr. Cotter stated the Master Plan is quite enlightened and he thinks it will be a great success for the Town.

Supervisor D'Alessandro stated that L.I.D.L. had their application before the Town Board and the Planning Board. They had several meetings with the Planning Board for an 870,000 square foot warehouse on the same site that this is proposed on. The site is approximately 150 acres, and this will disturb approximately 48 acres. The Town Board cannot grant the special permit until the SEQRA process is complete with their application with the Planning Board. At this point they will adjourn the public hearing until they hear from the Planning Board that the SEQRA is complete, and a Negative Declaration is completed. At that point they will be able to issue the Re-Use Special Permit.

Board Member Marinaro stated that, as L.I.D.L. is a European-based company, he does not believe this would have been the first time they've had to deal with these type of situations. Europe is usually harder to get something accomplished in a short amount of time. Mr. Cotter stated they were also a bit surprised. Applicants do not want the big fight and that is what has been easy when they

come to Town Hall. They have been fortunate to get quick answers from your teams. They are not giving up and they still have some new possibilities as well. Sites like this are very rare in the New York Metro area that have the utilities and infrastructures, so they will continue on.

Board Member Flores stated the meeting with IBM was a very positive meeting and she does feel they will be able to move forward a little smoother. She got positive feedback from IBM as well.

Supervisor D'Alessandro stated this site is perfect for commercial development and it has all the ingredients for success. That is why the Town has put forward a very strategic plan for economic development. So far it has been successful.

b. Adjourn Public Hearing

Motion to adjourn the Public Hearing to consider a Re-Use Special Permit for iPark East Fishkill LLC until they get more information on the SEQRA process from the Planning Board.: Board Member Marinaro. Seconded: Board Member Flores. All voted in favor. Motion carried.

Approve Minutes:

July 25, 2024, Town Board Minutes

Motion to approve the minutes for the July 25, 2024, Town Board meeting minutes: Board Member Franco. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

Announcement of Additions to the Agenda:

Supervisor D'Alessandro said there are a few additions to the agenda. One is to appoint a Town Hall temporary part-time typist. The other is for a donation for the East Fishkill Rotary. The third is for a nonbinding housing policy.

Courtesy of the Floor:

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

Receive and File:

Supervisor D'Alessandro stated the following items have been received:
An award letter from County Executive Sue Serino awarding East Fishkill \$7300 for the New York State Youth Development Program for the implementation of the youth services grant. He thanked the County Executive for this.
The second is the letter that he mentioned earlier regarding opposing the

moratorium.

Resolutions:

1. Authorizing Awarding Hopewell West Water Main Replacement Contract

(AUTHORIZE AWARD FOR CONSTRUCTION SERVICES OF DWSRF 18090 PHASE 4 HOPEWELL WEST WATERMAIN REPLACEMENT)

WHEREAS, the Town previously sought and has been awarded funding for the interconnection of several water districts, the replacement of a portion of watermains at Hopewell West WD, as well as the razing of several non-functional water plants via the DWSRF Project Number 18090; and

WHEREAS, the Town’s Engineering Consultant, Barton & Loguidice, DPC, prepared plans and specifications for the replacement of watermains located in the Hopewell West Water District, known as Phase 4; and

WHEREAS, the New York State Department of Health and Dutchess County Department of Health have reviewed and approved the plans and specifications describing the proposed construction work on July 17, 2024; and

WHEREAS, the Town publicly advertised the bid package on BIDNET and Southern Dutchess news starting on June 12, 2024, followed by receiving bids on July 12, 2024; and

WHEREAS, the Town received ten (10) bid responses and has determined that AMITY CONSTRUCTION CORP located in Poughkeepsie, NY is the lowest cost, qualified, responsive bidder that agrees to comply with New York State Environmental Facilities Corporation requirements include M/WBE goals, use of American Steel, etc.; and

WHEREAS, the previously approved project funding via NYSEFC low interest loan and Drinking Water State Revolving Fund provides roughly \$5,035,000.00 towards the project and remaining balance will be funded through the Town in the amount of \$1,042,339.00.

NOW THEREFORE, IT IS RESOLVED, that the Town Board hereby declares and Authorizes Nicholas D’Alessandro, Town Supervisor, be provided the authority to negotiate and authorize a contract with AMITY CONSTRUCTION CORP. for services described in Contract WS2024.03 Hopewell West Watermain Replacement in an amount not to exceed \$3,254,538.00 with an additional allowance of up to \$200,00.00 for additional watermain replacement.

Motion to authorize awarding Hopewell West Water Main Replacement Contract: Board Member Franco. Seconded: Board Member Arco. All voted in favor. Motion carried.

2. Establish Drinking Water Aquifer Committee

(AUTHORIZING THE ESTABLISHMENT OF A DRINKING WATER AQUIFER COMMITTEE)

WHEREAS, the Town Board has always expressed its desire to support their drinking water sources and surrounding environment within the Town; and

WHEREAS, a recent program from The New York State Department of Environmental Conservation, The Drinking Water Source Protection Program, offers free technical assistance to the Town; and

WHEREAS, as part of that process the Town Board and Supervisor determined that it would be appropriate to establish a Drinking Water Aquifer committee for the purpose of reviewing any issues; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor be and hereby is authorized to establish a Drinking Water Aquifer Committee; and

BE IT FURTHER RESOLVED, that the three members of this committee will be Nicholas D'Alessandro, George Cronk and Thalia Waldvogel.

Motion to establish Drinking Water Aquifer Committee: Board Member Marinaro. Seconded: Board Member Arco. All voted in favor. Motion carried.

3. Authorize Hiring Two Provisional Full Time Clerks

(APPOINTING FULL-TIME CLERKS)

WHEREAS, there is a need in multiple departments, for clerical support; and

WHEREAS, Michelle Reif & Angela McSpedon have been interviewed and recommended to the Town Board to be hired as full-time Clerks; and

WHEREAS, Michelle Reif & Angela McSpedon 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 Michelle Reif & Angela McSpedon, as full-time Clerks; and

BE IT FURTHER RESOLVED, that this appointment shall take effect for Angela McSpedon on August 26, 2024 and Michelle Reif on September 11, 2024, and they will be paid in accordance with the CSEA Union Contract.

Motion to authorize hiring two provisional full-time clerks: Board Member Arco. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

4. Appoint from Civil Service List Existing Part-time Director of Economic Development

(APPOINTING DIRECTOR OF ECONOMIC DEVELOPMENT)

WHEREAS, Patrick Manning was previously appointed as a provisional Director of Economic Development; and

WHEREAS, Dutchess County Civil Service has since administered the Director of Economic Development test; and

WHEREAS, the Town requested and reviewed the Dutchess County Civil Service list; and

WHEREAS, the Town has verified that Patrick Manning is reachable on the Director of Economic Development Civil Service list; and

NOW THEREFORE BE IT RESOLVED, that the Town Board appoints Patrick Manning as the part-time permanent Director of Economic Development, effective August 23, 2024.

Motion to appoint from Civil Service list existing part-time Director of Economic Development: Board Member Flores. Seconded: Board Member Franco. All voted in favor. Motion carried.

5. Modify On Call Stipend System

(AUTHORIZE ON CALL STIPEND FOR RECREATION DEPARTMENT EMPLOYEE)

WHEREAS, the responsibility of the Recreation Department to occasionally respond to emergencies after business hours creates the need for an on call employee; and

WHEREAS, the Recreation Director, Bill Green, is requesting the Town Board to remove the on call stipend from himself; and

WHEREAS, the Recreation Director, Bill Green, is requesting the Town Board to authorize Loretta Cassidy Rosa to receive the standard on call stipend; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize Loretta Cassidy Rosa to receive the on call stipend, effective September 1, 2024.

Motion to modify the On Call Stipend System: Board Member Franco. Seconded: Board Member Arco. All voted in favor. Motion carried.

6. Adopt Official Documents Previously Approved for Highway Bonds

BOND RESOLUTION DATED AUGUST 22, 2024.

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE PURCHASE OF HIGHWAY EQUIPMENT FOR THE TOWN OF EAST FISHKILL, DUTCHESS COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$500,000, AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have a significant adverse effect on the environment; and

WHEREAS, it is now desired to authorize such capital project and its financing;
NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of East Fishkill, Dutchess County, New York, as follows:

Section 1. The purchase of highway equipment, each item of which costs \$30,000 or over, for the Town of East Fishkill, Dutchess County, New York, including incidental equipment and expenses in connection therewith, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$500,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$500,000 bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

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

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

property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

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

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

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

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

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

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

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

BOND RESOLUTION DATED AUGUST 22, 2024.

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE CONSTRUCTION, RECONSTRUCTION AND/OR RESURFACING OF VARIOUS ROADS LOCATED THROUGHOUT AND IN AND FOR THE TOWN OF EAST FISHKILL, DUTCHESS COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,500,000, AND AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have a significant adverse effect on the environment; and

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

NOW, THEREFORE,

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

Section 1. The construction, reconstruction and/or resurfacing of various roads located throughout and in and for the Town of East Fishkill, Dutchess County, New York, including drainage, sidewalks, curbs, gutters, landscaping, grading or improving rights-of-way, as well as other incidental improvements and expenses in connection therewith, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$1,500,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$1,500,000 bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

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

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

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of

execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

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

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

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

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

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

Motion to adopt official documents previously approved for Highway Bonds: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

7. Authorize a Grant Application to New York State for Downtown Revitalization Initiative

(AUTHORIZE TOWN STAFF TO APPLY FOR A DOWNTOWN REVITALIZATION INITIATIVE (DRI) AND/OR NY FORWARD GRANT FROM NEW YORK STATE FOR THE HOPEWELL JUNCTION HAMLET)

WHEREAS, the Downtown Revitalization Initiative (DRI) and NY Forward (NYF) programs are competitive New York State grant program that awards up to \$10,000,000 to community as part of the Consolidated Funding Application (CFA) program, to plan for and fund a variety of projects to improve downtown areas; and

WHEREAS, the Town of East Fishkill has submitted a letter of intent to apply for the DRI and/or NYF grant program for the Hopewell Junction Hamlet as a downtown area and will be submitting the full application on or before October 18, 2024; and

WHEREAS, a successful DRI or NYF application requires the formation of a local planning committee with 5 to 10 community leaders and stakeholders should the community receive a DRI or NYF award to support in the development of a list of projects to be funded by the grant award; and

WHEREAS, the Town Board is authorizing the creation of a local planning committee to support in the identification of projects to be funded should the Town receive a DRI or NYF grant; and

WHEREAS, the Town has already completed several studies and projects in the Hopewell Junction Hamlet that will form the basis for a successful grant application.

NOW THEREFORE BE IT RESOLVED, that Town Staff is hereby authorized to do the following:

- a) Apply to the Downtown Revitalization Initiative (DRI) and/or NY Forward (NYF) grant programs for up to \$10,000,000 in grant money.
- b) Work with the Town Supervisor and Town Board to form the local planning committee to assist the Town with the DRI application.

Motion to authorize grant application to New York State for Downtown Revitalization Initiative: Board Member Arco. Seconded: Board Member Flores. All voted in favor. Motion carried.

8. Declare Personal Property Surplus and Authorize the Auction of Same

(DECLARING CERTAIN PROPERTY TO BE SURPLUS AND AUTHORIZE AUCTION OF SAME)

WHEREAS, the Town has certain property that is requested to be declared surplus; and

WHEREAS, said property consists of miscellaneous items such as a television, amplifier, tennis ball machine, speakers, and chairs; and

WHEREAS, the Town Board concurs; and

NOW, THEREFORE, BE IT RESOLVED, that said property is hereby declared surplus and is 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 sale of the items shall be further approved by this Board.

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

9. Set Public Hearing for November 12, 2024, for Omnibus Zoning Amendments

**(SCHEDULING A PUBLIC HEARING ON LOCAL LAW E-2024
“OMNIBUS AMENDMENTS TO THE ZONING ORDINANCE”)**

WHEREAS, the Town Board wishes to consider certain amendments to the Zoning Ordinance as recommended by the Town Planner on behalf of the Zoning and Planning Boards; and

WHEREAS, the proposed amendments seek to 1) codify standards and requirements for Outdoor Dining; 2) Update the Schedule of Permitted Uses; 3) establish Gateway Zoning District for Arthursburg Hamlet; and 4) correct minor inconsistencies and typos in the zoning Code; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board will conduct a Public Hearing to consider Local Law E-2024 “Omnibus Amendments to the Zoning Ordinance” on November 12, 2024 at 6:00 pm at Town Hall, 330 Route 376, Hopewell Junction, NY 12533 at its regularly scheduled Town Board Meeting.

Motion to set a Public Hearing for November 12, 2024, for Omnibus Zoning Amendments: Board Member Franco. Seconded: Board Member Arco. All voted in favor. Motion carried.

10. Adopt Local Law “C” of 2024 for the Merger of Offices of Town Clerk and Tax Receiver

(ADOPTING A LOCAL LAW CONSOLIDATING THE OFFICE OF RECEIVER OF TAXES WITH TOWN CLERK)

WHEREAS, the Town Board conducted a Public Hearing at its regular meeting of July 25, 2024 with respect to Local Law “C” of 2024 consolidating the Office of Receiver of Taxes with the Office of the Town Clerk; and

WHEREAS, it was approved by the Town Board to submit the wording for the referendum to the Dutchess County Board of Elections for the November 5, 2024 election; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby adopt Local Law C of 2024.

Motion to adopt Local Law “C” for 2024 for the merger of offices of Town Clerk and Tax Receiver: Board Member Marinaro. Seconded: Board Member Arco. All voted in favor. Motion carried.

11. Authorize Hiring Full-Time MEO for Highway Department

(HIRING MOTOR EQUIPMENT OPERATORS IN HIGHWAY DEPARTMENT)

WHEREAS, the Highway Superintendent has interviewed Michael Cohen to fill one full- time Motor Equipment Operator (MEO) position for the Highway Department, and

WHEREAS, the Highway Superintendent has submitted a memo to the Town Board recommending that Michael Cohen be hired as a full-time MEO; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize the hiring of Michael Cohen as a full-time MEO in the Highway Department; and

BE IT FURTHER RESOLVED, that Michael Cohen will be paid at an hourly rate in accordance with the CSEA contract, with an effective start date of September 9, 2024.

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

12. Authorize Application for the Hudson River Valley Greenway Grant

(AUTHORIZE STAFF TO SUBMIT A HUDSON RIVER VALLEY GREENWAY GRANT APPLICATION IN THE AMOUNT OF \$20,000 TO PARTIALLY FUND A PEDESTRIAN LOOP)

WHEREAS, the Town of East Fishkill is applying to the Hudson River Valley Greenway for a grant under the Hudson River Valley Greenway Conservancy Trail Grant Program for a project entitled John & Glenn’s Trail to be located in the Town of East Fishkill; and

WHEREAS, this grant would allow an engineering firm to develop a detailed design and confirm the feasibility of a proposal associated with a 4.5 mile trail through the Lake Walton Road corridor; and

NOW, THEREFORE, BE IT RESOLVED that the East Fishkill Town Board hereby does approve and endorse the application for a grant under the Hudson River Valley Greenway Conservancy Trail Grant Program, for a project known as Glenn & John’s Trail located within the Town of East Fishkill.

Motion to authorize the application for the Hudson River Valley Greenway Grant: Board Member Flores. Seconded: Board Member Arco. All voted in favor. Motion carried.

13. Appoint a Town Hall Temporary Part-Time 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, Sarah Azeez has been working for the town as an Intern and is recommended to be hired as a Temporary Typist; and

NOW, THEREFORE, BE IT RESOLVED, that Sarah Azeez 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 appoint a Town Hall temporary part-time typist: Board Member Franco.
Seconded: Board Member Arco. All voted in favor. Motion carried.

14. Make a Donation for the East Fishkill Rotary

RESOLUTION

(AUTHORIZE A DONATION TO THE EAST FISHKILL ROTARY)

WHEREAS, the East Fishkill Rotary will be building a pocket park in the center of the town and is requesting assistance from the Town to donate \$15,000 towards the purchase of a large beautiful flag and flagpole; and

WHEREAS, the remaining cost along with all additional items to make this a welcoming park for the residents to enjoy will be paid by the Rotary; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes \$15,000 be utilized to support the East Fishkill Rotary to go towards the purchase of a flag pole and flag; and

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

Motion to make a donation for the East Fishkill Rotary: Board Member Marinaro.
Seconded: Board Member Arco. All voted in favor. Motion carried.

15. Accept a Nonbinding Housing Policy

(ACCEPTING NON-BINDING PRO HOUSING POLICY)

WHEREAS, land use regulation in New York State has always been recognized as an issue to be dealt with by the local governing body pursuant to the municipal home rule protections in the New York State Constitution; and

WHEREAS, the state government and the courts have over the decades sought to erode this local authority; and

WHEREAS, discrimination in housing sales and rentals should not be tolerated in any manner; and

WHEREAS, the types of housing stock with quantity is a matter that should best be left to each community to decide; and

WHEREAS, New York State is attempting to modify the way in which local government exercises is zoning authority; and

WHEREAS, as a condition to apply for any grant funding for infrastructure improvement, which are greatly needed in the town, The Town Board must adopt the “Non-Binding” Pro-Housing Statement, verbatim, as presented by the State; and

WHEREAS, for the greater good of the community, the opportunity for grant funding is a vital need;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts, as required by New York State and subject to the concerns of eroding home rate, the annexed non-binding Pro-Housing Policy.

Motion to accept a Nonbinding Housing Policy: Board Member Arco. Seconded: Board Member Flores. All voted in favor. Motion carried.

Additions to the Agenda by Majority Vote:

Supervisor D'Alessandro stated there were none.

Budget Transfer:

Supervisor D'Alessandro stated there are no budget transfers.

Comments from Town Board Members:

Highway Superintendent Williams stated they have been paving on Pinewood Road, Americana Drive, Bykenhulle Road, and Stormville Road. They have been doing drainage and pipe repair, pipe replacement, catch basin replacement in the Warren Farm area, to get prepared for pavement. The Worley Homes drainage project is well underway. They are probably more than halfway through that. They have started taking some of the road cuts where they have been replacing rotted pipes. They have been installing dry wells and fixing catch basins. They are doing shoulder work on East Hook Cross Road in preparation for paving there. They are always doing pothole patrol. They are also preparing for paving in the Hillside Lake area.

Lieutenant Knapp stated they will be doing their yearly active shooter training next week at Van Wyck Junior High School. The Town of Fishkill will be training with them as well. They have just received two new patrol cars, and they are going to be getting them ready for service. They will hopefully be out on the road soon. They are still conducting targeted traffic details, so he is reminding the public to please continue to drive safely. He stated Wappingers School District has always been great to them, allowing them to do their training there. Supervisor D'Alessandro thanked Superintendent Bonk.

Board Member Arco stated he had his 40th anniversary from John Jay graduation and was amazed at how many alumni still lived in East Fishkill. He stated that he and the Chief of Police have been discussing details of that department's needs for the technology grant. The chief has begun acquiring much-needed technology. This past week Detectives Kyle Doughty and Paul Gaston set up some new cameras around town. Within the first 90 minutes of being online they use the cameras to make their first petty larceny arrest.

Board Member Marinaro stated August 12, he attended the East Fishkill Fire District Board of Commissioners meeting. They are working on their budget. They do a great job saving the taxpayers a lot of money. They do not spend unless they have to. They do a great job, and we should be proud of them. There was also training that night, and he had the opportunity to have a discussion with Chief Jackson. There is a need for volunteers. It is a nationwide issue. There have been some issues with crossings at the local rail trails. He did talk with the County Executive to see if they could get some kind of device installed at these crossings. They will check into it as finances permit. Board Member Marinaro also contacted the DPW to discuss this as well. Yesterday they attended the senior luncheon sponsored by the County. It was amazing to see the number of attendees. Everyone had an enjoyable time. He met someone who spoke about the food pantry at St. Columba Church and how their supplies are low, so if anyone can help, please do so.

Board Member Franco stated Community Day is Saturday, September 21. All vendor information is on the East Fishkill recreation website or you can call the recreation office. He looks forward to seeing everyone there. Youth winter basketball registration is still open and adult winter basketball and volleyball start the first week in October. The concert series is starting to wind down with concerts this Friday and Sunday. The last concert will be on August 30. September 12 is the casino trip to resort world Catskills for \$40 per person. On October 4 they will be going to Paramount Theater in Peekskill for \$75 a person. He thanked Highway and the Recreation Department for all that they did for Think Differently Day. The Day at the Beach was a great success. Over 300 people came out that day. He thanked the families for their attendance as well.

Board Member Flores stated the August meeting for the Master Plan focused on recreation. They also had the Town Attorney there speaking about property assessments and phase-in agreements which was very helpful for the committee. The second public outreach meeting is Thursday, August 29 at 6 PM at the Community Center. It will be a good opportunity to learn what the committee has been working on. It will also be an opportunity to share ideas. There are just two committee meetings left. The September meeting will have the head of Dutchess Tourism coming to speak and then the bulk of the meeting will be reviewing all of the committee member comments they have made to the drafts. The final meeting of the committee will be October 17. They have been working incredibly hard and have done a fabulous job.

Supervisor D'Alessandro stated September 5 will be their workshop meeting. He wished everyone a happy Labor Day and everyone good luck returning to school.

Motion for Adjournment: Time: Motion to adjourn the regular meeting at 7:39 PM: Board Member Marinaro. Seconded: Board Member Flores. All voted in favor. Motion carried.

<u>Town Board Meetings:</u>	Workshop:	September 5, 2024
	Regular Meeting:	September 26, 2024

Respectfully submitted by Julie J. Beyer on behalf of Town Clerk Peter Cassidy – September 2, 2024