



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

**TOWN OF EAST FISHKILL
TOWN BOARD MEETING
August 24, 2017 @ 7:00 pm
AGENDA**

Call To Order

Pledge To The Flag

Supervisors Announcements

Roll Call

Approve Minutes
July 27, 2017

Receive and File

Public Comments on Agenda Items Only

Public Hearings

Resolutions

1. Appoint a member to the Ethics Board to fill a vacancy
2. Authorize expansion of the John Jay Sewer Improvement Area
3. Authorize an Option Agreement to purchase Hopewell Services Water District
4. Authorize Referendum on November 7, 2017 for a Proposition to borrow 3,000,000 to take over and upgrade Hillside Lake
5. Set Public Hearing to consider amending Local Law 5 of 1984 establishing Ethics Board by adding an alternate
6. Set Public Hearing for a rezone application on property Grid # 6556-00-293362 (Stanley)
7. Acknowledge Seasonal Hires for the Highway Department
8. Appoint Part-time Floaters
9. Award Sidewalk Snow Removal Bid
10. Authorize Out of District Agreement for Taconic Estates Water District Parcel
11. Authorize Out of District user Agreement to supply John Jay High School from the Shenandoah Water District subject to DOH approval

Budget Transfers

Take Public Comments on General Town Issues

Comments from Town Board Members

Adjournment

Next Town Board Meetings: Workshop Meeting: September 14, 2017
September 28, 2017

RESOLUTION

(APPOINT ADDITIONAL MEMBER TO THE TOWN BOARD OF ETHICS)

WHEREAS, said Board of Ethics has the powers prescribed by the General Municipal Law and shall render advisory opinions to the officers and employees of the Town of East Fishkill; and

WHEREAS, due to one member retiring, it is necessary for the Town Board to appoint a member to the Ethics Board for a period of one year in accordance with the provisions of Town law;

NOW, THEREFORE, BE IT RESOLVED, that Charles Schuler be and hereby is appointed as a permanent member to the Ethics Board for a period of one year; and

BE IT FURTHER RESOLVED, that in accordance with law, said member shall serve without compensation and at the pleasure of the Town Board.

**BY ORDER OF THE TOWN BOARD
CAROL HURRAY, TOWN CLERK**

**DATED: AUGUST 24, 2017
EAST FISHKILL, NY**

RESOLUTION

(AUTHORIZE THE EXPANSION OF ROUTE 52/JOHN JAY SEWER IMPROVEMENT AREA)

WHEREAS, the Town Engineer has received a request for sewer service resulting in an expansion to the Route 52/John Jay Sewer improvement area; and

WHEREAS, the Town Board held a Public Hearing on May 25, 2017 and approved the establishment of the John Jay Sewer improvement area.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Route 52/John Jay Sewer improvement area expansion has been approved.

**BY ORDER OF THE TOWN BOARD
CAROL HURRAY, TOWN CLERK**

**DATED: AUGUST 24, 2017
 EAST FISHKILL, NY**

DRAFT

RESOLUTION

(AUTHORIZING A NON-BINDING OPTION AGREEMENT TO PURCHASE THE ASSETS OF HOPEWELL SERVICES, INC.)

WHEREAS, previously, the Town Board has heard complaints by residents of the subdivision commonly known as Worley Homes which is served by the Hopewell Services, Inc. water company; and

WHEREAS, over the last few years, discussions have occurred between the Town and the owners of Hopewell Services, Inc. with respect to the possible Town acquisition of these facilities; and

WHEREAS, recently, discussions have indicated that an agreement could be reached to acquire the water facilities to benefit the water users served by Hopewell Services; and

WHEREAS, in order to finalize a contract, create the district, and hold the requisite public hearings, etc., it is necessary to enter into an option agreement with the seller wherein the seller agrees to sell the property to the Town; and

WHEREAS, the sellers have proposed a fourteen (14) month Non – Binding Option Agreement; and

WHEREAS, upon the Town's acquisition of the water system certain capital improvements will be made to provide better service and the Town will own and operate the system;

NOW THEREFORE BE IT RESOLVED, that the Supervisor be, and hereby is, authorized to execute an Option to Purchase Agreement with respect to the Hopewell Services, Inc. noting that:

1. The total purchase price shall be \$100, 000.
2. That the Option Agreement will provide the Town Board a period of up to fourteen (14) months within which to take the necessary steps under law to effectuate the purchase.

**BY ORDER OF THE TOWN BOARD
CAROL HURRAY, TOWN CLERK**

**DATED: AUGUST 24, 2017
 EAST FISHKILL, NY**

BOND RESOLUTION
(SUBJECT TO MANDATORY REFERENDUM)

At a regular meeting of the Town Board of the Town of East Fishkill, Dutchess County, New York, held at _____, in Hopewell Junction, New York, in said Town, on the ____ day of September, 2017, at ____ o'clock P.M., Prevailing Time.

The meeting was called to order by _____, and upon roll being called, there were

PRESENT:

ABSENT:

The following resolution was offered by _____, who moved its adoption, seconded by _____, to-wit:

BOND RESOLUTION DATED SEPTEMBER ____, 2017.

A RESOLUTION AUTHORIZING, **SUBJECT TO MANDATORY REFERENDUM**, THE CONSTRUCTION OF IMPROVEMENTS TO THE HILLSIDE LAKE AND RECREATION AREA UPON DISSOLUTION OF THE HILLSIDE LAKE PARK DISTRICT IN AND FOR THE TOWN OF EAST FISHKILL, DUTCHESS COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$3,000,000, AND AUTHORIZING THE ISSUANCE OF \$3,000,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, said improvements hereinafter described have 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, the implementation of which as proposed, the Town Board has determined will not result in any significant adverse environmental effects; and

WHEREAS, it is now desired to authorize such capital project and its financing; NOW, THEREFORE, BE IT

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

Section 1. The construction of improvements to the Hillside Lake and Recreation Area upon dissolution of the Hillside Lake Park District in and for the Town of East Fishkill, Dutchess County, New York, including incidental improvements and expenses, at a maximum estimated cost of \$3,000,000 is hereby authorized, subject to mandatory referendum.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$3,000,000 serial bonds of said Town hereby authorized to be issued therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 19(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. There shall annually be levied on all the taxable real property in 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 summary form in the official newspaper of said Town designated 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 and pursuant to the provisions of Section 94 of the Town Law, the Town Board hereby determines on its own motion to cause a proposition with respect to this resolution to be submitted for the approval of the qualified electors of the Town at a special Town election hereby called to be held November 7, 2017 concurrently with the general election and the following proposition is hereby authorized to be submitted at said special Town election to be held November 7, 2017:

PROPOSITION

Shall the bond resolution dated September __, 2017 authorizing the issuance of \$3,000,000 bonds of the Town of East Fishkill to pay the cost of the construction of improvements to the Hillside Lake and Recreation Area upon dissolution of the Hillside Lake Park District in and for said Town, including incidental improvements and expenses, at a maximum estimated cost of \$3,000,000, providing that the period of probable usefulness of said specific object or purpose is 15 years, and that the maximum maturity of such serial bonds will exceed five years, delegating to the Supervisor the power to sell and issue such serial bonds and to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance of and sale of such serial bonds, pledging the faith and credit of said Town to the payment of the principal of and interest on such obligations and providing for an estoppel provision, be approved?

Section 11. The Town Clerk is hereby authorized to publish in the official newspaper(s) in general circulation in the Town and to post on the Town Clerk's signboard at least ten (10) days prior to November 7, 2017, and to further publish and post as the Town Clerk shall determine to be appropriate, with reference to the submission of said proposition at the special Town election to be held November 7, 2017, notice substantially in the form attached hereto as Exhibit A and hereby made a part hereof:

* * * * *

**TOWN OF EAST FISHKILL
NOTICE OF SPECIAL REFERENDUM
UPON A BOND RESOLUTION**

NOTICE IS HEREBY GIVEN, that at a special Town election will be held on November 7, 2017 concurrently with the general election, the following proposition will be submitted:

PROPOSITION

Shall the bond resolution dated September __, 2017 authorizing the issuance of \$3,000,000 bonds of the Town of East Fishkill to pay the cost of the construction of improvements to the Hillside Lake and Recreation Area upon dissolution of the Hillside Lake Park District in and for said Town, including incidental improvements and expenses, at a maximum estimated cost of \$3,000,000, providing that the period of probable usefulness of said specific object or purpose is 15 years, and that the maximum maturity of such serial bonds will exceed five years, delegating to the Supervisor the power to sell and issue such serial bonds and to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance of and sale of such serial bonds, pledging the faith and credit of said Town to the payment of the principal of and interest on such obligations and providing for an estoppel provision, be approved?

SEQRA Status: This project has been determined to be an Unlimited Action as to which an Environmental Assessment Form ("EAF") has been completed, and a negative declaration issued that the project will not have a significant impact upon the environment. The EAF is on file in the files of the Town Clerk where it may be inspected during normal office hours. Likewise, the full text of the bond resolution dated September __, 2017 is available thereat for review.

Who May Vote: All registered voters whose names are certified by the County Board of Elections as of October 9, 2017, the date thirty days next preceding the election (October 8, 2017 being a Sunday), as resident in the County at least thirty (30) days prior to the election and resident in the Town.

Voting Method: As per general election.

Site of Special Election: As per general election election districts.

Time of Special Election: As per general election.

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

_____ VOTING _____

_____ VOTING _____

_____ VOTING _____

_____ VOTING _____

_____ VOTING _____

The resolution was thereupon declared duly adopted.

* * * * *

DRAFT

RESOLUTION

(SCHEDULING A PUBLIC HEARING)

WHEREAS, the Town Board has previously enacted Local Law No. 5 of 1984 which establishes the Ethics Board for the Town; and

WHEREAS, the Ethics Board is comprised of five members; and

WHEREAS, there may be times where the Board will be unable to achieve a quorum due to vacations, absences and illnesses; and

WHEREAS, the Ethics Board Chair has requested that he Town Board appoint an alternate member to the Ethics Board; and

NOW THEREFORE BE IT RESOLVED, that the Town Board will conduct a Public Hearing on September 28, 2017 at 7:00pm to consider a Local Law which would allow the establishment of one (1) alternate member for the Ethics Board; and

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby is authorized and directed to advertise and publish a notice hereof.

**BY ORDER OF THE TOWN BOARD
CAROL HURRAY, TOWN CLERK**

**DATED: AUGUST 24, 2017
EAST FISHKILL, NY**

RESOLUTION

(SET A PUBLIC HEARING TO AMEND ZONING)

WHEREAS, the Town Board has received a request to amend the zoning for the property Grid #6556-00-293362; and

WHEREAS, it is the desire of the Town Board to hear comments of the public with respect to the proposal; and

NOW THEREFORE BE IT RESOLVED, that the Town Board does hereby set a Public Hearing for September 28, 2017 at 7:00pm at the beginning of their regularly scheduled Town Board Meeting to hear public comments on the proposal by the Town Board to amend the zoning for the property Grid #6556-00-293362; and

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby is authorized and directed to advertise and publish appropriate notices with respect hereto.

**BY ORDER OF THE TOWN BOARD
CAROL HURRAY, TOWN CLERK**

**DATED: AUGUST 24, 2017
 EAST FISHKILL, NY**

RESOLUTION

(ACKNOWLEDGE HIRING OF SEASONAL LABORERS FOR HIGHWAY DEPARTMENT)

WHEREAS, the Highway Superintendent has interviewed and hired two Full-time Seasonal Laborers with a rate of pay of \$11.00 per hour for the Highway Department, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby acknowledge the hiring of Jack Bernacchia and Robert Fenton as Full-time Seasonal Laborers with a rate of pay of \$11.00 per hour in the Highway Department.

BE IT FURTHER RESOLVED, Jack Bernacchia started on August 14, 2017 and Robert Fenton started on August 2, 2017 and upon completion of their task, they will be removed from payroll.

**BY ORDER OF THE TOWN BOARD
CAROL HURRAY, TOWN CLERK**

**DATED: AUGUST 24, 2017
EAST FISHKILL, NY**

DRAFT

RESOLUTION

(APPOINT TOWN HALL TEMPORARY PART-TIME TYPISTS)

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, the Town Clerk has interviewed applicants and recommends Darlene Anderson and Jaime Gordon to the Town Board; and

NOW, THEREFORE, BE IT RESOLVED, that the applicants are hereby appointed as temporary part-time typists in the Town, being paid at the hourly rate of \$13.83; and

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

**BY ORDER OF THE TOWN BOARD
CAROL HURRAY, TOWN CLERK**

**DATED: AUGUST 24, 2017
EAST FISHKILL, NY**

DRAFT

RESOLUTION

(AWARDING SIDEWALK SNOW REMOVAL BIDS)

WHEREAS, the Town Clerk has advertised for removal of snow from the sidewalks as requested by the Town Board; and

WHEREAS, said bids have been received; and

WHEREAS, the bids have been analyzed and summarized;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby award the bid for the snow removal from sidewalks to the lowest responsible bidder Beechtree Landscaping.

**BY ORDER OF THE TOWN BOARD
CAROL HURRAY, TOWN CLERK**

**DATED: AUGUST 24, 2017
EAST FISHKILL, NY**

RESOLUTION

**(AUTHORIZING AN OUT OF DISTRICT AGREEMENT FOR
44 BYKENHULLE ROAD IN THE TACONIC ESTATES WATER DISTRICT)**

WHEREAS, the owner of the property located at 44 Bykenhulle Road in Hopewell has requested to connect to the Taconic Estates Water District; and

WHEREAS, the property owner will pay the cost of the trench necessary from the water main passed his property; and

WHEREAS, the Town will install a water main in said trench including a fire hydrant bringing fire service closer to the balance of the community; and

WHEREAS, said property will be afforded a water tap to connect to the water service;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be and hereby is authorized to execute an Out of District Water Agreement for property located at 44 Bykenhulle Road in East Fishkill and within the Taconic Estates Water District; and

BE IT FURTHER RESOLVED, that said agreement shall provide that the property owner shall pay the cost of the trench necessary to run the line from the existing water main passed the property line so as to afford the installation of a fire hydrant and a water tap connection for the residents; and

BE IT FURTHER RESOLVED, that the customary out of district agreement provides that the property shall pay a 25% premium over the charges normally paid by those within the district.

**BY ORDER OF THE TOWN BOARD
CAROL HURRAY, TOWN CLERK**

**DATED: AUGUST 24, 2017
EAST FISHKILL, NY**

RESOLUTION

**AUTHORIZING AN OUT OF DISTRICT AGREEMENT TO ALLOW
JOHN JAY HIGH SCHOOL TO CONNECT TO THE SHENANDOAH WATERLINE**

WHEREAS, the Wappinger Central School District has indicated a need to have John Jay High School connect to a municipal water system; and

WHEREAS, the school district will be responsible for obtaining all required permits; and

WHEREAS, the school district will pay the cost of the connection to the Town water main;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be and hereby is authorized to execute an Out of District Water Agreement to allow John Jay High School to connect to a municipal waterline; and

BE IT FURTHER RESOLVED, that the school district obtain all required permits and is responsible for all costs associated with this connection; and

BE IT FURTHER RESOLVED, that the Town will set the rate for water to be paid by the Wappinger Central School District for John Jay High School.

**BY ORDER OF THE TOWN BOARD
CAROL HURRAY, TOWN CLERK**

**DATED: AUGUST 24, 2017
EAST FISHKILL, NY**