

MINUTES
TOWN OF EAST FISHKILL
TOWN BOARD MEETING
MAY 25, 2017
7:00 p.m.

REGULAR BOARD MEETING

The Town of East Fishkill's Town Board Meeting on May 25, 2017 was called to order at 7:00 p.m. by Supervisor John Hickman, Jr. with the Pledge of Allegiance to the Flag.

Supervisor's Announcements

Supervisor Hickman thanked Councilman D'Alessandro and Councilman Franco for their Hometown Heroes program. The American Legion Post and Boy Scout Troop 86 did a wonderful presentation of the heroes that will be recognized. This will be an ongoing project.

Hillside Lake had a vote Saturday night regarding the dissolution of the Special Park District. It passed 183 to 3 to dissolve the Special Park District. The Town now has six months to put together a dissolution plan.

Roll Call: Supervisor Hickman asked Town Clerk Hurray to call the rolls.

Board Members in Attendance were

Peter	Nicolas	Thomas	Emanuele	John
Cassidy	D'Alessandro	Franco	Marinero	Hickman

Also in attendance were:

Tom Wood, Attorney; and Mark Pozniak, Comptroller.

Approve Minutes:

April 27, 2017

Motion to approve the April 27, 2017 minutes: Board Member Cassidy. Seconded: Board Member Franco. All in favor. Motion carried.

Receive and File:

Supervisor Hickman stated there was nothing received.

Public Comments on Agenda Items Only:

Supervisor Hickman asked if there was anyone to speak on the agenda items only.

Keith Dimaso spoke about the MS-4 Annual Report. Supervisor Hickman stated that all e-mails received regarding the report were forwarded to Mr. Artis.

Bill Green spoke about the seasonal hires and concessions.

Michael Wahlers spoke about the MS-4 Annual Report and the Hillside Lake Park Dissolution. Attorney Wood explained ownership of property under General Municipal Law and holding property on behalf of a district. Mr. Wahlers submitted papers to Clerk Hurray for the record.

Public Hearing:

1. Open Public Hearing on Expansion or Establishment of Route 52 Water and Sewer Districts

Motion to open the Public Hearing on the expansion of Route 52 Water and Sewer Districts: Board Member D'Alessandro. Seconded: Board Member Franco. Board Member Marinaro voted nay. All others voted in favor. Motion carried.

Supervisor Hickman asked if any Board members had any questions regarding this. He stated they would be talking to Dutchess County and GlobalFoundries about the water contracts but they need to have a water improvement district first. It will encompass IBM East and IBM West complexes. John Jay is not in this.

Board Member D'Alessandro stated that Dutchess County agrees with GlobalFoundries that they could give up to 500,000 gallons a day. He asked if they could exceed that. Supervisor Hickman said yes. He stated that GlobalFoundries has agreed that they will cover the "take or pay" of 500,000 gallons. A group that may be moving into the West complex has requested 200,000 gallons of that for their development going forward. The Town has agreed to let that happen. In the event that there is more water needed he is sure Dutchess County will sell it to the Town. Board Member D'Alessandro asked about the storage. Engineer Bryant stated they are assigning to the Town 500,000 gallon to coincide with the assignment. There is a 2,000,000 gallon tank there. If we were to exceed the 500,000-gallon assignment the options would be to negotiate to buy some more storage from GlobalFoundries, possibly by storage for the County, or build our own. Board Member D'Alessandro asked if the people in the district would assume that cost. Engineer Bryant said yes.

Supervisor Hickman asked if there was anybody in the audience to speak for or against this local law amendment. There was no one.

Motion to close the Public Hearing: Board Member Marinaro. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

a) Adopt Negative Declaration

Motion to adopt the Negative Declaration: Board Member Franco. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

b) Adopt an Order

Motion to adopt an Order: Board Member D'Alessandro. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

Resolutions:

1. Accept MS-4 Annual Report

RESOLUTION
(AUTHORIZING THE SIGNING OF THE 2016 MS-4 REPORT)

WHEREAS, the Town has had prepared the 2016 annual report with respect to the MS-4 permit and requirements of the New York State DEC; and

WHEREAS, said report has been made available to the public; and

NOW THEREFORE BE IT RESOLVED, that the Town Board does hereby authorize the Town Supervisor to sign and file the 2016 MS-4 Report as prepared by consultant, Walter Artus, with the New York State DEC in accordance with law.

Motion to accept MS-4 Annual Report: Board Member D'Alessandro. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

2. Authorize the Refunding Bond Resolution

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REFUNDING BOND RESOLUTION

At a regular meeting of the Town Board of the Town of East Fishkill, Dutchess County, New York, held at Town Hall, 330 Route 376, in Hopewell Junction, New York, in said Town, on May 25, 2017, at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by John L. Hickman, Jr. and upon roll being called, the following were

PRESENT: Nicholas D'Alessandro

Thomas Franco

Emanuele Marinaro

Peter Cassidy

John L. Hickman, Jr.

ABSENT:

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

REFUNDING BOND RESOLUTION DATED MAY 25, 2017.

A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.00 AND/OR SECTION 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE TOWN OF EAST FISHKILL, DUTCHESS COUNTY, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY “PUBLIC IMPROVEMENT REFUNDING (SERIAL) BONDS”, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

WHEREAS, the Town of East Fishkill, Dutchess County, New York (hereinafter, the “Town”) heretofore issued an aggregate \$7,306,000 Public Improvement (Serial) Bonds, 2011, pursuant to various bond resolutions to pay the cost of various Town purposes, such Public Improvement (Serial) Bonds, 2011, being dated April 12, 2011 and maturing or matured on April 1 annually (the “2011 Bonds”); and

WHEREAS, the Town heretofore issued an aggregate principal amount of \$1,468,000 Public Improvement (Serial) Bonds, 2011 Series B, pursuant to two (s) bond resolutions each dated August 18, 2011 to pay the cost of the establishment of the Four Corners Water District (\$905,000) and to pay the cost of the establishment of the Four Corners Sewer District (\$563,000), such Public Improvement Serial) Bonds, 2011 Series B, being dated September 29, 2011 and maturing or matured on September 1 annually (the “2011B Bonds”); and

WHEREAS, it would be in the public interest to refund all, or one or more, or a portion of one or more, of the \$6,370,000 outstanding principal balance of the 2011 Bonds maturing in 2019 and thereafter (the “2011 Refunded Bonds”), and the \$1,225,000 outstanding principal balance of the 2011B Bonds maturing in 2019 and thereafter (the “2011B Refunded Bonds”, together with the 2011 Refunded Bonds, the “Refunded

Bonds”), each by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, each of such refundings will individually result in present value savings in debt service as so required by Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT

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

Section 1. For the object or purpose of refunding the outstanding aggregate \$7,595,000 principal balance of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, (iv) the redemption premium to be paid on the Refunded Bonds which are to be called prior to their respective maturities, and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds

herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$8,800,000 refunding bonds of the Town pursuant to the provisions of Section 90.00 or Section 90.10 of the Local Finance Law (the “Town Refunding Bonds” or the “Refunding Bonds”), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$8,025,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding bond issues. The Town Refunding Bonds shall each be designated substantially “PUBLIC IMPROVEMENT REFUNDING SERIAL BOND” together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-17 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Supervisor pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law and pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion

of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Supervisor shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Supervisor.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the Town shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in

accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Town Clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the Town maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Supervisor providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Supervisor as fiscal agent of the Town for the Refunding Bonds (collectively the “Fiscal Agent”).

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Supervisor, as chief fiscal officer of the Town, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust

company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Supervisor is also hereby authorized to name the Town Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The Supervisor is hereby further delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Supervisor, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph g of Section 90.00 of the Local Finance Law or subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law, as applicable, and 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. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of the

Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the respective Refunded Bonds, for the objects or purposes for which such respective Refunded Bonds were issued is as described in Exhibit A attached hereto and hereby made a part hereof ;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of the objects or purposes for which said respective Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph a of Section 90.00 of the Local Finance Law or subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law, as applicable;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to each of the respective series of Refunded Bonds, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the aggregate of the refundings authorized by this resolution (collectively, the “Refunding Financial Plan”), showing the sources and amounts of all moneys required to accomplish such refundings, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit B attached hereto and hereby made a part hereof. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series to refund all of the Refunded Bonds in the principal amount of \$8,025,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in said Exhibit B. This Town Board recognizes that the Refunding Bonds may be issued in one or more series, and for only one or more of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the Town will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit B. The Supervisor is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued

having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the Supervisor; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.00 or Section 90.10 of the Local Finance Law, as applicable. The Supervisor shall file a copy of his certificates determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Town Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Supervisor is hereby authorized and directed to enter into an escrow contract or contracts (collectively the “Escrow Contract”) with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said President shall designate (collectively the “Escrow Holder”) for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said Town of East Fishkill, Dutchess County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding 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 be annually levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the Town to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the Town shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an “arbitrage bond” as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the Town hereby elects to call in and redeem each respective series of Refunded Bonds which the Supervisor shall determine to be refunded in accordance with the provisions of Section 4 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the times provided in the Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at public competitive sale or at private sale to an underwriter as shall be determined by the Supervisor, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller to the extent required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the Supervisor, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in

the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds to the purchaser. After the Refunding Bonds have been duly executed, they shall be delivered by the Supervisor to the purchaser in accordance with said purchase contract or winning purchaser upon the receipt by the Town of said purchase price, including accrued interest.

Section 11. The Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Supervisor and all powers in connection thereof are hereby delegated to the Supervisor. The Supervisor shall be further authorized to issue said Refunding Bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law as said officer shall determine necessary, in consultation with bond counsel to the Town.

Section 13. The validity of the Refunding Bonds 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 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Dated: May 25, 2017

The foregoing resolution was duly put to a vote which resulted as follows:

John L. Hickman	VOTING	<u>AYE</u>
Nicholas D' Alessandro	VOTING	<u>AYE</u>
Peter Cassidy	VOTING	<u>AYE</u>
Tom Franco	VOTING	<u>AYE</u>
Emanuele Marinaro	VOTING	<u>AYE</u>

—
The resolution was thereupon declared duly adopted.

Motion to authorize the Refunding Bond Resolution: Board Member Franco.

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

3. Referred Re-zone application for 89 Hosner Mountain Road to Planning Board and Dutchess County

RESOLUTION

(REFER A RE-ZONING APPLICATION TO THE TOWN PLANNING BOARD AND DUTCHESS COUNTY PLANNING)

WHEREAS, Leonard Stanley has filed an application requesting a re-zone of property Grid #6556-00-293362 from B-1 to R-1; and

WHEREAS, upon filing of the Petition with the Town Clerk and payment of the requisite fees, the matter is now before the Town Board; and

WHEREAS, the Town Board has determined that it is appropriate to refer this matter to the Town Planning Board and Dutchess County Planning to review; and

WHEREAS, it is the desire of the Town Board to make said referral;

NOW, THEREFORE, BE IT RESOLVED, that the re-zoning application from Leonard Stanley filed with the Town Clerk be and hereby is referred to the Town Planning Board and the Dutchess County Planning for their review and comment; and

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby is authorized and directed to refer said Petition to the Planning Board and Dutchess County Planning.

Motion to refer re-zoning application for 89 Hosner Mountain Road to Planning Board and Dutchess County: Board Member Marinaro. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

4. Authorize Seasonal Hires

RESOLUTION

(AUTHORIZING THE HIRING OF SEASONAL RECREATION STAFF)

WHEREAS, the Town Board has previously authorized the hiring of Lifeguards; and

WHEREAS, the Recreation Director needs to fill additional Lifeguard positions and is requesting Eric Bredthauer, Nayara Sullivan, Brooke Sadowitz and Amanda Yen to be hired; and

WHEREAS, the Recreation Director is also requesting the Town Board to authorize the hiring of Jim Lynch as the Tennis Director to be hired at \$25.00/per hr., Allie Fischer as the Golf Director and Frank Matteo as the Basketball Director to be hired at \$2,200.00 for the Summer Season; and

WHEREAS, The Recreation Director is requesting the Town Board to approve Jim Lynch as the Tennis Director to be hired at \$25.00/per hr. and Allie Fischer as the Golf Director to be hired at \$25.00/per hr.

WHEREAS, the Recreation Director is also requesting the Town Board to authorize the Part-time gate attendants for Red Wing Park, Barbara Levan to be paid \$14.00/per hr., Lauren Ciaccio to be paid \$13.00/per hr. and Faith Nogles to be paid \$11.00/per hr.; and

NOW, THEREFORE, BE IT RESOLVED, that the Recreation Director be and hereby is authorized to hire Eric Bredthauer at \$10.00/per hr. and Nayara Sullivan, Brooke Sadowitz and Amanda Yen at \$9.75/per hr. as Lifeguards; and

NOW, THEREFORE, BE IT RESOLVED, that the Recreation Director be and hereby is authorized to hire Jim Lynch as the Tennis Director to be hired at \$25.00/per hr., Allie Fischer as the Golf Director to be hired at \$25.00/per hr. and Frank Matteo as the Basketball Director to be hired at \$2,200.00 for the Summer Season.

NOW, THEREFORE, BE IT RESOLVED, that the Recreation Director be and hereby is authorized to hire Barbara Levan to be paid \$14.00/per hr., Lauren Ciaccio to be paid \$13.00/per hr. and Faith Nogles to be paid \$11.00/per hr. as Part-time Gate Attendants for Red Wing Park; and

NOW, THEREFORE, BE IT RESOLVED, that it may be necessary for the Recreation Director to hire additional Lifeguards and will notify the Town Board of such hiring; and

BE IT FURTHER RESOLVED, that all said employment shall be Seasonal employment and that upon completion of their task, they shall be removed from the payroll.

Motion to authorize seasonal hires: Board Member Franco. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

5. Authorize Printer Disposal

RESOLUTION
(DECLARING CERTAIN PROPERTY TO BE SURPLUS)

WHEREAS, there are two printers that do not work; and

WHEREAS, it is the desire of the Town Board to authorize the disposal of said property; and

THEREFORE, BE IT RESOLVED, that said property is determined to be surplus by the Town Board; and

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be and hereby is authorized to approve the disposal of the non-working printers.

Motion to authorize printer disposal: Board Member Marinaro. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

6. Authorize Funding for certain projects from the Recreation Development Budget

RESOLUTION
(FUNDING FOR PROJECTS FROM REC DEVELOPMENT BUDGET)

WHEREAS, the Town Board is requesting authorization to receive funding for projects from the Recreation Development Budget.

1. \$67,000 for the completion of the second phase of Julie's Jungle playground for children of all abilities
2. Blacktop designated areas at Red Wing Park
3. Picnic Benches at Red Wing Park
4. Accessible Playground Equipment for Red Wing Park

Items 2, 3 and 4 not to exceed \$16,000.

BE IT RESOLVED, the Town Board does hereby authorize funding for the second phase construction of the Town's playground for children of all abilities at the Lime Kiln Recreation Center, not to exceed \$67,000, and paving for Red Wing

Park's "A Day at the Beach", Picnic Benches and Accessible Playground Equipment for Red Wing Park not to exceed \$16,000.

Motion to authorize funding for certain projects from the Recreation Development Budget: Board Member Franco. Seconded: Board Member D'Alessandro. All voted in favor. Motion carried.

7. Authorize AV Tech Contract

RESOLUTION
(AUTHORIZE CHANGE OF STATUS)

WHEREAS, the Town operates Channel 22 as its municipal channel on the Cablevision system; and

WHEREAS, Michael Miner has been the operator of Channel 22 for the Town; and

WHEREAS, it is the desire of the Town Board to change the status of the Media Technician from Part-time to Contractual; and

NOW THEREFORE BE IT RESOLVED, that the Supervisor be and hereby is authorized to maintain the services of MJM Television to be the operator of the municipal channel 22; and

BE IT FURTHER RESOLVED, that the contracted amount will not exceed the budgeted amount.

Motion to authorize AV Tech Contract: Board Member Franco. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

8. Authorize Fireworks for the Sons of Italy event

RESOLUTION
(AUTHORIZE THE SONS OF ITALY FIREWORKS)

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 firework display for Sunday, May 28, 2017; and

THEREFORE, BE IT RESOLVED, that the Sons of Italy may have fireworks on May, 28, 2017; and

NOW, THEREFORE BE IT RESOLVED, that May 29, 2017 will be used for the fireworks in the event they lose a day due to inclement weather; 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 fireworks for the Sons of Italy event: Board Member Marinaro. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

9. Appoint Maintenance Worker

RESOLUTION
(APPOINT MAINTENANCE WORKER)

WHEREAS, the Recreation Director has requested Charles Cables be hired as Part-time Maintenance Worker for the Town; and

WHEREAS, the Town Board has interviewed Charles Cables; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board has approved Charles Cables to be hired as the Maintenance Worker for the Town; and

BE IT FURTHER RESOLVED, that said employment shall be Part-time and paid \$18.03/per hr.

Motion to appoint Maintenance Worker: Board Member Franco. Seconded: Board Member D'Alessandro. All voted in favor. Motion carried.

10. Authorize Bid for Red Wing Park

RESOLUTION
(AUTHORIZING BID FOR RED WING PARK)

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

WHEREAS, the Town Board did not receive any previous proposals for the Red Wing Park facility for the summer months; and

WHEREAS, it is the desire of the Town Board to authorize, Randolph Baker to operate during the business hours of Red Wing Park; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes Amani Kitchen to be the food vendor for Red Wing Park and will work from May 29, 2017 through September 4, 2017 and to be open during all activities and events at the site; and

BE IT FURTHER RESOLVED, that the bidder, Randolph Baker must provide the Town Clerk and with Certificates of Insurance prior to entering the facility. He will also be paying \$500.00 to the Town of East Fishkill for the summer season.

Motion to authorize Bid for Red Wing Park: Board Member Franco. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

11. Authorize Retirement Agreement with the Police Captain

RESOLUTION **(AUTHORIZE RETIREMENT AGREEMENT)**

WHEREAS, the Captain of the Police Department has indicated his desire to retire, and;

WHEREAS, a Retirement Agreement attached hereto has been reached, and;

NOW THEREFORE BE IT RESOLVED, that the Supervisor be and hereby is authorized to execute the Retirement Agreement with Dwayne Doughty; and

BE IT FURTHER RESOLVED, that the terms and conditions of said Agreement shall be as contained therein.

Motion to authorize a Retirement Agreement with the Police Captain: Board Member Franco. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

Budget Transfers:

Comptroller Pozniak stated there were three budget transfers. One to allow for the resolution regarding the AV from employee to subcontractor, the second one is to authorize the purchase of handicap accessible mats and to rent a handicap bathroom for the "A Day at the Beach" from the contingency line, and the third for building maintenance employee from Contingency to salary line for Building Maintenance and fringe benefits associated with that cost.

Town of East Fishkill
2017 Budget Transfers
5/25/2017

	Account	Description	Current Budget	Year-to-Date Expenditures	Proposed Budget Transfer	Modified Budget
General Fund						
1	A 7560.4	Channel 22 - Contractual	3,000	1,306	20,500	23,500
	A 7560.1	Channel 22 - Personal Services	32,000	12,297	(18,450)	13,550
	A 9030.8	Social Security/Medicare	490,000	170,633	(1,400)	488,600
	A 9040.8	Workers Comp Insurance	145,000	80,019	(550)	144,450
	A 9055.8	Disability Insurance	12,000	1,576	(100)	11,900
		<i>Reason: to change employment status of videographer from Employee to Sub-contractor</i>				
2	A 7180.2	Special Rec Facility (Red Wing) - Equipment	1,500	0	6,000	7,500
	A 7180.4	Special Rec Facility (Red Wing) - Contractual	12,000	880	2,000	14,000
	A 1990.4	Contingency	60,000	0	(8,000)	52,000
		<i>Reason: to purchase handicap accessibility mats (\$6,000) and rent handicap bathroom (\$2,000) for Day at the Beach</i>				
3	A 1620.1	Buildings - Personal Services	102,500	50,369	9,000	111,500
	A 9030.8	Social Security/Medicare	488,600	170,633	690	489,290
	A 9040.8	Workers Comp Insurance	144,450	80,019	270	144,720
	A 9055.8	Disability Insurance	11,900	1,576	40	11,940
	A 7140.1	Playground & Rec - Personal Services	430,000	135,000	(10,000)	420,000
		<i>Reason: to hire P/T building maintenance worker</i>				
Increases in Appropriations						38,500
(-) Decreases in Appropriations						-38,500
(-) Increase in Revenues						0
(=) Increase in Appropriated Fund Balance						0

Motion to approve the budget transfers as presented: Board Member Marino.
Seconded: Board Member Cassidy. All voted in favor. Motion carried.

Take Public Comments on General Town Issues:

Supervisor Hickman asked if there was anybody in the audience who would like to speak on general Town issues.

Felicia Walker spoke about water issues at Whorley Homes. Engineer Bryant stated that the WIIA Grant deadline is June 23. To qualify for that grant they have to own the system, have formed the district, will have had to approve a bond resolution, etc. They could potentially meet Round 4 next year if they own the system by that point. To get to that point the majority has to agree to the \$900 plus figure, with no guarantee that they will get the grant. The grant has a lot of conditions. It has to be for eligible expenses. They do not know what those expenses would be at. He does appreciate trying to keep the rate low by using it for that reduction however the entire system is undersized and optimally should be replaced entirely.

Resident #1 spoke about Hillside Lake issues. Supervisor Hickman stated that the Dormitory Authority of New York State requested a statement on Town letterhead stating that the Town owns the property before any harvesting of Lily pads will happen. As the dissolution project is ongoing they cannot commit to that yet. He stated the DEC stated if things work out correctly they can extend the deadline for the grant by two years. He stated he has not gotten any response back from the Dormitory Authority.

Mr. Wahlers spoke on Hillside Lake issues. Attorney Wood stated that the DEC grant has a clause in it that they need to be notified if there is any change of circumstances or any issues so it was conveyed to them about the referendum. It is new territory for them. The Town applied on behalf of the Park District. Now there may not be a Park District. It is information that you have to give them because if you don't and you go ahead with your project, DEC may not reimburse you in the end. Attorney Wood addressed the issue of conveyance and stated that a Homeowners Association is a corporation and is perpetual. Each deed in the original subdivision of Hillside Lake there is a provision that all property owners within the Hillside Lake development have an interest and ownership in the Homeowners Association Corporation, which owned the lake. It may not be in the deed from seller to seller. In the original deed from the developer to the Homeowners Association there is a trigger that if the property is transferred from the Homeowners Association, it would revert back to the original developers corporation. There is also a town attorney's letter that questions the ability of the conveyance to the town originally because there was not unanimous consent of all the homeowners. Attorney Wood's position has been since the Park district is encompassing the same area as properties that were members of the original Homeowners Association, the equity argument in court could not be challenged regarding the conveyance. If you wish to convert this parcel to a parcel that's owned for the benefit of everybody you now have the possibility and the risk of homeowners in Hillside Lake challenging the original conveyance because of the fact that others are benefiting from it outside of the original property owners. In that regard it asks the question can you take town wide tax money and put into a

property that you probably can't get title insurance on. These are issues that will take time to discuss. There are no opinions from the Comptroller. The State Comptroller has not offered an opinion yet. If the Town did take over the lake and wanted to spend money on it and there was a referendum with the rest of the residents of the town they could not want to put the money into it. It is theoretically possible that the lake could go back to the Hillside Lake Homeowners Association, which is a perpetual Corporation in the State of New York. The burden is for all of the homeowners in the original subdivision in the deed to choose officers to operate it. They do not have personal liability.

Supervisor Hickman stated he is waiting for more information from DEC before he can inform the community as to the status of the grant. Board Member Marinaro stated, for the record, the Town Supervisor appointed him as the liaison to the Hillside Lake Park District when he first got elected. He spends many hours in meetings trying to do the right thing for this community. He feels frustrated that he does not have all of the information.

Mr. Wahlers asked about the Town's sediment in the lake. Engineer Bryant stated they are looking into the permitting process for this.

Keith Dimaso spoke on Hillside Lake issues. Engineer Bryant stated they did a test a few years ago regarding catch basins and there was a seasonal issue. That test differentiated between human waste and animal waste. Some basins had animal waste and human waste was identified also. They tested again and that came back negative. It appears it could be a seasonal issue. Mr. Demaso said coliform was found in storm water basins.

Comments from Town Board Members:

Supervisor Hickman asked if there were any comments from the Town Board.

Board Member Marinaro thank all of the past veterans who have served and all the military that are currently serving.

Board Member Cassidy stated the Memorial Day Ceremony will be held at the corner of Beekman Road and Route 82 on Monday, May 29th at 11 AM.

Motion for Adjournment: Time: Motion to adjourn the regular meeting at 9:35 PM: Board Member Franco. Seconded: Board Member D'Alessandro. All voted in favor. Motion carried.

Town Board Workshop Meeting:

June 8, 2017

Town Board Regular Meeting:

June 22, 2017

Respectfully Submitted by Julie J. Beyer on behalf of Town Clerk Carol A. Hurray
–June 2, 2017