

Adopted Resolution April 9, 2024

**BEEKMAN TOWN BOARD
REGULAR MEETING AGENDA
APRIL 9, 2024
6:00 PM**

- Meeting called to order
- Pledge of Allegiance
- Administrative Announcement--Fire Exits

TOWN BOARD MEETING

- Supervisor Comments
- Public comment on Agenda Items and Resolutions – (3 Minute limit)

RESOLUTIONS

1. Accept March 26, 2024 Minutes
2. Authorize Bid for Beekman Recreation Permanent Weir
3. Approve Town of Beekman Budget Revision 2024-#3
4. Authorize the Town Clerk to Attend Annual Conference
5. Approve Highway Equipment Rental for MS4 Work
6. Accepting a Decommissioning Agreement and Bond for Green Haven Solar I, LLC
7. Approval of Irrevocable Letter of Credit for the Stormwater Management Facility for Green Haven Solar I LLC
8. Approve Senior Bus Trip
9. Shared Agreement Town of Kent
10. Decommissioning of Monitoring Wells at the Town Highway Garage
11. Update Fee Schedule
12. Approve MOA with the Local 456 IBT
13. Payment of Claims

Other Town Board Business

- General Board Comments
- General Public comments – (3 Minute limit)
- **Next Regular Town Board Meeting: Tuesday April 23, 2024 at 6:00 PM**

EXECUTIVE SESSION ADJOURN

***AGENDA SUBJECT TO CHANGE**

RESOLUTION NO. 04:09:24-1

RE: APPROVAL OF PAST TOWN BOARD MINUTES

WHEREAS, Town Clerk Laureen Abbatantuono has provided copies of the minutes of the March 26, 2024 Regular Town Board Meeting to all members of the Beekman Town Board; and

WHEREAS, Town Board members have had the opportunity to review said minutes;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the minutes of the March 26, 2024 Regular Town Board Meeting.

Introduced: COUNCILMAN CAPOLLARI

Seconded: COUNCILMAN BATTAGLINI

ROLL CALL VOTE:

Councilman Capollari

AYE

Councilman Battaglini **AYE**
Councilman Lemak **AYE**
Councilwoman Wohrman **AYE**
Supervisor Covucci **AYE**
Dated: April 9, 2024

RESOLUTION NO. 04:09:24 - 2

RE: AUTHORIZING THE TOWN OF BEEKMAN TO INITIATE A BID FOR THE CONSTRUCTION OF THE BEEKMAN RECREATION SWIM POND PERMANENT WEIR AND ITS PUBLICATION

WHEREAS, the Beekman Recreation Swim Pond implements a procedure that has been used since the 1970s to seasonally divert a portion of the stream flow from the Fishkill Creek (Water Index No. H-95, Class C[t]) into the swim pond by installing a temporary weir at the beginning of the swim season that is removed at the end of the swim season, requiring an Article 15 Stream Disturbance Permit from the New York State Department of Environmental Conservation (NYSDEC) on an annual basis; and

WHEREAS, the NYSDEC conducted a meeting on February 14, 2017 and mandated that the Town of Beekman provide a permanent solution to provide diversion of a portion of the stream flow into the swim pond in place of the annual temporary weir; and

WHEREAS, the Town Engineer prepared a joint permit application and supporting documents and drawings for the installation of permanent weir and submitted the same to the NYSDEC; and

WHEREAS, the NYSDEC, in an uncoordinated review, classified the project as Unlisted in accordance with the State Environmental Quality Review Act (SEQR) and determined that the project will not have a significant effect on the environment, and noted that other involved agencies may reach an independent determination of environmental significance for the project; and

WHEREAS, the NYSDEC granted an Article 15 Stream Disturbance Permit (ID 3-1322-00046/00007) for the project dated January 4, 2023; and

WHEREAS, the Town has authorized the Town Engineer to prepare construction drawings for the installation of the permanent weir at the Beekman Recreation Swim Pond and also prepare the requisite Bid Documents; and

WHEREAS, the Town Engineer prepared Bid Documents and now wishes to release the documents to the public; and

WHEREAS, the Town Board, in accordance with the purchasing policy of the Town of Beekman, is desirous of releasing a public bid for the purpose of soliciting prices for the permanent weir at the Beekman Recreation Swim Pond; and

RESOLVED, the Town Board, in an uncoordinated review, hereby concurs with the NYSDEC classification of the project as Unlisted in accordance with SEQR and hereby determines that the project will not have a significant effect on the environment; and

FURTHER RESOLVED, the Town Board authorizes the Town Engineer to initiate a public BID for the permanent weir at the Beekman Recreation Swim Pond project, including coordinating the posting of legal notices requesting such services in the Town's official newspaper and on the Town website; and

Introduced: COUNCILMAN BATTAGLINI

Seconded: COUNCILMAN LEMAK

ROLL CALL VOTE:

Councilman Capollari **AYE**
Councilman Battaglini **AYE**
Councilman Lemak **AYE**
Councilwoman Wohrman **AYE**
Supervisor Covucci **AYE**
Dated: April 9, 2024

RESOLUTION NO. 04:09:24-3

RE: APPROVE TOWN OF BEEKMAN BUDGET REVISIONS #2024-3

WHEREAS, the Town of Beekman's Accounting Office recommends certain budget revisions based on department requests and/or the Accounting Office review and analysis of expenditures or revenues

NOW, THEREFORE, BE IT RESOLVED that the following itemized revisions are approved by the Town of Beekman Town Board identified as Budget Revision 2024 #2024-3

Budget Revisions for March 2024 # 2024-3

Revision #	Account #	Account	
Title		Increase	Decrease

General Fund

2024-03-01	A-1620-0417	Building Contract	787
	A-1620-0412	Building	
Cleaning		787	
		-Adjust for New Folks Contract	
2024-03-02	A-1680-0460	Data Contracts	5,250
	A-1990-0400	Contingent	
Account		5,250	
		-Adjust for New MFA Contract	
2024-03-03	A-7110-0497	Parks Maintenance	7,000
	A-1990-0400	Contingent	
Account		7,000	
		-Transfer for Field Maintenance	
2024-03-04	A-7551-0400	Special Events. Exp	30
	A-7551-0453	Easter Egg	
Hunt		30	
		-Transfer for Activity Night Crafts	
2024-03-05	A-8140-0400	MS4 Reg. Expenses	3,750
	A-1990-0400	Contingent	
Account		3,750	
		-Create MS4 Account	

Introduced: SUPERVISOR COVUCCI
Seconded: COUNCILWOMAN WOHRMAN

ROLL CALL VOTE:

Councilman Capollari **AYE**
Councilman Battaglini **AYE**
Councilman Lemak **AYE**
Councilwoman Wohrman **AYE**
Supervisor Covucci **AYE**

Dated: April 9, 2024

RESOLUTION NO. 04:09:24-4

RE: APPROVE ATTENDENCE AT NYS TOWN CLERKS' 2024 CONFERENCE

WHEREAS, New York State Town Clerks' Association 2024 Conference will be held at the Crowne Plaza, the Desmond in Albany, NY, from April 21-24, 2024; and

WHEREAS, the Town Clerk would like to register to attend; and

WHEREAS, there are monies in the Town Clerk's Budget for training;

NOW, THEREFORE, BE IT RESOLVED, that authorization is hereby given for the Town Clerk to attend the Conference, and that the registration fee of \$125.00 and mileage (\$.67) if using her own vehicle be reimbursed or paid directly as audited by the Town Board.

Introduced: COUNCILMAN LEMAK

Seconded: COUNCILMAN BATTAGLINI

ROLL CALL VOTE:

Councilman Capollari **AYE**
Councilman Battaglini **AYE**
Councilman Lemak **AYE**
Councilwoman Wohrman **AYE**
Supervisor Covucci **AYE**

Dated: April 9, 2024

RESOLUTION NO. 04:09:24-5

RE: APPROVE HIGHWAY DEPARTMENT EQUIPMENT RENTAL FOR MS4 WORK

WHEREAS, the Town of Beekman Highway Superintendent has submitted a request to rent an excavator for one (1) month for the purpose of doing MS4 work; and
WHEREAS, the Town of Beekman Highway Superintendent has solicited quotes in conformity with the Town's Procurement Policy for this rental from three (3) vendors and has determined that the quote from Westchester Tractor, is in the best interest of the Town;
NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Beekman does hereby accept the Quote of Westchester Tractor for the rental of one Kubota KX057 with Hydraulic thumb in an amount not to exceed \$3,150.00; and
BE IT FURTHER RESOLVED that the rental of equipment will come out of the Highway Vehicle Repairs budget line.

Introduced: COUNCILWOMAN WOHRMAN

Seconded: COUNCILMAN LEMAK

ROLL CALL VOTE:

Councilman Capollari **AYE**

Councilman Battaglini **AYE**

Councilman Lemak **AYE**

Councilwoman Wohrman **AYE**

Supervisor Covucci **AYE**

Dated: April 9, 2024

RESOLUTION NO. 04:09:24-6

RESOLUTION ACCEPTING A DECOMMISSIONING AGREEMENT, DECOMMISSIONING ESTIMATE/PLAN, AND DECOMMISSIONING BOND FOR SOUTH GREEN HAVEN SOLAR I, LLC, as successor to Borrego Solar Systems, LLC

WHEREAS, South Green Haven Solar I, LLC, (hereinafter "Applicant"), assignee of the original applicant Borrego Solar Systems, LLC, and Carolyn Dickson, as Trustee of the Carolyn Dickson Revocable Trust dated October 6, 2020, ("Owner") obtained site plan, special use permit, and water resource permit approvals ("Approvals"), which have been extended, for the construction of a solar farm ("Project") on a parcel of land totaling 29.19 acres that is designated as Tax Parcel 6757-00-082660 on the tax map of the Town of Beekman ("Property"); and

WHEREAS, pursuant to the Approvals and the Town of Beekman Solar Law, the Applicant and Owner delivered to the Town a Decommissioning Agreement and Decommissioning Estimate/Plan, as well as a Decommissioning Bond in the amount of \$281,324.59 to serve as a completion guarantee of the decommissioning and site restoration activities for the Project, as stated in the Decommissioning Agreement and Decommissioning Estimate/Plan (together, "Decommissioning Package," attached hereto as Exhibit A); and

WHEREAS, the terms of the Decommissioning Agreement and Decommissioning Estimate/Plan authorize the Town of Beekman to draw against the Decommissioning Bond in the event the Applicant or Owner does not complete the required decommissioning and site restoration activities for the Project in accordance with the terms of the Decommissioning Agreement and Decommissioning Estimate/Plan; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the Decommissioning Agreement and Decommissioning Estimate/Plan, as well as the Decommissioning Bond in the sum of \$281,324.59, as security for the faithful performance of the completion of the obligations set forth in the Decommissioning Agreement and Decommissioning Estimate/Plan and hereby authorizes the Town Supervisor to execute the Decommissioning Agreement evidencing the Town's acceptance of same; and

BE IT FURTHER RESOLVED that the Applicant is hereby required to have the Decommissioning Bond, as approved herein by the Town Board, in place prior to issuance of a building permit for the Project or any site work, clearing, or grading in connection with the Project; and

BE IT FURTHER RESOLVED that the Applicant is hereby required to cause the Decommissioning Agreement, or a Memorandum thereof, to be recorded in the office of the Dutchess County Clerk and all parties to the Decommissioning Agreement have agreed therein to execute any necessary documents for such recording; and

RESOLVED, that the Town Clerk is directed to file the aforementioned Decommissioning Agreement, Decommissioning Estimate/Plan, and Decommissioning Bond in her records, pending compliance with the terms of same.

Introduced: COUNCILMAN CAPOLLARI

Seconded: COUNCILMAN BATTAGLINI

ROLL CALL VOTE:

Councilman Capollari **AYE**
Councilman Battaglini **AYE**
Councilman Lemak **AYE**
Councilwoman Wohrman **AYE**
Supervisor Covucci **AYE**
Dated: April 9, 2024

RESOLUTION NO. 04:09:24-7

RESOLUTION APPROVING THE FORM AND CONTENT OF THE IRREVOCABLE LETTER OF CREDIT FOR THE STORMWATER MANAGEMENT FACILITY FOR SOUTH GREEN HAVEN SOLAR I, LLC, as successor to Borrego Solar Systems, LLC

WHEREAS, South Green Haven Solar I, LLC, (hereinafter "Applicant") assignee of the original applicant Borrego Solar Systems, LLC, and Carolyn Dickson, as Trustee of the Carolyn Dickson Revocable Trust dated October 6, 2020, ("Owner") obtained site plan, special use permit, and water resource permit approvals ("Approvals"), which have been extended, for the construction of a solar farm ("Project") on a parcel of land totaling 29.19 acres that is designated as Tax Parcel 6757-00-082660 on the tax map of the Town of Beekman ("Property"); and

WHEREAS, pursuant to the Town Code, the Applicant and Owner delivered to the Town a Stormwater Control Facility Maintenance Agreement ("SCFMA"), reviewed and approved by the Town Attorney, and accepted by the Town Board on March 12, 2024 (see Resolution No. 03:12:24-2); and

WHEREAS, pursuant to Section 128-7(B) of the Town Code, the SCFMA calls for a security for the maintenance and continuation of the stormwater management facility in the form of an original irrevocable letter of credit from an approved financial institution in the amount of \$20,000.00 ("Maintenance Guarantee") to ensure the proper operation and maintenance of all stormwater management and erosion control facilities, both during and after construction. The Maintenance Guarantee shall remain in effect for the duration of the lease or the end of the decommissioning of the Project, whichever is later;

WHEREAS, the Applicant and Owner delivered to the Town a Maintenance Guarantee in the form of an Irrevocable Letter of Credit issued by JP Morgan Chase Bank, N.A. in the amount of \$20,000.00 in favor of the Town, which has been reviewed and approved by the Town Attorney, securing the obligations set forth in the SCFMA and pursuant to Section 128-7(b) of the Town Code, which is attached hereto as Exhibit A; and

WHEREAS, the Applicant covenants and warrants to the Town of Beekman that in the event the Applicant fails to fully perform and maintain its obligations set forth in the SCFMA, then, upon the demand of the Town of Beekman, the Town shall have the right to draw upon the Maintenance Guarantee in an amount necessary to cover the costs of proper operation and maintenance, including any engineering and inspection costs; and

WHEREAS, it is understood that the Town shall have the right to use said security to cover the costs of proper operation and maintenance required by the SCFMA upon the default of the Applicant to remedy same after first giving notice to the Applicant to do so within thirty (30) days of receipt of said notice from the Town.

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby approves the IRREVOCABLE LETTER OF CREDIT issued by JPMORGAN CHASE BANK, N.A. in the amount of \$20,000.00 by Applicant in favor of the Town of Beekman as security to guarantee the proper operation and maintenance of the stormwater management facility at the Property required by Section 128-7(b) of the Town Code, and the Original instrument shall be filed with the Town Clerk as soon as it becomes available.

Introduced: COUNCILMAN BATTAGLINI

Seconded: COUNCILMAN CAPOLLARI

ROLL CALL VOTE:

Councilman Capollari **AYE**
Councilman Battaglini **AYE**
Councilman Lemak **AYE**
Councilwoman Wohrman **AYE**
Supervisor Covucci **AYE**
Dated: April 9, 2024

RESOLUTION NO. 04:09:24-8

RE: AUTHORIZE PROPOSED SENIOR BUS TRIP/EVENT FOR THE YEAR 2024

WHEREAS, the 2024 Budget includes funding for the cost of a variety of bus trips/events for the Senior Citizens Program; and

WHEREAS, deposits are required for tours, shows and meals to guarantee the reservations, which deposits are reimbursed to the town through ticket sales;

NOW, THEREFORE, BE IT RESOLVED, that payment for the charter of a bus for the following trip and/or entertainment is hereby authorized:

<u>Date</u>	<u>Venue / Bus Cost</u>	<u>Resident</u>
<u>Seniors</u>	<u>GF Seniors</u> <u>Seniors</u>	
June 13 GF	New York Botanical Gardens \$ 63 NR/NS Bronx, NY Bus Cost: \$1,800 Coach	\$ 38 R \$ 53

Introduced: SUPERVISOR COVUCCI
Seconded: COUNCILWOMAN WOHRMAN

ROLL CALL VOTE:

Councilman Capollari	AYE
Councilman Battaglini	AYE
Councilman Lemak	AYE
Councilwoman Wohrman	AYE
Supervisor Covucci	AYE

Dated: April 9, 2024

RESOLUTION NO. 04:09:24-9

RE: SHARED SERVICE AGREEMENT WITH THE TOWN OF KENT

WHEREAS, the Town of Beekman would like to enter into an intermunicipal shared service agreement with the Town of Kent for the purpose of allowing the Town’s Highway Departments the ability of the sharing of highway services, maintenance, equipment and materials;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Beekman hereby authorizes the Town of Beekman Supervisor to sign the attached agreement.

Introduced: COUNCILMAN LEMAK
Seconded: COUNCILWOMAN WOHRMAN

ROLL CALL VOTE:

Councilman Capollari	AYE
Councilman Battaglini	AYE
Councilman Lemak	AYE
Councilwoman Wohrman	AYE
Supervisor Covucci	AYE

Dated: April 9, 2024

RESOLUTION NO. 04:09:24-10 RE: APPROVE THE DECOMMISSIONING OF GROUND WATER MONITORING WELLS AT THE HIGHWAY GARAGE

WHEREAS, wells at the Town’s Highway Garage have been used to monitor Groundwater at the Town’s Highway Garage; and

WHEREAS, the Town has received verbal approval from the NYSDEC for the abandonment of all but two (2) wells; (MW-4 and MW-17); and

WHEREAS, PVE Sheffler has obtained permission from the NYSDEC for the decommissioning of out-of-use monitoring wells at the above referenced site. Monitoring wells located throughout the subject property and on adjoining/nearby properties, shall be properly decommissioned in accordance with NYSDEC CP-43: Groundwater Monitoring Well Decommissioning Policy.

WHEREAS, All but two (2) wells; (MW-4 and MW-17), if able to be located will be decommissioned;
NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to sign the attached agreement in an amount not to exceed \$15,276.05, and

BE IT FURTHER RESOLVED that if wells have to be marked there will be an additional cost of \$2,000.00 per day.

Introduced: COUNCILWOMAN WOHRMAN

Seconded: COUNCILMAN LEMAK

ROLL CALL VOTE:

Councilman Capollari **AYE**

Councilman Battaglini **AYE**

Councilman Lemak **AYE**

Councilwoman Wohrman **AYE**

Supervisor Covucci **AYE**

Dated: April 9, 2024

RESOLUTION NO. 04:09:24-11

RE: RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BEEKMAN

ADOPTING THE FEE SCHEDULE FOR 2024

WHEREAS, the Town Board of the Town of Beekman adopted Local Law No. 1 of 2022 on September 13, 2022 amending the process by which the Town Board sets administrative fees and penalties, by deleting certain provisions of the Code of the Town of Beekman concerning fees and penalties and replacing them with new sections that, include the authorization for the creation, by resolution of the Town Board, of a separate Fee Schedule;

WHEREAS, from time to time it becomes necessary to modify the fee schedule,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the attached 2024 Fee Schedule.

Introduced: COUNCILMAN CAPOLLARI

Seconded: COUNCILMAN BATTAGLINI

ROLL CALL VOTE:

Councilman Capollari **AYE**

Councilman Battaglini **AYE**

Councilman Lemak **AYE**

Councilwoman Wohrman **AYE**

Supervisor Covucci **AYE**

Dated: April 9, 2024

RESOLUTION NO. 04:09:24-12

RE: APPROVING AND RATIFYING THE MEMORANDUM OF AGREEMENT

BETWEEN THE TOWN AND THE LOCAL 456 INTERNATIONAL BROTHERHOOD OF TRAMSTERS

WHEREAS, the Town Board within their auditing purview had concerns relating to the Highway Department employees overtime/ call in hours, due to the lack of clocking in and out on the Town's Official Paychex time clock for the Months of January, February and March, leading to the nonpayment of overtime/call in hours; and

WHEREAS, representatives of the Town of Beekman (the "Town") and Local 456, International Brotherhood of Teamsters, representative for the Town of Beekman Highway Department (the "Union") (collectively "the parties") met to negotiate the terms of an agreement for the payment of the overtime / Call in hours for its members; and

WHEREAS, on April 8, 2024 the parties entered into a Memorandum of Agreement ("MOA") setting forth the terms and conditions for the payment of the hours in question; and

WHEREAS, the Town Board has reviewed and considered the terms of the MOA and wishes to agree to and ratify the same;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Town Board of the Town of Beekman hereby approves the MOA between the Town and the Union, and authorizes the Town Supervisor to sign the agreement attached herein.

Introduced: COUNCILMAN BATTAGLINI

Seconded: COUNCILMAN CAPOLLARI

ROLL CALL VOTE:

Councilman Capollari **AYE**

Councilman Battaglini **AYE**

Councilman Lemak **AYE**

Councilwoman Wohrman **AYE**

Supervisor Covucci **AYE**

Dated: April 9, 2024

RESOLUTION NO. 04:09:24-13

RE: PAYMENT OF CLAIMS

WHEREAS, the Bookkeeper has audited and approved claims pursuant to Sect. 119 of Town Law as set forth in the attached abstracts; be it

RESOLVED, that the payment, therefore, is hereby authorized as follows:

Claims to be paid from the A-General Fund	\$	70,514.88
Claims to be paid from the DA-Highway Fund	\$	56,117.85
Claims to be paid from the SS – Dover Ridge Sewer	\$	30,032.09
Claims to be paid from the SW – Dover Ridge Water	\$	960.08
	\$	157,624.90

03/28/2024 Payroll #07

General Fund	\$	33,810.34
Highway Fund	\$	22,517.51
	\$	56,327.85

Introduced: SUPERVISOR COVUCCI

Seconded: COUNCILWOMAN WOHRMAN

ROLL CALL VOTE:

Councilman Capollari **AYE**

Councilman Battaglini **AYE**

Councilman Lemak **AYE**

Councilwoman Wohrman **AYE**

Supervisor Covucci **AYE**

Dated: April 9, 2024