

Adopted Resolution March 12, 2024

BEEKMAN TOWN BOARD REGULAR MEETING AGENDA MARCH 12, 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 February 27, 2024 Minutes
2. Authorize Stormwater Control Maintenance Facility Agreement
3. Approve Town of Beekman Budget Adjustment #2024-2
4. Approve Renewal of Service Contract with Folkes Home Service
5. Accepting a Performance Bond with South Green Haven Solar I, LLC
6. Adopt Policy for Overtime, Call in Time and Comp Time
7. Authorize Sale of Obsolete Highway Equipment
8. Modify Funding Approved for the Egg Hunt
9. Payment of Claims

Other Town Board Business

- General Board Comments
- General Public comments – (3 Minute limit)
- **Next Regular Town Board Meeting: Tuesday March 26, 2024 at 6:00 PM**

ADOURN

***AGENDA SUBJECT TO CHANGE**

RESOLUTIONS WERE NOT AVAILABLE AT TIME OF PUBLICATION

RESOLUTION NO. 03:12:24-1

RE: APPROVAL OF PAST TOWN BOARD MINUTES

WHEREAS, Town Clerk Laureen Abbatantuono has provided copies of the minutes of the February 27, 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 February 27, 2024 Regular Town Board Meeting.

Introduced: COUNCILMAN CAPOLLARI

Seconded: COUNCILMAN BATTAGLINI

ROLL CALL VOTE:

Councilman Capollari	AYE
Councilman Battaglino	AYE
Councilman Lemak	AYE
Councilwoman Woehrman	AYE
Supervisor Covucci	ABSENT

Dated: March 12, 2024

RESOLUTION NO. 03:12:24-2

RESOLUTION AUTHORIZING EXECUTION OF STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT WITH SOUTH GREEN HAVEN SOLAR I, LLC

WHEREAS, SOUTH GREEN HAVEN SOLAR 1, LLC, a limited liability company with a principal office at 55 Technology Drive, Suite 102 in Lowell, Massachusetts 01851 ("Permittee"), filed an application for approvals of a solar farm on a property owned by CAROLYN DICKSON REVOCABLE TRUST, dated October 6, 2020, with an address of 104 3rd Street Bradenton, Florida 34217 ("Landowner"), and

WHEREAS, on January 19, 2023, the Town of Beekman Planning Board ("Planning Board") granted a certain water resource permit, special use permit, and preliminary and final site plan approval ("Approvals") in connection with the operation of a certain solar facility ("Solar Facility") proposed by the Permittee to be located at 97 S. Green Haven Road, Poughquag, County of Dutchess, New York (Tax Map Parcel Identification No. 6757-00-082660) which is located in the Town of Beekman, County of Dutchess, New York and is owned by the Landowner ("Property"); and

WHEREAS, the Town requires that the Permittee construct and maintain a certain proposed stormwater management facility to be located on the portion of the Property it leases, which is more accurately described in Exhibit A, in accordance with New York State Department of Environmental Conservation ("NYSDEC") Stormwater Pollution Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-20-001, for the life of the Solar Facility; and

WHEREAS, the Parties desire to enter into an agreement to provide for the long-term maintenance and continuation of a stormwater management facility approved by the Town for the Solar Facility; and

WHEREAS, the Parties desire that the management facility be built in accordance with the Approvals and thereafter be maintained, cleaned, repaired, replaced and continued for the life of the Solar Facility in order to ensure optimum performance of such facility.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT and in accordance with the provisions of Chapter 128 of the Town of Beekman Code and hereby authorizes the Town Supervisor to execute same evidencing the Town's acceptance of said Stormwater Agreement; and

BE IT FURTHER RESOLVED THAT upon execution of the Stormwater Agreement, the Town Clerk is directed to forward same for recording in the Dutchess County Clerk's Office.

Introduced: COUNCILMAN BATTAGLINI

Seconded: COUNCILWOMAN WOHRMAN

ROLL CALL VOTE:

Councilman Capollari **AYE**
Councilman Battaglini **AYE**
Councilman Lemak **AYE**
Councilwoman Wohrman **AYE**
Supervisor Covucci **ABSENT**
Dated: March 12, 2024

RESOLUTION NO. 03:12:24-3

RE: APPROVE TOWN OF BEEKMAN BUDGET REVISIONS #2024-2

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 Number #2024-2

Budget Revisions for February 2024 # 2024-2

Revision #	Account #	Account	Increase	Decrease
General Fund				
2024-02-01	A-1330-0460	Receiver Software		164
	A-1330-0401	Receiver Office		164
Supplies				164
				-Revise according to Agreement
2024-02-02	A-5010-0403	Highway Supt Dues		50
	A-5010-0400	Highway Supt Expense		50
				-Adjust for Highway Dues

2024-02-03	A-7020-0460	Rec Software Support	350	
	A-7020-0401	Rec Office Supplies		350
		-Adjust per Agreement Amount		

2024-02-04	A-8020-0400	Planning Board	25	
	A-8020-0450	Planning Board Meetings		25
		-Adjust for NY Planning Board Dues		

Highway Fund

2024-02-05	DA-5130-0405	Machinery Repair	704	
	DA-5130-0402	Radio Contract		704
		-Transfer Excess per Contract		

2024-02-06	DA-5130-0200	Machinery Equipment	10,691	
	DA-9010-0800	Retirement Expense		10,691
		-Transfer Funds for Loader Purchase		

Introduced: COUNCILMAN LEMAK

Seconded: COUNCILMAN BATTAGLINI

ROLL CALL VOTE:

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

Dated: March 12, 2024

RESOLUTION NO. 03:12:24 -4

RE: APPROVE RENEWAL OF CONTRACT WITH FOLKES HOME SERVICE

WHEREAS, Folkes Home Service installed the new boiler in Town Hall and currently provides a Service Contract for the boiler; and

WHEREAS it is advantageous to extend this contract for four (4) years, getting the fourth year at no cost,

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to sign the attached contract for the years 2024, 2025, 2026 and 2027 beginning in March of 2024 and ending in March of 2027 for an amount not to exceed 687.00.

Introduced: COUNCILWOMAN WOHRMAN

Seconded: COUNCILMAN CAPOLLARI

ROLL CALL VOTE:

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

Dated: March 12, 2024

RESOLUTION NO. 03:12:24-5

RE: RESOLUTION ACCEPTING A PERFORMANCE BOND FOR

SOUTH GREEN HAVEN SOLAR I, LLC, as successor to Borrego Solar Systems, LLC

WHEREAS, South Green Haven Solar I, LLC, (hereinafter "Applicant") is the 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") are co-applicants for site plan, special use permit and water resource permit approvals for the construction of a solar farm 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 (the "Property"); and

WHEREAS, the Applicant and Owner have made a request, pursuant to §155-53. 1 of the Code of the Town of Beekman, to allow for limited tree clearing and grading on the Property, prior to the signing of the Final Site Plan, in order to have the trees cut within the allowable season to avoid impacts to Indiana Bats; and

WHEREAS, the Applicant/Owner delivered to the Town a Performance Bond ("undertaking") in the amount of \$252,655.00 as a construction completion guarantee of all land development activities related to the Property pursuant to §128-7(A) of the Town Code, which includes the contemplated tree clearing and grading called for in the conditional site plan approval dated January 19, 2023 of the Project by the Planning Board; and

WHEREAS, the terms of the undertaking authorize the Town of Beekman to draw against the aforementioned Performance Bond in the event the Applicant/Owner do not receive Final Approval and the project site is not restored in accordance with the terms of the undertaking; and

\NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the Performance Bond with attached Security Bond computation schedule, in the sum of \$252,655.00, as security for the faithful performance of the completion of the obligations set forth in the undertaking; and

BE IT FURTHER RESOLVED, that the Town Clerk is directed to file the aforementioned Performance Bond in her records, pending compliance with the terms of the undertaking.

Introduced: COUNCILMAN CAPOLLARI

Seconded: COUNCILMAN LEMAK

ROLL CALL VOTE:

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

Dated: March 12, 2024

RESOLUTION NO. 03:12:24-6

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BEEKMAN TO SET A FURTHER POLICY REGARDING OVERTIME, CALL IN TIME AND COMPENSATORY TIME FOR THE YEAR 2024

WHEREAS, the Town Board of the Town of Beekman (the "Board") adopted Resolution No. 01:3:24-34, on January 3, 2024, directing all Department Heads for 2024 to obtain approval from the Town Supervisor for all overtime and compensatory time for both CSEA and non-union employees; and that **all** employees must clock in and out on the Town official Paychex time clocks; and

WHEREAS, under the New York State Constitution, the Board may not authorize the gratuitous dispersal of public funds; and

WHEREAS, since the adoption of Resolution No. 01:3:24-34, the Board has become aware that time records submitted by or on behalf of certain employees indicating that such employees worked sufficient hours to be entitled to overtime, call in time or compensatory time, but which time records were not corroborated by contemporaneously created time clock "punch" entries on the Town's official time clock; and

WHEREAS, numerous discrepancies and variations between the time clock "punch" entries and the time sheets submitted by and on behalf of certain employees raise serious concerns that the hours claimed in such time sheets may be erroneous or fraudulent; and

WHEREAS, paying wages for hours not worked, or affording compensatory time for such fictitious hours, would constitute a gratuitous dispersal of public funds in violation of the New York State constitution; and

WHEREAS, the Board is entrusted with the general management and control of the Town's finances and possesses absolute authority over, and responsibility for, the Town's budget and for ensuring that all expenditures thereunder are appropriate, legitimate, lawful, and constitutional; and

WHEREAS, the Board has determined that additional safeguards, beyond those adopted in Resolution No. 01:3:24-34, are reasonable and necessary to guard against the risks revealed by the numerous variations and discrepancies between time clock "punch" entries and the time sheets submitted by and on behalf of certain employees; and

WHEREAS, the adoption of the additional safeguards provided for herein is a necessary and proper exercise of the Board's authority over the general management and control of the Town's finances and the Board's absolute authority over the Town's budget;

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the Board does hereby direct all Department Heads for 2024 to provide to the Town Supervisor a written report whenever a Town employee incurs an entitlement to either overtime, call in time, or compensatory time (the "Report").

BE IT FURTHER RESOLVED, that each Report shall provide sufficient detail for the Town Supervisor and the Board to assess whether the payment of such overtime, call in time, or the crediting of such compensatory time, is an appropriate, legitimate, lawful, and constitutional expenditure.

BE IT FURTHER RESOLVED, that each Report shall state, at a minimum: whether the hours worked, upon which overtime or compensatory time is based, were approved in advance by the Department Head; the date and time of such approval; the manner in which such approval was given; a copy of such approval, if given in tangible format, or, if given verbally, a description of the factual circumstances of such approval; and the reason and purpose for the work the employee was directed to perform during such hours;

BE IT FURTHER RESOLVED, that each such Report shall be accompanied by the contemporaneously created time clock "punch" entries, provided by the Finance Department/Payroll, demonstrating the date and time of the hours worked upon which overtime, call in time or compensatory time is based, or, if such entries are not provided, a signed statement by the Department Head, certified under penalty of perjury as true and accurate, stating the date and time such hours were worked;

BE IT FURTHER RESOLVED, that the Finance Department/Payroll is authorized to provide Department Heads with such punch records for purposes of submitting Reports required under this resolution;

BE IT FURTHER RESOLVED, that each such Report shall be provided to the Town Supervisor by the Department Head contemporaneously to, and along with, any payroll report or record which the Department Head submits reflecting that an employee is entitled to the payment of overtime, call in time, or the crediting of compensatory time.

Introduced: COUNCILMAN BATTAGLINI

Seconded: COUNCILWOMAN WOHRMAN

ROLL CALL VOTE:

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

Dated: March 12, 2024

BY ORDER OF THE TOWN BOARD OF THE TOWN OF BEEKMAN, NEW YORK

RESOLUTION NO. 03:12:24 -7

RE: AUTHORIZE SALE OF OBSOLETE HIGHWAY EQUIPMENT AT AUCTION

WHEREAS, the Highway Department has recently purchased replacement equipment for the following listed items, and

WHEREAS, the old equipment is no longer of use to the department and can be sold; and

WHEREAS, the Town Board is desirous in disposing of the following is equipment;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes Tony Coviello, Highway Superintendent, to place these items for sale at auction.

One (1) 1986 Ford 4610 Roadside Mower

ID#/VIN ID#BC11814

One (1) 2006 Bobcat Skid steer

VIN# #530711608.

Introduced: COUNCILWOMAN WOHRMAN

Seconded: COUNCILMAN LEMAK

ROLL CALL VOTE:

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

Dated: March 12, 2024

RESOLUTION NO. 03:12:24 -8

RE: MODIFY FUNDING APPROVED FOR EGG HUNT

WHEREAS, by Resolution No. 02:27:24-6 funds were approved for the 2024 Annual Egg Hunt; and **WHEREAS**, the amount for "Just for Fun" for 3 games, delivery, setup and damage waiver fee was incorrectly stated as \$225 and needs to be amended to read an amount not to exceed \$339.50; **NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes the Supervisor to enter into an agreement with:

- 1) "Just For Fun" for 3 games , delivery, setup and damage waiver fee for an amount not to exceed \$339.50; and
- 2) "Two by Two Animal Haven, Inc." for an amount not to exceed \$500.

Introduced: COUNCILMAN CAPOLLARI
Seconded COUNCILWOMAN WORHMAN

ROLL CALL VOTE:

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

Dated: March 12, 2024

RESOLUTION NO. 03:12:24-9

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	\$ 2,622,334.20
Claims to be paid from the DA-Highway Fund	\$ 20,173.43
Claims to be paid from the SS – Dover Ridge Sewer	\$ 5,082.09
Claims to be paid from the SW – Dover Ridge Water	\$ 2,651.21
Claims to be paid from the T-Trust & Agency Fund	\$ 2,063.00
Claims to be paid from the H-Capital Fund	\$ 28.00
	\$ 2,652,331.93

02/29/2024 Payroll #05

General Fund	\$ 33,914.03
Highway Fund	\$ 25,674.20
	\$ 59,588.23

(2024 Tax Warrant Payments \$ 2,557,952.64)

Introduced: COUNCILMAN BATTAGLINI
Seconded: COUNCILWOMAN WOHRMAN

ROLL CALL VOTE:

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

Dated: March 12, 2024