

Adopted Resolution March 26, 2024

BEEKMAN TOWN BOARD REGULAR MEETING AGENDA MARCH 26, 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 12, 2024 Minutes
2. Modify Performance Bond with South Green Haven Solar I, LLC.
3. Amending Standard Work Day and Reporting Schedule
4. Approval of Reduction in Performance Bond for Stone Ridge Estates
5. Designate Voting Representative for MS4
6. Payment of Claims

Other Town Board Business

- General Board Comments
- General Public comments – (3 Minute limit)
- **Next Regular Town Board Meeting: Tuesday April 9, 2024 at 6:00 PM**

ADJOURN

***AGENDA SUBJECT TO CHANGE**

RESOLUTIONS WERE NOT AVAILABLE AT TIME OF PUBLICATION

RESOLUTION NO. 03:26:24-1

RE: APPROVAL OF PAST TOWN BOARD MINUTES

WHEREAS, Town Clerk Laureen Abbatantuono has provided copies of the minutes of the March 12, 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 12, 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	ABSTAIN

Dated: March 26, 2024

RESOLUTION NO. 03:26:24-2

RESOLUTION TO MODIFY THE ACCEPTED PERFORMANCE AGREEMENT AND PERFORMANCE BOND FOR SOUTH GREEN HAVEN SOLAR I, LLC, as successor to Borrego Solar Systems, LLC

WHEREAS, Resolution No. 03:12:24-2, put forth and passed by the Town Board, was the incorrect version, the Town Board hereby proposes the following to be the correct version as agreed to by the Town Engineer and the representative attorneys;

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 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 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 potential impacts to Indiana Bats; and

WHEREAS, the Applicant and Owner delivered to the Town a Performance Bond Agreement ("Agreement") and 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 § 155-59(I), § 155-60(M) and § 128-7(A) of the Town Code, which includes the contemplated tree clearing called for in the conditional site plan approval for the Project by the Planning Board dated January 19, 2023 (which has since been extended); and

WHEREAS, the terms of the Agreement and Undertaking authorize the Town of Beekman to draw against the aforementioned Performance Bond in the event the Applicant or Owner does not install the stormwater control measures and landscaping on the Property in accordance with the terms of the Agreement and Undertaking; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the Performance Agreement and 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 Agreement and Undertaking; and

BE IT FURTHER RESOLVED that the Applicant is hereby required to have the Performance Bond, as approved herein by the Town Board, in place before any tree clearing on the Property may commence; and

BE IT FURTHER RESOLVED that the Town Board hereby establishes the inspection fees for the site work contemplated in the Agreement and Undertaking pursuant to Town Code § 155-60(N) to be \$5,506.20, based on the estimate attached to this resolution, and the Applicant shall submit payment for such inspection fee accordingly; and

RESOLVED, that the Town Clerk is directed to file the aforementioned Performance Agreement and Performance Bond in her records, pending compliance with the terms of the Agreement and Undertaking.

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: March 26, 2024

RESOLUTION NO. 03:26:24-3

RE: AMENDING STANDARD WORK DAY AND REPORTING RESOLUTION FOR ELECTED AND APPOINTED OFFICIALS

WHEREAS, the Office of the New York State Comptroller requires municipalities to establish Standard Work Days for elected and appointed officials who participate in the New York State and Local Retirement System; and

WHEREAS, by resolution no. 02:13:24-4 hours for the following elected officials were incorrectly calculated;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Beekman hereby establishes the following standard work days for elected and appointed officials and will report the following information for these officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day (Hrs/Day)	Name	Current Term Begin/End Date	Record of Activities Result	Time Keeping
ELECTED OFFICIAL					
Town Justice	6	Linda M. Murray	2/28/2023-12/31/2023	13.07	
Town Councilman	6	Frank Lemak	1/01/2023-12/31/2026	.096	

BE IT FURTHER RESOLVED, that a copy of this Resolution with attachments with any social security numbers and retirement registration numbers redacted shall be prominently posted on the Town’s website and the Official Signboard of the Town for a period of not less than 30 days; and **BE IT FURTHER RESOLVED**, that within 15 days after the expiration of the posting period, the Town Clerk shall file the completed RS 2417-A form with the Office of the New York State Comptroller.

Introduced: SUPERVISOR COVUCCI

Seconded: COUNCILMAN LEMAK

ROLL CALL VOTE:

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

Dated: March 26, 2024

RESOLUTION NO. 03:26:24-4

RE: RESOLUTION APPROVING THE REDUCTION IN THE PERFORMANCE BOND FOR STONE RIDGE ESTATES

WHEREAS, the Town Board is authorized to approve reductions in performance bonds pursuant to NYS Town Law §277(9)(d); and

WHEREAS, on September 3, 2014, by Resolution 09:03:14-10(154), the Town Board established and adopted the performance bond calculation recommended by the Town Engineer in the amount of \$1,221,785.31 to cover all construction improvements related to the subdivision approvals by the Planning Board; and

WHEREAS, said Resolution specifically incorporated by reference a "Performance Bond Calculation" created by the developer’s engineer which stated the remaining cost of the bond "shall not be reduced to less than 20% of the original construction cost until the project is accepted"; and

WHEREAS, on December 2, 2015, the Town Board of the Town of Beekman by Resolution 12:02:15-4 (156) approved the reduction of the performance bond from \$1,221,785.31 to \$384,331.19 pursuant to a reduction request from the developer that was reviewed and recommended by the Town Engineer and Town Highway Superintendent; and

WHEREAS, application has been made by the developer of Stone Ridge Estates for a reduction of its performance bond posted in accordance with Chapter 130 of the Town Code; and

WHEREAS, the Town Board is in receipt of a review of request letter from the Town Engineer dated March 19, 2024, setting forth his recommendations for a reduction of the performance bond; and

WHEREAS, the Town Engineer’s letter recommends that the performance bond be reduced from \$384,331.19 to \$244,357.00, based upon the developer’s successful completion of additional improvements since the last approved reduction of by this Board; and

WHEREAS, the Town Board is desirous of accepting the recommendation of the Town Engineer;
NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the reduction of the
aforementioned bond posted from the applicant from its current amount of \$384,331.19 to
\$244,357.00; and be it further

RESOLVED, that the substitution of collateral by the developer in the form acceptable to the Town set
forth at Ch. 130-46(A) of the Town Code is hereby authorized, as well; and be it further

RESOLVED, that upon posting of the aforementioned bond with the Town Clerk, she shall transmit a
certified copy of this resolution to the Planning Board Secretary and Building Department forthwith.

Introduced: COUNCILMAN LEMAK

Seconded: COUNCILMAN BATTAGLINI

ROLL CALL VOTE:

Councilman Capollari **ABSTAIN**

Councilman Battaglini **AYE**

Councilman Lemak **AYE**

Councilwoman Wohrman **AYE**

Supervisor Covucci **AYE**

Dated: March 26, 2024

RESOLUTION 03:26:24 - 5

**RE: RESOLUTION AUTHORIZING THE TOWN OF BEEKMAN TOWN BOARD TO DESIGNATE
MERSIN CAPOLLARI AS VOTING REPRESENTATIVE TO THE DUTCHESS COUNTY MS4
COORDINATION COMMITTEE**

WHEREAS, the SPDES General Permit for Storm Water Discharges from MS4's requires that the Town
develop, implement and enforce a storm water management program (SWMP) designed to reduce the
discharge of pollutants from the town's storm sewer system to the maximum extent practicable as
required by federal and state law; and

WHEREAS, the Town of Beekman is an active member in the Dutchess County MS4 Coordination
Committee; and

WHEREAS, the Town of Beekman continues to recognize the committee as integral to the safety and
efficiency of our Town's soil and water infrastructure; and

WHEREAS, membership allows the Town of Beekman to assign a representative to represent the
town and vote in committee procedures;

NOW THEREFORE BE IT RESOLVED, that the Town of Beekman designates Mersin Capollari as a
voting member to represent the Town of Beekman on the Dutchess County MS4, and

BE IT FURTHER RESOLVED that the Town of Beekman designates Hudson Land Design as the voting
alternate.

Introduced: COUNCILWOMAN WOHRMAN

Seconded: COUNCILMAN LEMAK

ROLL CALL VOTE:

Councilman Capollari **ABSTAIN**

Councilman Battaglini **AYE**

Councilman Lemak **AYE**

Councilwoman Wohrman **AYE**

Supervisor Covucci **AYE**

Dated: March 26, 2024

RESOLUTION NO. 03:26:24-6

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	\$	42,700.06
Claims to be paid from the DA-Highway Fund	\$	87,786.99
Claims to be paid from the SS - Dover Ridge Sewer	\$	482.32
	\$	130,969.37

03/14/2024 Payroll #06

General Fund	\$	34,669.41
Highway Fund	\$	22,708.38

\$ 57,377.79

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: March 26, 2024