

May 9, 2023

**BEEKMAN TOWN BOARD
TOWN BOARD MEETING AGENDA
MAY 9, 2023
7:00 PM**

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

PUBLIC HEARING

- Local Law No.4 2023 "Amended Short Term Rental"

TOWN BOARD MEETING

- Supervisor Comments
- Public comment on Agenda Items and Resolutions

RESOLUTIONS

1. Approval of April 17, 2023 Minutes
2. Approval of April 20, 2023 Minutes
3. Approval of April 25, 2023 Minutes
4. Approve Town of Beekman Budget Revision 2023-#4
5. Letter of Intent for Pilot Agreement
6. Adopt Amended Procurement Policy for Clarity
7. Revise Funding for the Gardner Hollow Bridge Project
8. Establish Alaina Drainage District Capital Project
9. Update Sexual Harassment Policy
10. Approve PVE Proposal for Emerging Contaminants Sampling
11. Update Workplace Violence Policy
12. Create Capital Reserve Funds for Dover Ridge
13. Approve Amended Employee Practices Compliance Manual
14. Approve Pay App #3 Rec 1 Ballfield Project
15. Approval of Payment of Claims

Other Town Board Business

- General Board Comments
- **Next Regular Town Board Meeting: Tuesday, May 23, 2023 at 7:00 PM**

***AGENDA SUBJECT TO CHANGE**

RESOLUTION NO.05:09:23-1

RE: APPROVAL OF PAST TOWN BOARD MINUTES

WHEREAS, Town Clerk Laureen Abbatantuono has provided copies of the minutes of the April 17, 2023 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 April 17, 2023 Town Board Meeting.

Introduced: SUPERVISOR COVUCCI

Seconded: COUNCILMAN BATTAGLINI

ROLL CALL VOTE:

Councilman Stiegler

ABSENT

Councilman Battaglini **AYE**
 Councilman Lemak **AYE**
 Councilwoman Wohrman **AYE**
 Supervisor Covucci **AYE**
 Dated: May 9, 2023

RESOLUTION NO.05:09:23-2

RE: APPROVAL OF PAST TOWN BOARD MINUTES

WHEREAS, Town Clerk Laureen Abbatantuono has provided copies of the minutes of the April 20, 2023 Special 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 April 20, 2023 Special Town Board Meeting.

Introduced: COUNCILMAN BATTAGLINI

Seconded: COUNCILMAN LEMAK

ROLL CALL VOTE:

Councilman Stiegler **ABSENT**
 Councilman Battaglini **ABSTAIN**
 Councilman Lemak **AYE**
 Councilwoman Wohrman **AYE**
 Supervisor Covucci **AYE**

RESOLUTION NO.05:09:23-3

RE: APPROVAL OF PAST TOWN BOARD MINUTES

WHEREAS, Deputy Town Clerk Amy Goetz has provided copies of the minutes of the April 25, 2023 Special 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 April 25, 2023 Special Town Board Meeting.

Introduced: COUNCILMAN LEMAK

Seconded: COUNCILMAN BATTAGLINI

ROLL CALL VOTE:

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

RESOLUTION NO. 05:09:23-4

RE: APPROVE TOWN OF BEEKMAN BUDGET REVISIONS #2023-4

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 #2023-4

Budget Revisions for April 2023 # 2023-4

Revision #	Account #	Account	Increase	Decrease
General Fund				
2023-04-01	A-1910-0410	Insurance Expense		2,500
	A-1990-0400	Contingent		
Account			2,500	
			-Transfer for Claim Deductible	
2023-04-02	A-5010-0403	Hwy Supt. Dues		500
	A-5010-0200	Hwy Office Equipment		500

-Transfer for Dues Expense

2023-04-03	A-7110-0497	Parks Maintenance Expense	1,500
	A-1990-0400	Contingent	
Account			1,500
			-Transfer for Maintenance Expense

2023-04-04	A-7551-0453	Easter Egg Hunt	607
	A-7551-0400	Special Events	
Expense			607
			-Transfer for Egg Hunt Expense

Highway Fund

2023-04-05	DA-5112-0200	CHIPS	
Paving			40,100
	DA-0000-3501	CHIPS State	
Aid			40,100
			-Reduce Paving Budget per New 284A

2023-04-06	DA-9901-0900	Transfer to Funds	2,000
	DA-9950-0900	Transfer to Capital	
Fund			2,000
			-Adjust Previous Transfer

District Funds

2023-04-07	SS-0000-9910	Approp. Fund Balance	8,000
	SS-0000-2120	Sewer	
Rents			7,900
	SS-0000-2128	Late	
Fees			100
			-Adjust Sewer Fund Budget Sources

2023-04-08	SW-0000-9910	Fund Balance	1,000
	SW-0000-2140	Water	
Rents			800
	SW-0000-2148	Late	
Fees			200
			Adjust Water Fund Budget Sources

Introduced: COUNCILWOMAN WOHRMAN

Seconded: COUNCILMAN LEMAK

ROLL CALL VOTE:

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

RESOLUTION NO. 05:09:23-5

RE: RESOLUTION AUTHORIZING LETTER OF INTENT FOR PAYMENT IN LIEU OF TAXES ("PILOT") AGREEMENT

Whereas, New Leaf Energy, through its South Green Haven Solar 1, LLC affiliate, has submitted a Notice of Intent dated April 5, 2023 to the Town of Beekman notifying the Town of its plans to build and operate a Solar Energy System as defined in New York Real Property Tax Law ("RPTL") § 487

(1)(b) (the "Project") with an expected nameplate capacity of approximately 3.2 Megawatts AC on a parcel of land located in the Town of Beekman, County of Dutchess at 97 S. Green Haven Road, identified as Tax Map # 6757-00-082660-0000; and

WHEREAS, the Town of Beekman has not opted out of RPTL §487; and

WHEREAS, pursuant to RPTL §487 (9)(a), if the taxing jurisdiction has not acted to remove the exemption under this section, and the owner or developer of such a system provides written notification to a taxing jurisdiction of its intent to construct such a system, then in order to require the owner or developer of such system to enter into a contract for payments in lieu of taxes, such taxing jurisdiction must notify such owner or developer in writing of its intent to require a contract for payments in lieu of taxes within sixty days of receiving the written notification. Written notification to a taxing jurisdiction for this purpose shall include a hard copy letter sent to the highest-ranking official of the taxing jurisdiction. Such letter shall explicitly reference subdivision nine of section four hundred eighty-seven of the real property tax law, and clearly state that, unless the taxing jurisdiction responds within sixty days in writing with its intent to require a contract for payments in lieu of taxes, such project shall not be obligated to make such payments.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Beekman hereby authorizes the Supervisor to send a letter of intent along with a certified copy of this Resolution to New Leaf Energy pursuant to RPTL §487 (9)(a) above; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Introduced: COUNCILMAN BATTAGLINI

Seconded: COUNCILWOMAN WOHRMAN

ROLL CALL VOTE:

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

RESOLUTION NO.05:09:23-6

RE: ADOPT THE REVISED CLARIFIED PROCUREMENT POLICY

WHEREAS, the Town of Beekman adopted a Procurement Policy described under NYS GML Section 104-b in 2008 with the last revision in April of 2023; and

WHEREAS, it is the Town's objective to obtain materials, supplies, equipment and services that are of suitable quality in the accurate quantity from the right source at the most competitive price in compliance with the Town's Procurement Policy; and

WHEREAS, current economic and budgetary concerns make it necessary to establish better controls of expenditures before they occur,

WHEREAS, the Town Board wishes to clarify a section as written in the policy due to a typographical error,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Beekman does hereby adopt the revised Procurement Policy, dated May 09, 2023, to be effective immediately; and

BE IT FURTHER RESOLVED, that a copy of the revised Procurement Policy will be placed on the desk of each department head.

Introduced: SUPERVISOR COVUCCI

Seconded: COUNCILMAN LEMAK

ROLL CALL VOTE:

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

RESOLUTION NO. 05:09:23 -7

RE: REVISING THE FUNDING FOR GARDNER HOLLOW ROAD BRIDGE CAPITAL PROJECT AUTHORIZATION

WHEREAS, the Town Board of the Town Of Beekman previously approved funding for the Gardner Hollow Road Bridge Capital Project totaling \$952,443 in Resolution No. 05:10:22-4, and

WHEREAS, the Town has reviewed the status of Funding Sources for the Capital Project authorization,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town Of Beekman hereby approves the revised total capital project authorized \$954,493 funding sources to be as follows:

County Grant	\$100,000,
Transfer in from the General Fund	\$2,443,
Transfer In from Highway Fund	\$52,050,
ARPA Funds	\$500,000,
Bonds	\$300,000.

Introduced: COUNCILMAN LEMAK
Seconded: COUNCILMAN BATTAGLINI

ROLL CALL VOTE:

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

RESOLUTION NO.05:09:23-8

RE: ESTABLISH ALAINA DRAINAGE DISTRICT CAPITAL PROJECT

WHEREAS, the Town Board of the Town of Beekman was presented with a Petition to establish a Drainage District in Alaina Estates and

WHEREAS, the Town held a Public Hearing on April 25, 2023 to establish such District pursuant to Article 12 of Town Law, and officially approved establishment by Resolution 4:25:23-2 and

WHEREAS the Map Plan & Report supporting and describing the plan to establish the Drainage District with estimated Capital Costs of Construction to be \$107,200 and

WHEREAS, the Town estimates related Engineering and Legal Costs are approximating \$12,800,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorized Creation of the Drainage District Capital Project Fund is \$130,000 with all costs to be the responsibility of JSM Properties, Inc.

Introduced: COUNCILWOMAN WOHRMAN

Seconded: COUNCILMAN LEMAK

ROLL CALL VOTE:

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

RESOLUTION NO. 05:09:23-9

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BEEKMAN APPROVING AND RATIFYING THE AMENDED BEEKMAN POLICY STATEMENT AND PROCEDURE AGAINST SEXUAL HARASSMENT AND OTHER FORMS OF HARASSMENT

WHEREAS, the Town Of Beekman's Beekman Policy Statement and Procedure Against Sexual Harassment and other Forms of Harassment (the "Policy Against Harassment") was adopted on October 24, 2018; and

WHEREAS, since the adoption of the Policy Against Harassment, the New York State Department of Labor, in conjunction with the New York State Division of Human Rights, has issued a Sexual Harassment Model Policy (the "Model Policy") and accompanying Minimum Standards for Sexual Harassment Prevention Policies (the "Minimum Standards"); and

WHEREAS, the Town Board is desirous to amend the Policy Against Harassment to more closely conform to the Model Policy and, thereby, ensure that the Policy Against Harassment meets or exceeds the Minimum Standards; and

WHEREAS, the Town Board is desirous in further amending the Policy Against Harassment in response to the lodging of facially invalid claims for the possible purposes of harassing co-workers and impeding the prosecution of Town business by diverting finite municipal resources towards investigating and responding to such claims and away from rendering services to Town residents; and

WHEREAS, the Town Board has reviewed and considered the proposed amended Policy Against Harassment in consultation with legal counsel and wishes to adopt such amended Policy Against Harassment;

NOW, THEREFORE, IT IS HEREBY: RESOLVED, that the Town Board of the Town of Beekman hereby ratifies and approves the amended Policy Against Harassment, effective this date.

Introduced: COUNCILMAN BATTAGLINI
Seconded: COUNCILWOMAN WOHRMAN

ROLL CALL VOTE:

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

RESOLUTION NO. 05:09:23 -10

RE: RESOLUTION APPROVING THE RETENTION OF PVE ENGINEERING TO PREPARE A REPORT ON ONGOING CONTAMINANTS SAMPLING

WHEREAS, NYSDEC is requiring collection of groundwater samples for analysis for "Emerging Contaminants" at the Town's Highway Garage located at 4 Main Street, Poughquag, NY, and **WHEREAS**, Partridge Venture Engineering, PC d/b/a PVE Engineering, who presently are responsible for the ongoing site management and monitoring at the Town's Highway Garage, has presented a proposal to the Town for this service in an amount not to exceed \$7,929.50;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Beekman does hereby approve of the proposal from PVE Engineering;

AND BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign the proposal in form and substance as attached hereto.

Introduced: SUPERVISOR COVUCCI

Seconded: COUNCILWOMAN WOHRMAN

ROLL CALL VOTE:

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

RESOLUTION NO. 05:09:23-11

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BEEKMAN APPROVING AND RATIFYING THE FURTHER AMENDED WORKPLACE VIOLENCE PREVENTION POLICY

WHEREAS, the Town Of Beekman's Workplace Violence Prevention Policy (the "Policy") was adopted on December 1, 2008, with revisions on November 16, 2011; January 6, 2016; June 21, 2017; April 28, 2020; and

WHEREAS, the Town Board is desirous in further amending the Policy in response to the lodging of facially invalid claims for the possible purposes of harassing co-workers and impeding the prosecution of Town business by diverting finite municipal resources towards investigating and responding to such claims and away from rendering services to Town residents; and

WHEREAS, the Town Board has reviewed and considered the proposed further amended Policy in consultation with legal counsel and wishes to adopt such further amended Policy;

NOW, THEREFORE, IT IS HEREBY: RESOLVED, that the Town Board of the Town of Beekman hereby ratifies and approves the further amended Policy, effective this date.

Introduced: COUNCILMAN LEMAK

Seconded: COUNCILMAN BATTAGLINI

ROLL CALL VOTE:

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

RESOLUTION NO. 05:09:23-12

RE: RESOLUTION TO CREATE REPAIR RESERVE FUNDS FOR THE DOVER RIDGE SEWER & WATER DISTRICTS

WHEREAS the NYS General Municipal Law §6-9 permits Towns to Create Repair Reserve Funds to pay the cost of certain repairs to capital assets or equipment of a non-recurring nature, and

WHEREAS the Town of Beekman Town Board feels it appropriate to create Repair Reserve Funds for the Dover Ridge Special Districts to pay the costs for special repairs to sewer and water facilities and equipment; and

WHEREAS the Dover Ridge Sewer and Water Districts had adequate unreserved Fund Balances of \$80,039 and \$115,981 respectively as of year-end December 31, 2022 to create the Reserve Fund Balances,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Beekman approves the Creation of Repair Reserve Funds in the Dover Ridge Special Districts as follows:

Dover Ridge Sewer District \$30,000

Dover Ridge Water District \$60,000

BE IT FURTHER RESOLVED that the Town Supervisor is authorized to follow the prescribed procedures and provisions defined in the NYS GML for the use of the Reserve Funds.

Introduced: COUNCILWOMAN WOHRMAN

Seconded: COUNCILMAN LEMAK

ROLL CALL VOTE:

Councilman Stiegler **ABSENT**

Councilman Battaglini **AYE**

Councilman Lemak **AYE**

Councilwoman Wohrman **AYE**

Supervisor Covucci **AYE**

RESOLUTION NO. 05:09:23-13

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BEEKMAN APPROVING AND RATIFYING THE AMENDED EMPLOYEE PRACTICES COMPLIANCE MANUAL

WHEREAS, the Town Of Beekman's Employee Practices Compliance Manual (the "Manual") was adopted on January 1, 2016 and amended on May 11, 2021; and

WHEREAS, since the adoption of the Manual, the New York State Department of Labor, in conjunction with the New York State Division of Human Rights, has issued a Sexual Harassment Model Policy (the "Model Policy") and accompanying Minimum Standards for Sexual Harassment Prevention Policies (the "Minimum Standards"); and

WHEREAS, the Town Board is desirous to amend those portions of the Manual addressing the prevention of harassment and investigation of harassment complaints to more closely conform to the Model Policy and, thereby, ensure that the Manual meets or exceeds the Minimum Standards; and

WHEREAS, the Town Board is desirous in further amending the Manual in response to the lodging of facially invalid claims for the possible purposes of harassing co-workers and impeding the prosecution of Town business by diverting finite municipal resources towards investigating and responding to such claims and away from rendering services to Town residents; and

WHEREAS, the Town Board has reviewed and considered the proposed amended Manual in consultation with legal counsel and wishes to adopt such amended Manual;

NOW, THEREFORE, IT IS HEREBY: RESOLVED, that the Town Board of the Town of Beekman hereby ratifies and approves the amended Manual, effective this date.

Introduced: COUNCILMAN BATTAGLINI

Seconded: COUNCILWOMAN WOHRMAN

ROLL CALL VOTE:

Councilman Stiegler **ABSENT**

Councilman Battaglini **AYE**

Councilman Lemak **AYE**

Councilwoman Wohrman **AYE**

Supervisor Covucci **AYE**

RESOLUTION NO. 05:09:23-14

RE: APPROVE APPLICATION AND CERTIFICATION FOR PAYMENT (# 3) FOR THE REC 1 BALLFIELD PROJECT

WHEREAS, the Town of Beekman is a party to a contract with Sport-Tech Construction Corp. (the "Contractor") for the "Beekman Recreation Baseball Field 1 Project"; and

WHEREAS, the Contractor has submitted an Application and Certification for Payment (# 3) dated April 14, 2023, requesting payment in the amount of \$156,000.00 Less 5% retainage (\$7,800.00) less previous payments totaling \$95,475.00 for a total of \$52,725.00 (see attached); and

WHEREAS, the contractor has requested full or partial payment of the items on the continuation sheet that is attached to the payment request application, covering the period of November 11, 2022 through April 14, 2023, and

WHEREAS, The Town Engineer has reviewed the request and agrees with the quantity of work completed per the continuation sheet, and

THEREFORE recommends the Town Board authorize payment to Sport-Tech Construction Corp. in the amount of \$52,725.00 in order to satisfy Application and Certification #3,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor of the Town of Beekman to make payment to Sport-Tech Construction Corp. as requested in Application and Certification for Payment # 3 in the amount NOT TO EXCEED \$52,725.00.

Introduced: SUPEVISOR COVUCCI

Seconded: COUNCILMAN LEMAK

ROLL CALL VOTE:

ROLL CALL VOTE:

Councilman Stiegler **ABSENT**

Councilman Battaglini **AYE**

Councilman Lemak **AYE**

Councilwoman Woehrman **AYE**

Supervisor Covucci **AYE**

RESOLUTION NO. 05:09:23-15

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	\$	63,078.82
Claims to be paid from the DA-Highway Fund	\$	7,893.81
Claims to be paid from the SS – Dover Ridge Sewer	\$	4,505.75
Claims to be paid from the SW – Dover Ridge Water	\$	1,344.29
Claims to be paid from the T-Trust-Fund	\$	5,225.77
Claims to be paid from the H-Capital Fund	\$	1,605.61
	\$	83,654.05

4/27/2023 Payroll #9

General Fund	\$	33,108.74
Highway Fund	\$	21,512.75
	\$	54,621.49

Introduced: COUNCILMAN LEMAK

Seconded: COUNCILMAN BATTAGLINI

ROLL CALL VOTE:

Councilman Stiegler **ABSENT**

Councilman Battaglini **AYE**

Councilman Lemak **AYE**

Councilwoman Woehrman **AYE**

Supervisor Covucci **AYE**