

**BEEKMAN TOWN BOARD
REGULAR MEETING AGENDA
SEPTEMBER 24, 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 August 20, 2024 Minutes
2. Accept September 10, 2024 Minutes
3. Correction to Scheduled Meeting Dates for November 2024
4. Moratorium for Battery Storage Facility
5. Authorize Survey for Doherty Park
6. Authorize the Abandonment of the Dover Ridge Hydropneumatic Tank
7. Creating the Capital Project for Doherty Park
8. Permit Agreement For Barton Orchards
9. Payment of Claims

- Other Town Board Business
- General Board Comments
- Public Comments – (3 Minutes limit)

- **Next Special Town Board Meeting: Thursday September 30, 2024 at 5:00 PM**
- **Next Regular Town Board Meeting: Tuesday October 8, 2024 at 6:00 PM**

ADJOURN

***AGENDA SUBJECT TO CHANGE**

RESOLUTION NO. 09:24:24-1
RE: APPROVAL OF PAST TOWN BOARD MINUTES

WHEREAS, Town Clerk Laureen Abbatantuono has provided copies of the minutes of the August 20, 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 August 20, 2024 Regular Town Board Meeting.

Introduced: COUNCILMAN CAPOLLARI

Seconded: COUNCILMAN LEMAK

ROLL CALL VOTE:

Councilman Capollari	ABSTAIN
Councilman Battaglini	AYE
Councilman Lemak	AYE
Councilwoman Woehrman	AYE
Supervisor Covucci	AYE

Dated: September 24, 2024

RESOLUTION NO. 09:24:24-2
RE: APPROVAL OF PAST TOWN BOARD MINUTES

WHEREAS, Town Clerk Laureen Abbatantuono has provided copies of the minutes of the September 10, 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 September 10, 2024 Regular Town Board Meeting.

Introduced: COUNCILMAN BATTAGLINI

Seconded: COUNCILMAN LEMAK

ROLL CALL VOTE:

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

Dated: September 24, 2024

RESOLUTION NO. 09:24:24-3
RE: CORRECTION FOR NOVEMBER TOWN BOARD MEETING DATES

WHEREAS, by Resolution No. 09:10:24-8 the Town Board Meeting Dates for the months of September 2024 thru November 2024 was outlined; and

WHEREAS, the November 19, 2024 was incorrectly stated as being a Thursday

NOW, THEREFORE, BE IT RESOLVED, that the following schedule be observed thru the end of the November.

Tuesday, September 24, 2024	Regular Town Board Meeting (6 PM)
Monday, September 30, 2024	Special Town Board Meeting (5 PM)

Tuesday, October 8, 2024	Regular Town Board Meeting (6 PM)
Tuesday, October 22, 2024	Regular Town Board Meeting (6 PM)

Wednesday, November 6, 2024	Regular Town Board Meeting (6 PM)
Tuesday, November 19, 2024	Regular Town Board Meeting (6 PM); and

BE IT FURTHER RESOLVED All meetings will take place at Beekman Town Hall, 4 Main Street at 6 PM the exception being the September 30, 2024 Special Town Board Meeting to be held at 5 PM.

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: September 24, 2024

TOWN OF BEEKMAN
County of Dutchess, State of New York
RESOLUTION NO. 09:24:24-4
RE: RESOLUTION INTRODUCING LOCAL LAW NO. 2 - 2024 AND PROVIDING FOR
PUBLIC NOTICE AND HEARING

DATE OF CONSIDERING/ADOPTION: October 8, 2024

BE IT RESOLVED, that a local law Establishing a Temporary Land Use Moratorium Prohibiting Lithium Battery Storage Facilities in the Town of Beekman, is hereby introduced by _____, as Introductory Local Law No, 2 of the year 2024 before the Town Board of the Town of Beekman in the County of Dutchess and State of New York, and

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Local Law, which is attached hereto, be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED, that the Town Board will hold a public hearing on said proposed notice in the official newspaper of the Town of Beekman of said public hearing at least five (5) days prior thereto.

INTRODUCED BY: COUNCILMAN LEMAK
SECONDED BY: COUNCILMAN BATTAGLINI

UPON ROLL CALL VOTE:

Councilman Capollari	<u> X </u>	_____
Councilman Battaglini	<u> X </u>	_____
Councilman Lemak	<u> X </u>	_____
Councilwoman Woehrman	<u> X </u>	_____
Supervisor Covucci	<u> X </u>	_____

VOTE: RESOLUTION CARRIED BY A VOTE OF 5 TO 5 ABSTAIN _____

State of New York }
County of Dutchess } ss:

I, Laureen Abbatantuono, Town Clerk of the Town of Beekman, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Beekman at a meeting of said Board on September 24, 2024.

Dated: September 25, 2024

Laureen Abbatantuono, Town Clerk

**LOCAL LAW NO. 2 OF 2024
ENACTING A TEMPORARY MORATORIUM ON
ALL BATTERY ENERGY STORAGE SYSTEM FACILITIES**

**SECTION I.
SHORT TITLE**

This local law shall be cited as Local Law No.2 of 2024 of the Town of Beekman and it is entitled the “2024 Temporary Moratorium Law on Battery Energy Storage System Facilities.”

**SECTION II.
LEGISLATIVE FINDINGS**

WHEREAS, several Hudson Valley communities are witnessing the introduction of a previously unfamiliar form of Green-adjacent technology in the form of Battery Energy Storage Systems, or “BESS”; and

WHEREAS, BESS facilities generally consist of rows of rechargeable batteries housed in self-contained, interconnected storage units. BESS facilities typically operate by drawing surplus energy from the local power grid during periods of low usage and storing it for later distribution back into the grid during peak demand; and

WHEREAS, the Town of Beekman and local Fire Companies have raised concerns regarding BESS facilities over the presence of highly flammable substances, such as from lithium-ion batteries, and possible air and groundwater contamination; and

WHEREAS, following the third fire at a battery energy storage facility in as many months in New York this summer, Gov. Kathy Hochul announced the creation of a state inter-agency working group tasked with ensuring the safety of battery energy storage systems across New York State; and

WHEREAS, the Town Board finds it imperative that the town undertake a thorough examination of these systems to identify any possible threats to public health, safety and welfare as well as evaluate the potential for environmental degradation; and

WHEREAS, other potentially significant planning concerns associated with BESS facilities such as noise generated by cooling fans may affect the quality of life of our residents; and

WHEREAS, it is essential for the Town of Beekman to enact a temporary moratorium to carefully evaluate the implications of BESS facilities and assess how they impact the Town, its residents, and its fire prevention infrastructure; and

WHEREAS, the Town Board of the Town of Beekman has determined that in accordance with Section 617.5(c) (30) SEQRA.

IT IS THEREFORE FOUND BY TOWN OF BEEKMAN TOWN BOARD that the Town of Beekman shall implement a moratorium to allow for a comprehensive and deliberate examination of BESS facilities and the recently introduced state inter-agency working group,

with the aim of preserving the Town's ability to address the unique needs and concerns of its community in the realm of battery energy storage system regulations.

SECTION III.
AUTHORITY

This moratorium is enacted by the Town Board of the Town of Beekman pursuant to its authority to adopt local laws under Article IV of the New York State Constitution and Municipal Home Rule Law Section 10.

SECTION IV.
MORATORIUM

- (A) For a period of nine (9) months from the effective date of this Local Law, no applications shall be accepted or considered by the Planning Department or the Department of Environmental Control of the Town of Beekman for any battery energy storage system facilities, or stand-alone.
- (B) This moratorium may be extended by one (1) additional period of up to six (6) months by resolution of the Town Board upon a finding of the necessity for such extension.

SECTION V.
VARIANCES

The Town Board shall have the authority, after a public hearing, to vary or modify the application of any provision of the Local Law upon its determination that strict application of this Local Law would impose practical difficulties or extraordinary hardships upon an application and that the variance granted would not adversely affect that health, safety, or welfare of the citizens of the Town or significantly conflict with the general purposes and intent of this Local Law. Any request for a variance shall be in writing and filed with the Town Clerk and shall include a fee of Two Hundred Fifty Dollars (\$250.00) for the processing of such application. All such applications shall promptly be referred to the Town Board, which shall conduct a Public Hearing on the application on not less than five (5) days public notice and shall make its decision within thirty (30) days after the close of the Public Hearing.

SECTION VI.
SEVERABILITY

The invalidity of any work, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

SECTION VII.
REPEAL OF OTHER LAWS

All local laws in conflict with provisions of this Local Law are hereby superseded and suspended for the duration of this moratorium and for any additional period that this Local Law is extended. This Local Law also supersedes, amends and takes precedence over any inconsistent provisions of the New York State Town Law, the Town's Municipal Home Rule

powers, pursuant to Municipal Home Rule Law Sections 10 and 22. The Town Law provisions intended to be superseded include all the Article 16 of the Town Law, Sections 261-285 inclusive and any other provisions of law that the Town may superseded pursuant to the Municipal Home Rule Law and the Constitution of the State of New York.

The courts are directed to take notice of this legislative intent and to apply such intent in the event the Town has failed to specify any provisions of law that may require supersession. The Town Board hereby declares that it would have enacted this local law and superseded such inconsistent provisions had it been apparent.

SECTION VIII.
EFFECTIVE DATE

This Local Law shall take effect immediately, as provided by law, upon filing with the New York State Secretary of State.

Dated: _____ 2024, Town of Beekman
BY ORDER OF THE TOWN BOARD, TOWN OF BEEKMAN
LAUREEN ABBATANTUONO, TOWN CLERK

RESOLUTION NO. 09:24:24-5
RE: RESOLUTION TO APPROVE SURVEY FOR DOHERTY PARK PROPERTY

WHEREAS, the Town is in need of obtaining a current new boundary and topographical survey of the property at Doherty Park for purposes of anticipated future drainage and road improvements, and

WHEREAS, quotes were solicited and three (3) quotes were received and were reviewed by the Town Engineer and deemed responsive and complete as follows:

<u>Surveyor Boundary and Topo Survey</u>	<u>Placement of Boundary Markers</u>
Johnson Surveying, LLC \$14,750	\$100/marker (minimum 5)
Oicle Land Surveying \$13,520	\$200/marker (<25); \$150/marker (>25)
Boundary & Benchmark \$25,200 *	\$200/marker

* Using least expensive topographic survey option provided, and

WHEREAS, after reviewing the quotes, the Town engineer recommends that the Town Board retain the services of Johnson Surveying, LLC to complete the boundary and topographic survey at a cost of \$14,750, plus placement of approximately 15 boundary markers in selective locations for an additional \$1,500, in an amount not to exceed \$16,250,

NOW, THEREFORE, BE IT RESOLVED that the Town Board approves the retaining of Johnson Surveying, LLC to perform the survey and boundary markers at a maximum cost of \$16,250 to be charged to the Capital Project Fund.

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: September 24, 2024

RESOLUTION NO. 09:24:24-6
RE: AUTHORIZE ABANDONMENT OF HYDROPNEUMATIC TANK FOR DOVER
RIDGE ESTATES WATER SYSTEM

WHEREAS after soliciting Requests for Proposals (RFP) on August 29, 2024, the Town received two (2) quotes for the Hydropneumatic Tank Removal and Wall Repair at Dover Ridge Estates Water System, and

WHEREAS, The RFP was structured to request two options. Option 1 involved the removal of the tank and associated wall repairs, and Option 2 included the abandonment of the tank in place by filling it with foam, and

WHEREAS, the table below lists the proposals and amounts:

<u>Proposal</u>	<u>Amount Option 1</u>	<u>Amount Option 2</u>
WCC Tank Technology, Inc.	\$123,100.00	\$27,200.00
F.P.S., LLC	\$38,280.00	\$26,750.00
Metzger Construction	None Received	None Received, and

WHEREAS, Hudson Land Design reviewed the proposals, and although the low bidder for Option 2 was F.P.S., LLC with a bid of \$26,750.00, the requisite forms were not completed and submitted;

NOW, THEREFORE, BE IT RESOLVED that the Town Board under the advice of the Town Engineer hereby retains the services of WCC Tank Technology, Inc. to complete the Hydropneumatic Tank Abandonment (Option 2 only as required by the Dutchess County Department of Behavioral and Community Health (DCDBCH)), with a cost not to exceed \$27,200.00.

Introduced: COUNCILMAN CAPOLLARI

Seconded: COUNCILWOMAN WOHRMAN

ROLL CALL VOTE:

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

Dated: September 24, 2024

RESOLUTION NO. 09:24:24-7
RE: RESOLUTION FOR CREATING A CAPITAL PROJECT FOR DOHERTY PARK

WHEREAS, the Town of Beekman Town Board is desirous to make improvements to Doherty Park, and

WHEREAS, the Town is incurring preliminary costs for such Improvements, Engineering and Surveying

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Beekman hereby approves the creation of the Doherty Park Improvements Capital Project with initial appropriation of \$100,000 from the General Fund Assigned Fund Balance.

Introduced: COUNCILMAN BATTAGLINI

Seconded: COUNCILMAN CAPOLLARI

ROLL CALL VOTE:

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

Dated: September 24, 2024

RESOLUTION NO. 09:24:24-8
RE: PERMIT AGREEMENT WITH BARTON ORCHARDS

BE IT RESOLVED, that the Town Board of the Town of Beekman, upon presentation of a permit fee pursuant to Chapter 110 of the Town Code in the amount of \$5,000.00 does hereby authorize the Supervisor to execute a General Permit Agreement allowing Barton Orchards d/b/a Barton Entertainment Co., LLC to hold events, and does hereby authorize the Town Board, subject to its standard policies, procedures and charges, to provide traffic control assistance via the Dutchess County Sheriff's Office, subject further to Barton Orchards receiving all required building and other permits and owner's consents, agreeing to indemnify, defend and hold the Town and its officials harmless, and providing to the Town acceptable proof of Workers' Compensation insurance and General Liability insurance naming the Town of Beekman as an additional insured; and

BE IT FURTHER RESOLVED that the general permit shall expire on December 31, 2024 and be subject to renewal pursuant to a new permit application for 2025. The foregoing was put to a vote which resulted as follows:

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: September 24, 2024

RESOLUTION NO. 09:24:24-9
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	\$ 313,322.55
Claims to be paid from the DA-Highway Fund	\$ 38,595.79
Claims to be paid from the SS – Dover Ridge Sewer	\$ 1,469.63
Claims to be paid from the SW – Dover Ridge Water	\$ 191.90
Claims to be paid from the T-Trust Fund	<u>\$ 732.00</u>
	<u>\$ 354,311.87</u>

09/12/2024 Payroll #19

General Fund	\$ 41,778.19
Highway Fund	<u>\$ 22,119.86</u>
	<u>\$ 63,898.05</u>

Introduced: COUNCILMAN LEMAK

Seconded: COUNCILMAN BATTAGLINI

ROLL CALL VOTE:

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

Dated: September 24, 2024