



# IBEW 363

## INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

9 JOHNSONS LANE • NEW CITY, NEW YORK 10956-4730

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"Serving the Hudson Valley"

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April 2003

Dear Dutchess County Lawmaker,

The following package explains the merits of supporting and utilizing the Construction Apprenticeship programs in New York State.

**In Dutchess County alone, there have been hundreds of High School Graduates and College graduates who have been trained in Apprenticeship Programs approved by New York State.**

These Apprenticeship Programs are both union and non-union and the participants include graduates from every High School in Dutchess County.

They provide yet another avenue for the local graduate to pursue with an opportunity to be a productive citizen that can provide a middle class standard of living for the student and their future family.

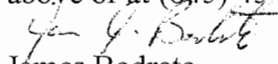
**These programs provide skilled, trained and knowledgeable individuals who are a credit to their trade, employer and their community.**

While in training, these apprentices work on a graduated pay scale providing an avenue for their employer to charge the customer less and contribute to the future of the local workforce.

**Recently, there has been legislation passed and signed into law by Governor Pataki, providing Governmental Agencies such as yours the right to insist that these programs be utilized on the projects they put out for bid.**

After reviewing this package, we are sure that you too will agree that these programs are productive and deserve the support of all of our elected officials.

We would appreciate discussing how your Agency can support the continuation of Apprenticeship Training in Dutchess County. You may reach us at the main number above or at (845) 454-2844.

  
James Bodrato  
Business Representative for  
Joseph Maraia, Business Manager

Reply to Satellite Office:

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# **N.Y.S. SENATE**

## **BILL # 5355A**

**“an act to amend the labor law, in relation to granting governmental entities the authority to require contractors and subcontractors on construction contracts to have approved apprenticeship agreements.”**

**SIGNED INTO LAW BY GOVERNOR PATAKI  
ON DECEMBER 19, 2001**

# STATE OF NEW YORK

5355--A

Cal. No. 1069

2001-2002 Regular Sessions

## IN SENATE

May 21, 2001

Introduced by Sens. SPANO, FUSCHILLO, LEIBELL, VELELLA, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the labor law, in relation to granting governmental entities the authority to require contractors and subcontractors on construction contracts to have approved apprenticeship agreements

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The labor law is amended by adding a new section 816-b to  
2 read as follows:

3 § 816-b. Apprenticeship participation on construction contracts. 1.

4 For purposes of this section:

5 (a) "governmental entity" shall mean the state, any state agency, as  
6 that term is defined in section two-a of the state finance law, municipi-  
7 pal corporation, commission appointed pursuant to law, school district,  
8 district corporation, board of education, board of cooperative educa-  
9 tional services, soil conservation district, and public benefit corpo-  
10 ration; and

11 (b) "construction contract" shall mean any contract to which a govern-  
12 mental entity may be a direct or indirect party which involves the  
13 design, construction, reconstruction, improvement, rehabilitation, main-  
14 tenance, repair, furnishing, equipping of or otherwise providing for any  
15 building, facility or physical structure of any kind.

16 2. Notwithstanding any other provision of this article, of section one  
17 hundred three of the general municipal law, of section one hundred thir-  
18 ty-five of the state finance law, of section one hundred fifty-one of  
19 the public housing law, or of any other general, special or local law or  
20 administrative code, in entering into any construction contract, a  
21 governmental entity which is to be a direct or indirect party to such  
22 contract may require that any contractors and subcontractors have, prior

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD11399-03-1

1 to entering into such contract, apprenticeship agreements appropriate  
2 for the type and scope of work to be performed, that have been regis-  
3 tered with, and approved by, the commissioner pursuant to the require-  
4 ments found in this article. Whenever utilizing this requirement, the  
5 governmental entity may, in addition to whatever considerations are  
6 required by law, consider the degree to which career opportunities in  
7 apprenticeship training programs approved by the commissioner may be  
8 provided.

9 § 2. This act shall take effect immediately.

## Frequently Asked Questions About Apprenticeship

### **What is Apprenticeship?**

***Apprenticeship is not just a job, it is a career opportunity.*** It is occupational training that combines supervised on-the-job training experience with classroom instruction. Apprenticeship is a proven way to train men and women for careers that demand a wide range of skills, knowledge and independent judgment.

Apprentice occupations in the construction trades have a wide range, with each requiring different skills, knowledge and education levels.

### Skilled Trades in the Building & Construction Employment Sector

Bricklayer	Laborer
Boilermaker	Lather
Carpenter	Operating Engineer, Heavy Equipment
Cement Mason	Painter
Drywall Finisher/Taper	Plasterer
Dock and Pier Carpenter	Plumber
Electrician, A Construction	Roofer
Elevator Installer and Maintenance	Sheet Metal Worker
Finisher, Masonry	Stationary engineer
Insulator, Heat and Frost	Steamfitter
Ironworker, Structural or Ornamental	Tile, Marble & Terrazzo Worker, Masonry

### **What is an apprentice?**

An apprentice is a man or woman accepted into a state approved program and registered as an apprentice with the state of New York.

An apprentice is

- a dedicated learner;
- a skilled employee;
- highly motivated to undertake a long-term training program;
- a person just entering the workforce or returning to upgrade current skills; and
- a full-time worker who is learning while earning.

## **How does an individual apply for apprenticeship?**

Interested persons apply for apprenticeship through Joint Apprenticeship and Training Committees (JATC). Each building and construction trade announces its application period(s) with advertisements, postings with the NYS Department of Labor, local schools, community colleges, NYS Employment Offices, local newspapers, and community based organizations. The announcement contains all details of the application process. Depending on the trade, recruitment can be continuous, twice a year, or just once a year.

## **What is the apprentice selection process?**

The apprentice selection process for construction trades establishes a "pool of eligible applicants" consisting of those applicants who have met the minimum qualifications for the program. The qualified applicants are ranked in order to determine where a person is placed on the pool's list. Individuals are registered as an apprentice when the JATC makes an assignment to a registered employer.

The common method of selecting applicants for construction trades is ranking by points. Most JATCs use a point system to evaluate applications assigning points based on past education, work history, and an oral interview. Individual applicants receiving sufficient points may also be asked to complete a written entry examination. The number of apprentices accepted each year varies and is dependent on what the industry can bear.

## **Who is the JATC?**

Made up of employer (industry contractors) and employee representatives (unions), the apprenticeship committees operate individual apprenticeship programs. For example the Joint Apprenticeship and Training Committee for the Electrical Industries of Rockland County operate the A-construction, residential, and telecommunications apprenticeship programs for this region with IBEW Local 363 as the union partner.

The JATC decide how the apprentices are selected, what apprentices learn in the program, how apprentices progress through the program, apprentice wage rates and the supervision ratios. Committees select apprentices, approve advancements, discipline apprentices and approve an apprentice's completion of the program based on program standards and JATC policies.

### **If accepted, how long must an individual serve as an apprentice?**

Typically, apprenticeships last two to five years. For example, the Carpenters' program is four years in length, the Laborers is four years, the Operating Engineers, four years, and the Electricians, 5 years.

### **Can an apprentice expect steady work?**

An apprentice works about as much as the average construction worker, that is, about 35-37 weeks every year. The apprentice, like the journeyman, may be subjected to layoffs. However, most contractors make an effort to have the apprentice work as steadily and consistently as possible.

### **How much pay does an apprentice receive?**

Apprentices start at about 35%-45% the pay scale of journeymen. In the Rockland region the starting range is \$11.00/hour to \$23.00/hour. As the apprentice progresses through the program, regular increases in the hourly wage are added to the initial hourly rate; these increases occur about every 6 months. The increase is dependent on satisfactory work and school performance. By the end of the apprenticeship training, wages are between 80% and 90% of the journeyman or master craftsman hourly rate.

### **Are apprentices required to attend school?**

Apprentices are required to attend related classroom training in addition to the on-the-job training experience. Most programs mandate 120-144 hours of classroom instruction each year of the program. Typically, apprentices attend school one or two nights per week during the normal school year of 9 months or September – May or some program such as the IBEW Local 363 program – attending school for one 8-hour day per week with pay.

***All classroom instruction is tuition free.***

### **Are there age limits for apprentices?**

Each construction trade has established its own minimum age requirement, although the usual minimum age is 18. Except in very limited situations, there are no upper age limits on apprentices.

### **What are the minimum educational requirements for apprenticeship?**

- High School Diploma or GED certificate
- 9<sup>th</sup> Grade Math
- Reliable Transportation
- Good reading and communication skills

### **Are there any out-of-pocket costs for the apprentice?**

Apprentices are expected to assume all transportation costs, including gasoline/diesel, car insurance, NYS automobile registration and inspections, and any maintenance/repair costs. Additionally, apprentices must pay for their basic tool kit. The apprentice pays for work clothes, work boots, and personal protective equipment (PPE) such as eye protection and gloves.

## **RESOLUTION TO REQUIRE APPRENTICESHIP TRAINING PROGRAMS FOR COUNTY CONTRACTS**

**WHEREAS**, current State law does not compel any governmental entity that is a party to a construction contract to require that any contractors or subcontractors participate in apprenticeship training programs approved by the State Commissioner of Labor; and

**WHEREAS**, there is a long and productive history of partnership between labor and management for the training of skilled craft workers in our State which began over fifty (50) years ago when the US Congress passed the Fitzgerald Act (29 USC Section 50) to encourage States to develop apprenticeship training programs; and

**WHEREAS**, the New York State Legislature adopted Article 23 of the NEW YORK LABOR LAW in 1961 to authorize the State Commissioner of Labor to develop standards for apprenticeship training and a process for certifying programs which meet said standards and

**WHEREAS**, the promotion of apprenticeship training programs will expand the pool of skilled workers in Rockland County by providing many residents the means to earn a decent living thereby fostering the local and regional economies; how, therefore, be it

**1st RESOLVED**, that the County of Rockland hereby establishes a policy to promote apprenticeship training as authorized by Section 818-b of the NEW YORK LABOR LAW; and be it further

**2nd RESOLVED**, that "construction' contract" shall mean any contract to which the County of Rockland shall be a signatory which involves the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition, or otherwise providing for any building, facility or physical structure of any kind with a value in excess of \$250,000 and be it further

**3rd RESOLVED**, that "contractor or subcontractor" shall mean a contractor or subcontractor which directly employs labor under a construction contract for which an apprenticeship program has been approved by the New York State Commissioner of Labor in accordance with Article 23 of the NEW YORK LABOR LAW; and be it further

**4th RESOLVED**, that the County of Rockland hereby requires any contractor or subcontractor, prior to entering into a construction contract with the County of Rockland, to have apprenticeship agreements, appropriate for the type and

scope of work to be performed, which have been registered with, and approved by, the New York State Commissioner of Labor in accordance with Article 23 of the NEW YORK LABOR LAW anything in Section 103 of the NEW YORK GENERAL MUNICIPAL LAW to the contrary notwithstanding; and be it further

**5<sup>th</sup> RESOLVED**, that the County Department of Purchasing is hereby authorized, empowered, and directed to promulgate such rules and regulations necessary and appropriate for the implementation and enforcement of any provisions of the law; and be it further

**6<sup>th</sup> RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.15(c)(20) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (5 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Rockland County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution; and be it further

**7<sup>th</sup> RESOLVED**, that this Resolution shall apply to construction contracts advertised for bids on or after the effective date; and be it further

**8<sup>th</sup> RESOLVED**, that if any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

DATED: March 19, 2002

APPROVED BY:

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County Executive of the County of Rockland

Date of Approval:

Introduced by:

LOCAL LAW NO. 2002

A LOCAL LAW TO REQUIRE APPRENTICESHIP TRAINING PROGRAMS FOR COUNTY CONTRACTS.

WHEREAS, the County Legislature finds that the current State law does not compel any governmental entity that is a party to a construction contract to require that any contractors or subcontractors participate in apprenticeship training programs approved by the State Commissioner of Labor; and there is a long and productive history of partnership between labor and management for the training of skilled craft workers in our State which began over fifty (50) years ago when the U.S. Congress passed the Fitzgerald Act (29 USC Section 50) to encourage States to develop apprenticeship training programs.

The New York State Legislature adopted Article 23 of the NEW YORK LABOR LAW in 1961 to authorize the State Commissioner of Labor to develop standards for apprenticeship training and a process for certifying programs which meet said standards; and the promotion of apprenticeship training programs will expand the pool of skilled workers in Rockland County by providing many residents the means to earn a decent living thereby fostering the local and regional economies. Now, therefore,

BE IT ENACTED by the Rockland County legislature of the County of Rockland as follows:

Section 1. A new Title 51 is hereby added to the Miscellaneous Laws of Rockland County in relation to County contracts as follows:

## TITLE 51

### APPRENTICESHIP TRAINING PROGRAMS FOR COUNTY CONTRACTS.

Section 1. Legislative Intent.

Section 2. Definitions.

Section 3. Requirements and Exceptions.

Section 4. Enforcement.

Section 5. Severability.

Section 6. Applicability .

#### 1. Legislative intent and purpose.

The County of Rockland hereby establishes a policy to promote apprenticeship training as authorized by Section 816-b of the NEW YORK LABOR LAW.

#### 2. Definitions.

As used in this local law, the following terms shall have the meanings indicated:

A). "Construction contract" shall mean any contract to which the County of Rockland shall be signatory which involves the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition or otherwise providing for any building, facility or physical structure of any kind with a value in excess of \$250,000.

B). "Contractor or subcontractor" shall mean a contractor or subcontractor which directly employs labor under a construction contract for which an apprenticeship program has been approved by the New York State Commissioner of Labor in accordance with Article 23 of the NEW YORK LABOR LAW.

#### 3. Requirements and Exceptions.

A). The County of Rockland hereby requires any contractor, prior to entering into a construction contract with the County of Rockland or any

subcontractor entering into a contract with a contractor who has a construction contract with the County of Rockland, to have apprenticeship agreements appropriate for the type and scope of work to be performed, which have been registered with, and approved by the New York State Commissioner of Labor in accordance with Article 23 of the NEW YORK LABOR LAW, anything in Section 103 of the NEW YORK GENERAL MUNICIPAL LAW to the contrary notwithstanding.

B). A subcontractor who is entitled to receive less than \$25,000 from a construction contract is exempt from having an apprenticeship program.

#### 4. Enforcement.

The County Purchasing Department is hereby authorized, empowered and directed to promulgate such rules and regulations that are lawful, necessary and appropriate for the implementation and enforcement of any provisions of this local law.

#### 5. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this local law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

#### 6. Applicability.

This local law shall apply to construction contracts advertised for bids on or after the effective date.

Section 2. This local law shall take effect January 1, 2003.

# Dutchess County

## Prevailing Wage Rate for 07/01/02 - 06/30/03

### JOB DESCRIPTION:

Electrician

### GEOGRAPHIC TERRITORIES:

DUTCHESS COUNTY: All of the county except for the towns of Fishkill, East Fishkill, and Beacon.

DELAWARE COUNTY: Only in the Townships of Andes, Harpersfield, Kortwright, Stamford, Bovina, Roxbury, Middletown and those portions of Colchester and Hancock south of the East Branch of the Delaware River.

GREENE COUNTY: That portion of the county south of a line following the south limits of the city of Catskill in a Westerly direction from the Hudson River to Highway 23 along 23 to the road following the Little Westkill and continuing along this road to Delaware County.

SULLIVAN COUNTY: Entire County.

ULSTER COUNTY: Entire County.

### WAGE INFORMATION:

WAGES: (per hour)

4/01/02      4/01/03

Electrician Wireman/Technician..... \$ 30.00\*      \$ 32.00\*

SHIFT DIFFERENTIAL: On Public Work in New York State when shift work is mandated either in the job specifications or by the contracting agency, the following rates apply:

Shift starting between 4:30 p.m. &  
12:30 a.m... \$ 37.71\*      \$ 40.23\*

Shift starting between 12:30 a.m. &  
8:30 a.m... \$ 39.43\*      \$ 42.06\*

Apprentice rates remain calculated as a percentage of the Journeyman rate.

\* On jobs where employees are required to work from bosun chairs, swinging scaffolds, etc., forty (40) feet or more above the ground, or under compressed air, or in shafts of twenty-five feet deep, on tunnel projects over one hundred (100) feet long, or where gas masks are required, they shall receive an additional \$1.00 per hour above the regular straight time rate for such work. Tower and stack work at seventy-five (75) feet high, they shall receive an additional \$1.00 per hour; over one hundred (100) feet, journeyman wireman shall be paid double time rate.

OVERTIME: See ( B, E, Q ) on OVERTIME PAGE.

HOLIDAYS:

Paid: See ( 1 ) on HOLIDAY PAGE.

Overtime: See ( 5, 6, 13, 15, 16, 25 ) on HOLIDAY PAGE.

APPRENTICES: ( 6 ) month terms at the following percentage of journeyman's wage.

1st.	2nd.	3rd.	4th.	5th.	6th.	7th.	8th.	9th.	10th.
30%	35%	40%	45%	50%	55%	65%	70%	75%	85%

SUPPLEMENTAL BENEFITS: (per hour worked)

4/01/02	4/01/03
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Journeyman.....	\$ 15.50 plus	\$ 17.00 plus
	6% of wage	6% of wage

6/01/02

Apprentices

1st & 2nd term.....	\$ 5.70 plus 6% of wage
3rd & 4th term.....	6.80 plus 6% of wage
5th & 6th term.....	8.85 plus 6% of wage
7th & 8th term.....	11.20 plus 6% of wage
9th & 10th term.....	11.80 plus 6% of wage

8-363/2

Overtime/Holiday Codes

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Updated 04/01/2003

## § 220 cont'd.

workmen and mechanics required to perform the public work in its completed form. The board shall, when requested by the industrial commissioner, examine into proposed public work projects and determine the classification by trades or occupations of laborers, workmen and mechanics required to perform the public work in its completed form; and to determine which of same are skilled, semi-skilled or unskilled. The board shall file with the industrial commissioner its findings, determinations and recommendations.

Subd 3-d as added by L1935, C300, eff. April 5, 1935

▶ 3-e. Apprentices will be permitted to work as such only when they are registered, individually, under a bona fide program registered with the New York State Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor as to his work force on any job under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not registered as above, shall be paid the wage rate determined by the New York State Department of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish written evidence of the registration of his program and apprentices as well as of the appropriate ratios and wage rates, for the area of construction prior to using any apprentices on the contract work.

Subd 3-e as added by L1967, C503, eff. July 1, 1967

4. This section shall not apply to:

- a. Stationary firemen in state hospitals;
- b. Other persons regularly employed in the state institutions, except mechanics;
- c. Engineers, electricians and elevator men in the bureau of building management of the office of general services during the annual session of the legislature.

Subd 4 as last amended by L1962, C118, eff. March 6, 1962

## § 220 cont'd.

→ 5. Definitions. a. The "prevailing rate of wage," for the intents and purposes of this article, shall be the rate of wage paid in the locality, as hereinafter defined, by virtue of collective bargaining agreements between bona fide labor organizations and employers of the private sector, performing public or private work provided that said employers employ at least thirty per centum of workers, laborers or mechanics in the same trade or occupation in the locality where the work is being performed. The prevailing rate of wage shall be annually determined in accordance herewith by the fiscal officer no later than thirty days prior to July first of each year, and the prevailing rate of wage for the period commencing July first of such year through June thirtieth, inclusive, of the following year shall be the rate of wage set forth in such collective bargaining agreements for the period commencing July first through June thirtieth, including those increases for such period which are directly ascertainable from such collective bargaining agreements by the fiscal officer in his annual determination. In the event that it is determined after a contest, as provided in subdivision six of this section, that less than thirty percent of the workers, laborers or mechanics in a particular trade or occupation in the locality where the work is being performed receive a collectively bargained rate of wage, then the average wage paid to such workers, laborers or mechanics in the same trade or occupation in the locality for the twelve-month period preceding the fiscal officer's annual determination shall be the prevailing rate of wage. Laborers, workers or mechanics for whom a prevailing rate of wage is to be determined shall not be considered in determining such prevailing wage.

Par. a as last amended by L1983, C447, eff. July 15, 1983

# I.B.E.W. Local Union 363

## CONSTRUCTION RATES

Effective 4/1/03

	<b>ZONE 1</b>	<b>ZONE 2</b>
<b>WAGE (PER HOUR)</b>	\$36.00	\$32.00
<b>WELFARE (PER HOUR)</b>	6.00	6.00
<b>PENSION (PER HOUR)</b>	2.40	2.40
<b>ANNUITY (PER HOUR)</b>	4.00	4.00
<b>VACATION (PER HOUR)</b>	4.00	4.00
<b>JATC (3%OF WAGES)</b>	1.08	.96
<b>LMCC (PER HOUR)</b>	.06	.06
<b>SUB (PER HOUR)</b> Supplement Unemployment Benefit	.60	.60
<b>NEBF (3%OF WAGES)</b>	1.08	.96
<b>NLMCC (PER HOUR)</b>	.01	.01
<b>AMF (PER HOUR)</b> Administrative Maintenance Fund	.03	.03
<b>TOTAL WAGE &amp; BENEFITS</b>	\$55.26	\$51.02

**JURISDICTION ZONE 1:** All of Rockland County. All of Orange County. All of Putnam County. Towns of Dutchess County to include Beacon, Fishkill and East Fishkill.

**JURISDICTION ZONE 2:** Remainder of Dutchess County. All of Ulster County. All of Sullivan County. Our portions of Green and Delaware Counties.

Foreman – \$2.00 above base

General Foreman – 15% above base

**GOVERNMENTAL AGENCIES**  
**THAT HAVE ADOPTED**  
**APPRENTICESHIP UTILIZATION**  
**LANGUAGE**

**ROCKLAND COUNTY**

**TOWN OF ORANGETOWN**

**WEST HAVERSTRAW**

**TOWN OF OYSTER BAY**

**TOWN OF NEWBURGH**

**TOWN OF POUGHKEEPSIE**

**SUFFOLK COUNTY**

**TOWN OF BABYLON**

**TOWN OF HUNTINGTON**

**CITY OF NEW ROCHELLE**

**TOWN OF FISHKILL**