TOWN OF NORTH EAST
TOWN BOARD
September 11, 2017

Members Present: **Members Absent:**

Supervisor George Kaye
Councilman John Midwood
Councilman James Campbell
Councilman John Merwin
Councilman Steven Merwin

Call to Order:

Supervisor Kaye called the meeting to order at 7:00 P.M. with the Pledge of Allegiance.

Acceptance of Agenda:

On a motion by Councilman Campbell, seconded by Councilman J. Merwin the following was:

ADOPTED – AYES – 5 (Kaye, Campbell, J. Merwin, Midwood, S. Merwin)
NAYS – 0

RESOLVED, to accept agenda with a new item #6 Permission for the Supervisor to sign the recreation contract

Public Comment on Agenda Items:

No public comments

Department and Committee Reports

HIGHWAY - Superintendent Stevens submitted to the Board the 2018 bid results and his recommendations are in bold. Mr. Stevens stated that black top and heating oil prices have risen and sand and gravel have remained about the same.

On a motion by Councilman J. Merwin, seconded by Councilman S. Merwin the following was:

ADOPTED – AYES – 5 (Kaye, Campbell, J. Merwin, Midwood. S. Merwin)
NAYS – 0

RESOLVED, to accept bid results and those designated as primary choices

ASSESSOR - A written report was made available to the Board. Assessor Katherine Johnson was present and informed the Board that the final equalization rate is in at 100% as expected. Assessor Johnson further stated that it has been at 100% since 2011.

Assessor Johnson stated that when the Town did the re-evaluation project in 2011, the Town agreed to a cyclical program with the State where the Town would do a re-evaluation every four years. It has not been an issue due to her annual updates and remaining at 100%.

Assessor Johnson stated that she believes the State will be seeking a full re-evaluation in the future. With this in mind, Assessor Johnson would like to start doing a data review which would involve sending a data collector out taking pictures and reviewing things and making sure all the data is correct before starting analysis. She would like to start doing this now because it is a time consuming project.

Assessor Johnson informed the Board that she would like to start using a computer aided drafting program called APEX to sketch the main building of every property. This will help cull the amount of paper being generated for every property file.

Assessor Johnson said that monies have been set aside and unused for the every four year agreement mentioned earlier. However, at this point, she would like to use some of this money to purchase aforementioned APEX program and for the gathering of data.

Assessor Johnson informed the Board that Board of Assessment Review member Dan Briggs' term is ending this year but she recommends that the Board re-appoint Mr. Briggs.

PLANNING, ZONING, & BUILDING DEPARTMENT – No report.

TOWN CLERK – A written report was made available to the Board.

DOG CONTROL OFFICER - A written report was made available to the Board

COMMITTEE ACTIVITY – Supervisor Kaye stated that a visit was made by himself and Superintendent Stephens to look at the weed harvester at the County storage facility in LaGrange. After an inspection was made and hearing what repairs would need to be done on the equipment it was determined that it cannot be fixed without spending an extraordinary amount of money.

Councilman Campbell informed the Board that the Cemetery Committee has spoken with Bruce Valentine and Mr. Valentine had expressed an interest in returning to Spencer's Corners and doing some work on some of the larger stones. This would be fairly extensive work and Councilman Campbell thought it should be pursued. The work would commence in October of this year.

Permission for the Supervisor to Sign the NECC Contract

Supervisor Kaye stated that there have been no changes to the contract from previous years.

On a motion by Councilman Midwood, seconded by Councilman S. Merwin the following was:

ADOPTED – AYES – 5 (Kaye, Campbell, J. Merwin, Midwood, S. Merwin)
NAYS – 0

RESOLVED, to permit Supervisor to sign the NECC contract

Permission for the Supervisor to Sign the Contract with the Village Recreation Contract

Supervisor Kaye stated that there have been no changes to the contract from previous years.

On a motion by Councilman S. Merwin, seconded by Councilman J. Campbell the following was:

ADOPTED – AYES – 5 (Kaye, Campbell, J. Merwin, Midwood, S. Merwin)
NAYS – 0

RESOLVED, to permit the Supervisor to sign the contract with the Village Recreation Contract

Announcement of New Zoning Board of Appeals Member

Supervisor Kaye stated that three extremely qualified and impressive people applied for this position. It was a difficult decision and the Town would like to keep the two that were not able to be on the Board in reserve for future openings.

Supervisor Kaye announced that Karen Pitcher has been appointed to the ZBA. Ms. Pitcher has a background in planning and very well qualified.

On a motion by Councilman J. Merwin, seconded by Councilman Campbell the following was:

ADOPTED – AYES – 5 (Kaye, Campbell, J. Merwin, Midwood, S. Merwin)

NAYS – 0

RESOLVED, to appoint Karen Pitcher to the Zoning Board of Appeals

Resolution to Accept Water District #1 Benefit Assessment Roll and Set Schedule for Public Hearing

On a motion by Councilman J. Merwin, seconded by Councilman the following was:

ADOPTED – AYES – 5 (Kaye, Campbell, J. Merwin, Midwood, S. Merwin)
NAYS – 0

RESOLVED, to accept resolution setting Public Hearing for October 12, 2017 at 7:30 PM

7:30 PM Public Hearing on CDBG Grant Ideas and Approval of One for Submission

Supervisor Kaye stated that at last month's meeting he had suggested going in with the Village and mapping the water system. Currently the maps are incomplete and it is necessary to find out where these lines run so that any repairs can be done and if a sewer system should ever be installed those lines would need to be mapped.

Supervisor Kaye informed the Board that he has found out that under the qualifications for CDBG this year this would not qualify, it may work for next year's CDBG grant.

Supervisor Kaye stated that in light of this information an idea was put forward to address the wheelchair accessibility to the Town Hall. The entrance door has a three inch high lip that makes it difficult for people in wheelchairs to enter. There is a portable ramp that can be used but it is not a good system. The Town Hall doorways are all presenting issues as well for accessibility.

Supervisor Kaye stated that he has spoken to the Village and their hall is also in need of becoming more wheelchair accessible along with the nutrition center,

Supervisor Kaye informed the Board that the Town had a rehabilitation specialist from the Planning department come out to the Town Hall.

Supervisor Kaye stated that the Town Hall needs to become ADA compliant and this is what is being proposed as a CDBG grant idea.

Supervisor Kaye asked if there were any other ideas to be submitted. There were no other suggestions.

On a motion made by Councilman J. Merwin, seconded by Councilman Midwood the following was:

ADOPTED – AYES – 5 (Kaye, Campbell, J. Merwin, Midwood, S. Merwin)
NAYS – 0

RESOLVED, to submit a joint application between the Town and Village for handicapped accessibility.

On a motion made by Councilman Midwood, seconded by Councilman Campbell the following was:

ADOPTED – AYES – 5 (Kaye, Campbell, J. Merwin, Midwood, S. Merwin)
NAYS – 0

RESOLVED, to close the Public Hearing.

7:45 PM Public Hearing on Local Law No.2 to Exceed the Tax Cap

Supervisor Kaye opened the Public Hearing at 7:45 PM.

Town Clerk Cope read the Local Law into the record.

Supervisor Kaye stated that one of the biggest issues affecting the budget is the EMS issue. Three years ago when the Town first started employing MDP as our ambulance carrier it started at $180,000 per year for two years. The best that could be done with the new contract negotiation was $80,000 for last year and an additional $50,000 for this year and an additional $30,000 for the final year of the contract.

Supervisor Kaye explained that the Town is not legally required to provide ambulance service. However, the Town would find it morally irresponsible to not provide a service that could result in injury or death.

Supervisor Kaye shared that the County sent correspondence with regard to doing a study on how this issue may be regionally approached with Amenia, Dover Plains, Town of North East and Village of Millerton on a joint service grant of $190,000 to do a study. The study would include how to progress on a regional basis and to set up an authority that would cover the entire County.

Bill Kish asked if any details could be provided with details to how much taxes would increase.

Supervisor Kaye stated that that information is unavailable at this time due to the fact that the budget is being worked on right now. If it were not for the EMS issue the Town in the past was able to stay under the tax cap.

Supervisor Kaye stated that a preliminary budget will be presented at the next Board meeting and will have the projected percentages.

Edie Greenwood asked what the tax cap is this year.

Supervisor Kaye stated that it was around 1.08% around $47,000.

Daniel Goldhagen asked if surrounding towns are facing similar issues.

Supervisor Kaye stated that all towns are facing a similar issue. Unfortunately, NYS mandates that towns stay within that tax cap.

Brad Rebillard applauded the Town for being proactive on this issue.
Ed Stillman asked about the County study grant possibility.

Supervisor Kaye stated that the grant monies have been received.

Ms. Greenwood asked if the study is being done by Dutchess County Planning.

Supervisor Kaye stated that it would be done by a yet to be determined outside firm most likely chosen by the County.

On a motion made by Councilman Campbell, seconded by Councilman Midwood the following was:

ADOPTED – AYES – 5 (Kaye, Campbell, J. Merwin, Midwood, S. Merwin)
NAYS – 0

RESOLVED, to close the Public Hearing at 7:55 PM

On a motion made by Councilman S. Merwin, seconded by Councilman Campbell the following was:

ADOPTED – AYES – 5 (Kaye, Campbell, J. Merwin, Midwood, S. Merwin)
NAYS – 0

RESOLVED, to pass Local Law #2

TOWN BOARD OF THE TOWN OF NORTH EAST

RESOLUTION ADOPTING A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT FOR FISCAL YEAR 2017 PURSUANT TO GENERAL MUNICIPAL LAW §3-c AS LOCAL LAW NO. 2 OF THE YEAR 2017

WHEREAS, the Town Board determined that it may be necessary for the Town of North East to exceed the limit on the amount of real property taxes that may be levied by the Town of North East pursuant to General Municipal Law §3-c for fiscal year 2018; and

WHEREAS, the Town Board by Resolution dated August 10, 2017 accepted a proposed Local Law to override the tax levy limits for fiscal year 2016 pursuant to General Municipal Law §3-c for commencement of the Local Law adoption process; and

WHEREAS, the Town Board scheduled and duly noticed a public hearing on said Local Law to be held on September 11, 2017 at the North East Town Hall; and

WHEREAS, the Town Board opened the public hearing and heard comments on said Local Law and closed the public hearing on September 11, 2017; and

WHEREAS, the Town Board has determined that this action is a Type II action under SEQRA and does not require environmental reviews; and

WHEREAS, the Town Board has determined that it is in the best interests of the Town of North East to adopt this Local Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby adopts Local Law No. 2 of 2017 entitled "A Local Law to Override the Tax Levy Limit for the fiscal year 2018 pursuant to General Municipal Law §3-c"; and it is further

RESOLVED, that the Town Clerk is hereby directed to file said Local Law in the Office of the Department of State, as required by law.

WHEREUPON, the above Resolution was offered by Councilman Steven Merwin, and was seconded by Councilman James Campbell and the vote was as follows:

SUPERVISOR KAYE	AYE
COUNCILMAN CAMPBELL	AYE
COUNCILMAN MIDWOOD	AYE
COUNCILMAN J. MERWIN	AYE
COUNCILMAN S.MERWIN	AYE

This resolution was declared duly adopted on September 11, 2017.

Dated: September 13, 2017
Millerton, New York

_____
LISA COPE
Town Clerk, Town of North East

LOCAL LAW NO. 2 OF THE YEAR 2017

OVERRIDE OF THE TAX LEVY LIMIT FOR FISCAL YEAR 2018 PURSUANT TO GENERAL MUNICIPAL LAW §3-c

BE IT ENACTED by the Town Board of the Town of North East as follows:

Section I: **Title.**

This Local Law shall be known and cited as Town of North East "Local Law No. 2 of the Year 2017 To Override the Tax Levy Limit for Fiscal Year 2018 Pursuant to General Municipal Law §3-c."

Section II: **Legislative Intent.**

The Town Board acknowledges that it is vitally important to use the taxes of the Town of North East in a fiscally responsible manner and it is necessary to keep the tax levy of the property taxpayers to a minimum amount, especially in economically hard times. The Town Board has reviewed the proposed budget, the appropriation requests of the Town Department Heads and the financial position of the Town. The Town Board has determined that the Fiscal Year 2018 Budget will require a tax levy increase that is greater than that allowed by General Municipal Law §3-c.

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of North East, County of Dutchess, pursuant to General Municipal Law § 3-c, and to allow the Town of North East, County of Dutchess, to adopt a Town budget for Town purposes and any other special or improvement district governed by the Town Board for the fiscal year 2018 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section III: **Authority.**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section IV: **Tax Levy Limit Override**

The Town Board of the Town of North East, County of Dutchess, is hereby authorized to adopt a budget for fiscal year 2018 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section V. **Separability.**

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstance, and the Town Board of the Town of North East hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section VI: **Effective Date.**

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Executive Session on Personnel Matters

On a motion made by Councilman S. Merwin, seconded by Councilman Midwood
Adopted by roll call:

MOTION: Councilman S. Merwin
SECOND: Councilman Midwood

SUPERVISOR KAYE	Voted AYE
COUNCILMAN CAMPBELL	Voted AYE
COUNCILMAN J. MERWIN	Voted AYE
COUNCILMAN S. MERWIN	Voted AYE
COUNCILMAN MIDWOOD	Voted AYE

RESOLVED, to go into Executive Session to discuss personnel matters at 7:56 PM

On a motion made by Councilman J. Merwin, seconded by Councilman S. Merwin the following was:

ADOPTED – AYES – 5 (Kaye, Campbell, J. Merwin, Midwood, S. Merwin)
NAYS – 0

RESOLVED, to return to regular session at 8:35 P.M.

Supervisor's Report

Monthly Bills Abstracts/Special Abstracts

Supervisor Kaye presented Special Abstract dated August 21, 2017 totaling $7,002.28 broken down as follows:
A Fund - $2,798.06
DB Fund - $3,992.70
P/R T&A - $211.52
Total -$7,002.28

On a motion by Councilman Campbell, seconded by Councilman Midwood the following was:

ADOPTED – AYES – 5 (Kaye, Campbell, J. Merwin, Midwood, S. Merwin)
NAYS – 0

RESOLVED, to accept Special Abstract dated August 21, 2017.

Supervisor Kaye presented Abstract dated September 11, 2017 totaling $154,196.26 broken down as follows:
A Fund - $40,758.07
B Fund - $25,069.62
DB Fund - $87,948.57
T&A2 Escrow - $420.00
Total -$154,196.26

On a motion by Councilman J. Merwin, seconded by Councilman Campbell the following was:

ADOPTED – AYES – 5 (Kaye, Campbell, J. Merwin, Midwood, S. Merwin)
NAYS – 0

RESOLVED, to accept Abstract dated September 11, 2017.

Budget Adjustment

Supervisor Kaye presented Budget Adjustment #4 – 2017

A Fund – Expense Increase of $8,460 less expense decrease $7,000, less a revenue increase of $1,460
DB Fund – Expense increase of $10,000 less an expense decrease of $10,000

On a motion made by Councilman Midwood, seconded by Councilman Campbell the following was:

ADOPTED – AYES – 5 (Kaye, Campbell, J. Merwin, Midwood, S. Merwin)
NAYS – 0

RESOLVED, to accept Budget Adjustment #4 – 2017

Voucher Committee for October 2017

Councilman Campbell and Councilman S. Merwin will be on the voucher committee for October 2017.

Approval of Minutes from Previous Meetings

On a motion by Councilman J. Merwin, seconded by Councilman S. Merwin the following was:

ADOPTED – AYES – 5 (Kaye, Campbell, J. Merwin, Midwood, S. Merwin)
NAYS – 0

RESOLVED, to accept minutes from August 10, 2017 as amended

General Comment Period

Peter Greenough asked if it would be possible for him to pay for and plant some trees in the Winchell Mountain Cemetery.

Supervisor Kaye believed that there wouldn't be any issues however he will consult with the Town attorney.

Beverly MacDonald asked if any action had been taken with regard to the letter she submitted last month to the Town Board.

Supervisor Kaye stated that the Building Inspector has received the letter and has been to the property in question. The Building Inspector could not be at the meeting tonight due to being on vacation.

Mrs. MacDonald asked the Board's stand is on her request for the dismissal of Inspector Segelken.

Supervisor Kaye stated that this issue has been taken under advisement and it is being looked into and should have an answer for the next Town Board meeting.

Adjournment

On a motion by Councilman Midwood, seconded by Councilman S. Merwin the following was:

ADOPTED – AYES – 5 (Kaye, Campbell, J. Merwin, Midwood, S. Merwin)
NAYS – 0

RESOLVED, to adjourn meeting at 8:36 PM.

Respectfully Submitted,

Lisa Cope
Town Clerk

Approved: October 12, 2017