TOWN BOARD, TOWN OF NORTH EAST
BUSINESS MEETING
MARCH 8, 2012

Members Present:

Supervisor John Merwin
Councilman Ralph Fedele
Councilman George Kaye
Councilman Steven Merwin
Councilman Tim Shaffer

Call to Order:

Supervisor Merwin called the meeting to order at 7:05 P.M. with the Pledge of Allegiance.

Acceptance of Agenda:

On a motion by Councilman Shaffer, seconded by Councilman Kaye the following was

ADOPTED – AYES – 5 (Merwin, Fedele, Kaye, Merwin, Shaffer)
NAYS – 0

RESOLVED, to accept the Agenda as written.

Public Hearing on Local Law #1, 2012:

Supervisor Merwin opened the Public Hearing on Local Law #1, 2012 at 7:06.

The Deputy Town Clerk read the Notice of Public Hearing.

Mr. Ray Jurkowski explained that Local Law #1, 2012 concerned the new mapping from FEMA of the flood zone in the Town of North East. This law is very similar to the Town's old law but must be updated so that the Town can be eligible for National Flood Insurance. There was no comment by the Board Members.

Assessor Johnson asked if this law applied to new construction only. Mr. Jurkowski answered that it applied to new construction and modifications made to standing structures.

On a motion by Councilman Merwin, seconded by Councilman Kaye the following was

ADOPTED BY ROLL CALL:

AYE – Merwin
AYE – Fedele
AYE – Kaye
AYE – Merwin
AYE – Shaffer

RESOLVED, to close the Public Hearing on Local Law #1, 2012.

Department and Committee Reports:

POLICE – Police Chief Howard provided the Board with an incidents report for the month of February, 2012. Supervisor Merwin asked if he would address the Board concerning any ongoing problems in the future. The Chief agreed. Mr. Merwin stated that he would talk to Counsel to see what is permissible to discuss.

HIGHWAY – Superintendent Stevens advised the Board that the Highway Department requested a ten hour day from April 30 through August 31, 2012.

On a motion by Councilman Merwin, seconded by Councilman Shaffer the following was

ADOPTED – AYES – 5 (Merwin, Fedele, Kaye, Merwin, Shaffer)
NAYS – 0

RESOLVED, to approve the Highway Departments request to work a ten hour day from April 30 through August 31, 2012.

He also requested permission to purchase adjustable hitch arms at a cost of $2,247.56.

On a motion by Councilman Merwin, seconded by Councilman Kay the following was

ADOPTED – AYES – 5 (Merwin, Fidele, Kaye, Merwin, Shaffer)
NAYS – 0

RESOLVED, to authorize the purchase of adjustable hitch arms for the paver at the cost of $2,247.56.

Superintendent Stevens informed the Board that there was a problem on Irondale Road. Truck traffic cannot use this road but GPS keep sending them this way. He will research the problem and report back at the next meeting.

Mr. Stevens requested that the five temporary laborers be combined in to one full time position. There is money in the budget for this position.

On a motion by Councilman Merwin seconded by Councilman Kaye the following was

ADOPTED – AYES – 5 (Merwin, Fidele, Kaye, Merwin, Shaffer)
NAYS – 0

RESOLVED, to take the five temporary laborers positions and combine them into one full time position in the Highway Department.

Local Law #1, 2012:

Mr. Jurkowski read the short form of the SEQRA Environmental Assessment and advised that there was no adverse environmental impact.

On a motion by Councilman Kaye, seconded by Councilman Shaffer the following was

ADOPTED – AYES – 5 (Merwin, Fedele, Kaye, Merwin, Shaffer)
NAYS – 0

RESOLVED, to make a Negative Declaration associated with Local Law #1, 2012.

On a motion by Councilman Kaye, seconded by Councilman Shaffer the following was

ADOPTED – AYES – 5 (Merwin, Fedele, Kaye, Merwin, Shaffer)
NAYS – 0

RESOLVED, to adopt Local Law #1, 2012.

Morris Associates Proposal Concerning the Town's Landfill:

Mr. Ray Jurkowski of Morris Associates presented to the Board a proposal to resolve concerns that have been raised by the DEC. The scope of work includes deed restriction, survey mapping and filing and a site management plan.

On a motion by Councilman Merwin, seconded by Councilman Shaffer the following was

ADOPTED – AYES – 5 (Merwin, Fedele, Kaye, Merwin,Shaffer)
NAYS – 0

RESOLVED, to accept the proposal from Morris Associated for deed restrictions and related requirements for the closed landfill.

Southern Reality's Request for a Reconfirmation of the Town's Intent to Treat Their Proposal as an Out of District User:

Mr. John Josephs of Southern Reality advised the Board that they would like a reconfirmation of the Town's intent to treat their proposal as an Out Of District water user.
Mr. Jurkowski gave the Board information about the process.

On a motion by Councilman Fedele, seconded by Councilman Merwin the following was

ADOPTED – AYES – 5 (Merwin, Fedele, Kaye, Merwin, Shaffer)
NAYS – 0

RESOLVED, to reconfirm the Town's intent to allow the applicant to be an Out Of District water user. This reconfirmation is not binding.

Counsel Replansky informed the Board that Sean Morrison has offered to donate his 1988 electric utility truck for thirty days to the Town to be used for tree trimming. All necessary insurance is in place.

On a motion by Councilman Merwin, seconded by Councilman Kaye the following was

ADOPTED – AYES – 5 (Merwin, Fedele, Kaye, Merwin, Shaffer)
NAYS – 0

RESOLVED, to accept the offer from Sean Morrison to donate his electric utility truck to be used for tree trimming for a period of thirty days.

Meeting with Counsel:

GENERAL LEGAL MATTERS – Mr. Replansky requested permission to sign a Stipulation and Settlement of a Tax Certiorari between the Town and owners of 6091 Boston Corners Road, Millerton, NY.

On a motion by Councilman Kaye, seconded by Councilman Fedele the following was

ADOPTED – AYES – 5 (Merwin, Fedele, Kaye, Merwin, Shaffer)
NAYS – 0

RESOLVED, to authorize Counsel Replansky to sign a Stipulation and Settlement of a Tax Certiorari between the Town and owners of 6091 Boston Corners Road, Millerton, NY.

Counsel Replansky informed the Board that T&T Reality located at 5370-5378 Route 22, Millerton New York has been served notices of unsafe conditions on their property due to a fire. They were asked to demolish the unsafe structure and have not done so. He requested authorization to proceed with litigation.

On a motion by Councilman Fedele, seconded by Councilman Kaye the following was

ADOPTED – AYES – 5 (Merwin, Fedele, Kaye, Merwin, Shaffer)
NAYS – 0

RESOLVED, to authorize Counsel Replansky to proceed with litigation against T&T Reality.

Mr. Replansky informed the Board that two agreements were signed concerning Dial a Ride and that all is in order.

Assessor Johnson joined Counsel Replansky in reviewing the Tax Certiorari concerning Peaceful Valley. They will review the appraisals and try to resolve the case.

Return to Department and Committee Reports:

ASSESSOR – Town Assessor Katherine Johnson supplied the Board with the March 2012 Assessor's Report.

TOWN CLERK –Deputy Town Clerk Ellen Owens advised the Board that a special meeting of the four Town Boards that make up the Dutchess County District 19 comprising of the Towns of North East, Milan, Pine Plains and Stanford will be held on March 21, 2012 at 7:00 P.M. at the Milan Town Hall. The reason for this meeting is to nominate and select a replacement for County Legislature Gary Cooper who has resigned.

There was a short discussion concerning the Vet bill for a dog picked up by a Village Police Officer.

Supervisor's Report:

TOWN'S EMERGENCY OPERATIONS PLAN – Supervisor Merwin informed the Board that he had spoken with George Lind and Jason Watson and the lawyer for the Fire District concerning the Town's Emergency Operation Plan. The Plan is almost complete.

WEB SITE – Supervisor Merwin asked for a motion to provide air time on Channel 22 for Not For Profits in the Town of North East.

On a motion by Councilman Merwin, seconded by Councilman Fedele the following was

ADOPTED – AYES – 5 (Merwin, Fedele, Kaye, Merwin, Shaffer)
NAYS – 0

RESOLVED, to provide air time to Not for Profits on Channel 22.

ZRC – The Zoning Review Committee met on February 23, 2012. They were discussing issues and changes in the Irondale Area. The County wants the Town to identify the problems and then they will send a planner to help.

BUILDING AND GROUNDS – Supervisor Merwin commented on the repair and painting of the walls in Town Hall. He provided the Board with bids from Lindels and Herringtons for three new windows for Town Hall.

On a motion by Councilman Merwin, seconded by Councilman Kaye the following was

ADOPTED – AYES – 5 (Merwin, Fedele, Kaye, Merwin , Shaffer)
NAYS – 0

RESOLVED, to accept the bid from Lindels for three new windows for Town Hall, at a cost of $605.33.

MILLERTON ELEMENTARY SCHOOL – Supervisor Merwin gave an overview of the joint meeting between the Village Board and the Town Board that was held March 1, 2012 concerning the Millerton Elementary School retrofit.

ETHICS COMMITTEE – Supervisor Merwin spoke to the Board about the Ethics Committee appointments.

On a motion by Councilman Merwin, seconded by Councilman Fedele the following was

ADOPTED - AYES – 5 (Merwin, Fedele, Kaye, Merwin, Shaffer)
NAYS – 0

RESOLVED, to appoint the following to the Ethics Committee in the following manner:

Julian Straus -appointment ending December 31, 2012
Dave Schufelt -appointment ending December 31, 2013
Brian Kaye - appointment ending December 31, 2014
Michele Haab -appointment ending December 31, 2015
Lance Middlebrook -appointment ending December 31, 2016

ZRC APPOINTMENT – Superior Merwin advised the Board that the members of the ZRC requested another member of the Planning Committee be appointed to the ZRC. Supervisor Merwin suggested that it be Dale Culver.

On a motion by Councilman Merwin, seconded by Councilman Shaffer the following was

ADOPTED – AYES – 5 (Merwin, Fedele, Kaye, Merwin, Shaffer)
NAYS – 0

RESOLVED, to appoint Dale Culver to the ZRC.

CODE ENFORCEMENT OFFICER'S CONFERENCE/TRAINING- Supervisor Merwin informed the Board that the Town Code Enforcement Officer requested that the Town cover the cost of a conference and training program being held in Poughkeepsie at a cost of $285.00 for three days. Mr. Michael Segelken will attend.

On a motion by Councilman Merwin, seconded by Councilman Shaffer the following was

ADOPTED – AYES – 5 (Merwin, Fedele, Kaye, Merwin, Shaffer)
NAYS – 0

RESOLVED, to authorize Mr. Segelken to attend a conference/training program in Poughkeepsie for three days at the cost of $285.00.

VOUCHER COMMITTEE – The Voucher Committee for April, 2012 will consist of Councilmen Merwin and Kaye and Supervisor Merwin.

SPECIAL ABSTRACT – A special abstract covering New York State Insurance and MVP was presented to the Board.

On a motion by Councilman Merwin, seconded by Councilman Fedele the following was

ADOPTED – AYES – 5 (Merwin, Fedele, Kaye, Merwin, Shaffer)
NAYS – 0

RESOLVED, to approve the Special Abstract dated February 22, 2012 in the following manner:

A Fund - $1,691.86
B Fund - $1,463.09
DB Fund - $3,373.89

TOTAL: $6,529.24

All signed and dated the abstract.

MONTHLY BILLS ABSTRACT –

On a motion by Councilman Shaffer, seconded by Councilman Merwin the following was

ADOPTED – AYES – 5 (Merwin, Fedele, Kaye, Merwin, Shaffer)
NAYS – 0

RESOLVED, to approve the abstract dated March 8, 2012 in the following manner:

A Fund - $138,463.99
B Fund - $ 68,244.59
DB Fund - $ 22,104.88
ESCROW - $ 1,373.55

TOTAL: $230187.01

All signed and dated the abstract.

Minutes:

On a motion by Councilman Shaffer, seconded by Councilman Merwin the following was

ADOPTED – AYES – 5 (Merwin, Fedele, Kaye, Merwin, Shaffer)
NAYS – 0

RESOLVED, to approve the minutes of October 6, 2011 as presented.

On a motion by Councilman Shaffer, seconded by Councilman Merwin the following was

ADOPTED – AYES – 5 (Merwin, Fedele, Kaye, Merwin, Shaffer)
NAYS – 0

RESOLVED, to approve the minutes of February 9, 2012 as amended.

General Comment:

Mr. Peter Greenough spoke about the water district and how it will be affected if the new grocery store is built.

Adjournment:

On a motion by Councilman Merwin, seconded by Councilman Kaye the following was

ADOPTED – AYES – 5 (Merwin, Fedele, Kaye, Merwin, Shaffer)
NAYS – 0

RESOLVED, to adjourn the meeting.

The meeting adjourned at 8:45 P.M.

Respectfully Submitted,

Ellen Owens
Deputy Town Clerk

APPROVED – 04-12-12