

**TOWN OF NORTH EAST  
TOWN BOARD  
FEBRUARY 11, 2016**

**Members Present:**

Supervisor Kaye  
Councilman J. Campbell  
Councilman J. Merwin  
Councilman J. Midwood

**Members Absent:**

Councilman S. 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 Midwood, seconded by Councilman J. Merwin the following was

ADOPTED – AYES – 4 (Kaye, Campbell J. Merwin, J. Midwood)  
NAYS – 0

RESOLVED, to accept the agenda as amended by adding the Pedestrian Plan Study, and the videotaping of the Town Board Meetings.

**Public Comment on Agenda Items Only:** None

**Department and Committee Reports:**

POLICE – Police Chief Rudin reported that there were 44 incidents for the month of January, 2016. Twenty Eight in the Village and sixteen in the Town, Mr. Rudin reported that the Police Department has received more funding for Stop DWI from the County and the State.

HIGHWAY – Superintendent Stevens requested that the Board increase the steel toe boot allowance from \$175.00 to \$200.00. Steel toe boots are mandatory for all highway employees.

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

ADOPTED – AYES – 4 (Kaye, Campbell, J. Merwin, Midwood)  
NAYS – 0

RESOLVED, to increase the steel boot allowance from \$175.00 to \$200.00

Mr. Stevens informed the Board members that he has filled the laborer position on the highway crew. He informed the Board that he has hired Dan Duprey as the laborer.

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

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ADOPTED – AYES – 4 (Kaye, Campbell, J. Merwin, Midwood)  
NAYS – 0

RESOLVED, to accept the Highway Superintendents recommendation to hire Dan Duprey as a full time laborer with an effective start date of February 27, 2016

ASSESSOR – Supervisor Kaye announced that the February 2016 Assessor’s report was on the table. Supervisor Kaye reminded everyone that all exemption requests were due by March 1, 2016.

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

ADOPTED – AYES – 4 (Kaye, Campbell, J. Merwin, Midwood)  
NAYS – 0

RESOLVED, to accept the Assessor’s report dated February, 2016.

PLANNING/ZONING AND BUILDING – Supervisor Kay informed the Board that the Planning/Zoning and Building report dated January 2016 where on the table.

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

ADOPTED – AYES – 4 (Kaye, Campbell, J. Merwin, Midwood)  
NAYS – 0

RESOLVED, to accept the Planning/Zoning and Building report dated January 2016.

TOWN CLERK – Town Clerk Lis Cope reported on the taxes collected.

Committee Activity: None

**Emergency Operations Plan:**

Supervisor Kaye advised the Board that the Emergency Operation Plan needed to be updated every year. The Plan lists new equipment for the Town and Fire Department and new phone numbers and contact information.

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

ADOPTED – AYES – 4 (Kaye, Campbell, J. Merwin, Midwood).  
NAYS – 0

RESOLVED, to accept the updated Emergency Operations Plan as presented.

**Standard Work Day and Reporting Resolution:**

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

ADOPTED – AYES – 4 (Kaye, Campbell, J. Merwin, Midwood)  
NAYS – 0

RESOLVED, to adopt the Standard Work Day and Reporting Resolution for Elected and Appointed Officials.

**Appointment of Dog Control Officer:**

Supervisor Kaye informed the Board that the Town was appointing a new Dog Control Officer. He explained that Mr. James Reilly the Towns previous Dog Control officer could no longer do the job because of work commitments. The new officer is Mr. Richard Prentice Jr.

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

ADOPTED – AYES – 4 (Kaye, Campbell, J. Merwin, Midwood)  
NAYS – 0

RESOLVED, to appoint Mr. Rich Prentice Jr. as Dog Control Officer for the Town of North East.

**Performance Bond for McLean Ford:**

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

ADOPTED – AYES – 4 (Kaye, Campbell, J. Merwin, Midwood)  
NAYS – 0

RESOLVED, to accept the Performance Bond for McLean Ford in the amount of \$4,000.00 to finish the landscaping as presented on the approved site plan.

**Parkinson's Awareness Month Proclamation:**

Town Clerk Lisa Cope read the Parkinson Awareness Month Proclamation.

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

ADOPTED – AYES – 4 - (Kaye, Campbell, J. Merwin, Midwood)  
NAYS - 0

RESOLVED, to accept April as Parkinson Awareness Month and sign the Proclamation.

**Taping of Town Board Meetings:**

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

ADOPTED – AYES – 4 (Kaye, Campbell, Midwood, J. Merwin)  
NAYS – 0

RESOLVED, to proceed with the taping of the Town Board meetings starting at the March Board meeting.

**Pedestrian Study Plan:**

Mr. Dave Sherman, Village of Millerton Trustee gave a presentation on a Dutchess County Transportation Council study that would include parts the Village of Millerton and the Town of North East for a Pedestrian Study.

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

ADOPTED – AYES – 4 (Kaye, Campbell, Midwood, J. Merwin)  
NAYS – 0

RESOLVED, to participate in the Pedestrian Study Plan with the Village of Millerton.

**Minutes:**

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

ADOPTED – AYES – 4 (Kaye, Campbell, J. Merwin, Midwood)  
NAYS -0

RESOLVED, to accept the Minutes of January 14, 2016.

**Supervisor's Report:**

SPECIAL ABSTRACT –

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

RESOLVED, to accept the Special abstract dated January 20, 2016 in the following manner:

A Fund - \$15,537.52  
DB Fund - \$ 920.91

TOTAL: \$16,458.43

All signed and dated the abstract.

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

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RESOLVED, to accept the Special Abstract dated January 26, 2016 in the following manner:

A Fund - \$354.57  
T&A Fund - \$192.39

TOTAL: \$546.96

All signed and dated the abstract.

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

RESOLVED, to accept the abstract dated December 31, 2015 in the following manner:

A Fund - \$699.04  
B Fund - \$ 707.80  
DB Fund - \$ 868.17  
ESCROW - \$ 52.50

TOTAL: \$2,327.51

All signed and dated the abstract.

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

ADOPTED – AYES – 4 (Kaye, Campbell, Midwood, J. Merwin)  
NAYS – 0

RESOLVED to accept the abstract dated February 11, 2016 in the following manner:

A Fund - \$34,828.91  
B Fund - \$ 1,341.70  
DB Fund - \$46,351.64

TOTAL: \$82,522.25

All signed and dated the abstract.

VOUCHER COMMITTEE – Supervisor Kaye announced that the Voucher Committee for March 2016 will consist of Councilmen Midwood and J, Merwin.

BUDGET ADJUSTMENT –

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

ADOPTED – AYES – 4 (Kaye, Campbell, J. Merwin, Midwood)  
NAYS – 0

RESOLVED, to accept Budget Adjustment #9, 2015.

RECESS of Meeting:

Supervisor Kaye called to recess the meeting until Town Attorney Replansky arrived.

Return to Regular session

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

ADOPTED – AYES – 4 (Kaye, Campbell, J. Merwin, Midwood)  
NAYS – 0

RESOLVED, to return to regular session.

The Board returned to regular session at 7:59 P.M.

**Meeting with Counsel:**

GENERAL LEGAL MATTERS –

The Board members with Mr. Replansky discussed Local Law 1 of 2016 for training requirements for Planning Board and Zoning Board of Appeals Members, Special Prosecutor

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

ADOPTED – AYES – 4 (Kaye, Campbell, J. Merwin, Midwood)  
NAYS – 0

RESOLVED, to schedule a Public Hearing regarding Local Law #1, 2016 for March 12, 2016 at 8:00 P.M. regarding training and attendance requirements for Zoning Board of Appeals and Planning Board.

**TOWN BOARD OF THE TOWN OF NORTH EAST**

**RESOLUTION COMMENCING LOCAL LAW ADOPTION PROCESS FOR LOCAL LAW NO. 1 OF 2016 ENTITLED “A LOCAL LAW ESTABLISHING THE TRAINING REQUIREMENTS AND ATTENDANCE REQUIREMENTS FOR MEMBERS AND ALTERNATE MEMBERS, IF ANY, OF THE PLANNING BOARD AND ZONING BOARD OF APPEALS FOR THE TOWN OF NORTH EAST**

**WHEREAS**, §267 and §271 of the Town Law prescribes certain training requirements for members of the Planning Board and Zoning Board of Appeals; and

**WHEREAS**, the Town Board believes it is imperative for the proper functioning of those boards that the Planning and Zoning Board members be required to adhere to those training requirements and also attend regularly scheduled meetings of the Planning Board throughout the year; and

**WHEREAS**, the Town Board has requested the Attorney to the Town to draft a local law which prescribes the training requirements for the members of the Planning Boards and Zoning Boards and also prescribes certain attendance requirements for those Planning and Zoning Board members;

**WHEREAS**, a copy of the local law, in final form, has been presented to the Town Board on February 11, 2016.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby schedules a public hearing on the adoption of Local Law No. 1 of 2016 for March 10, 2016 at 8:00 p.m. at the North East Town Hall; and

**BE IT FURTHER RESOLVED**, that this has been deemed to be a Type II Action under SEQRA which does not require environmental review; and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to publish, post and provide notice of the said public hearing as may be required by law.

**WHEREUPON**, the above Resolution was offered by Councilman James Campbell, and was seconded by Councilman John Midwood and the vote was as follows:

SUPERVISOR KAYE	Voted AYE
COUNCILMAN CAMPBELL	Voted AYE
COUNCILMAN MIDWOOD	Voted AYE
COUNCILMAN MERWIN	Voted AYE
COUNCILMAN MERWIN	Voted ABSENT

This resolution was declared duly adopted on February 11, 2016.

Dated: February 12, 2016  
Millerton, New York

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**LISA COPE**

**Town Clerk, Town of North East**

**SPECIAL PROSECUTOR** – Supervisor Kaye told Mr. Replansky that there was a resolution creating a position of Town Special Prosecutor and appointing Special Prosecutor.

**TOWN BOARD OF THE TOWN OF NORTH EAST**

**RESOLUTION CREATING THE POSITION OF TOWN SPECIAL PROSECUTOR  
AND APPOINTING SPECIAL PROSECUTOR**

**WHEREAS**, the Town of North East Justice Court has advised the Town Board that it would be in the best interest of the Town and the Justice Court to create the position of Town Special Prosecutor to handle traffic violations, violations of the Town Code and Penal Law and other matters in the Town Justice Court for which the District Attorney’s office does not provide prosecution services; and

**WHEREAS**, the Town Board has advertised for this position and has received and interviewed several qualified applicants.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby creates the position of Town Special Prosecutor for the Town of North East, effective immediately, to create violations of the Town Code, Vehicle and Traffic Law and violations of the New York State law other than misdemeanors and felonies, and such other matters as the Town Board may assign from time to time in the Town of North East Justice Court; and

**BE IT FURTHER RESOLVED**, that the position of Town Special Prosecutor shall be filled by the Town Board by appointment and as such time is a vacancy; and

**BE IT FURTHER RESOLVED**, that any person serving the position of Town Special Prosecutor shall be an attorney duly admitted to practice law in the Courts of the State of New York and shall be required to take an oath of office set forth in the New York Constitution, Article 13, Section 1 as if he or she were a Town officer; and

**BE IT FURTHER RESOLVED**, that the person serving as Town Special Prosecutor shall be paid the amount of \$350.00 by the Town of North East. for each court session, which are currently scheduled on one day per month throughout the year; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby appoints Todd W. Carpenter, Esq., 40 Liberty Street, Poughkeepsie, NY 12601 as the Town Special Prosecutor, and

**BE IT FURTHER RESOLVED**, that this appointment is subject to the receipt from the

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District Attorney of Dutchess County of authorization for the Town Special Prosecutor to prosecute these assigned cases in the Town of North East Justice Court.

**WHEREUPON**, the above Resolution was offered by Councilman John Merwin, and was seconded by Councilman John Midwood and the vote was as follows:

SUPERVISOR KAYE	Voted AYE
COUNCILMAN CAMPBELL	Voted AYE
COUNCILMAN MIDWOOD	Voted AYE
COUNCILMAN MERWIN	Voted AYE
COUNCILMAN MERWIN	Voted ABSENT

This resolution was declared duly adopted on February 11, 2016.

Dated: February 11, 2016  
Millerton, New York

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**LISA COPE**  
**Town Clerk, Town of North East**

**CERTIFICATE OF NEED –**

Mr. Replansky is researching a Certificate of need for operating an ambulance District. The operating body needs a Certificate of Need.

**TOWN OF NORTH EAST TAX CERTIORARI –**

Mr. Replansky asked for a resolution to sign a Tax Certiorari.

**TOWN BOARD OF THE TOWN OF NORTH EAST  
RESOLUTION AUTHORIZING THE ATTORNEY TO THE TOWN TO SIGN A  
CONSENT JUDGMENT IN THE MATTER OF 185 McGHEE HILL LLC v. TOWN OF  
NORTH EAST TAX CERTIORARI PROCEEDINGS FOR 2014 AND 2015**

**WHEREAS**, the Petitioner 185 McGhee Hill LLC has filed tax certiorari proceedings challenging the assessments on its property located at 185 McGhee Hill Road, in the Town of

North East for tax years 2014 and 2015; and

**WHEREAS**, the Attorney to the Town, with the knowledge and consent of the Town Assessor, has negotiated a settlement of the tax certiorari proceedings for both years which will involve a reduction in assessment of \$219,000 for 2014 to \$199,000 and a reduction in the assessment for 2015 from \$219,000 to \$209,000, with a waiver of any refund of the Town's portion of the state, county and town taxes; and

**WHEREAS**, a copy of the proposed Judgment has been provided to the Town Board members and the Town Assessor for their review; and

**WHEREAS**, the Town Board has determined that the settlement of the tax certiorari proceedings on the terms and conditions set forth in the proposed Consent Judgment are fair and reasonable and in the best interests of the taxpayers of the Town of North East.

**NOW, THEREFORE, BE IT RESOLVED**, that Town Board hereby authorizes the Town Attorney to execute the Consent Judgment provided to the Town Board in the same or substantially similar form as is now on file in the Town Clerk's office.

MOTION: James Campbell

SECOND: John Merwin

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

Dated: February 11, 2016  
Millerton, New York

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**LISA COPE**  
**Town Clerk, Town of North East**

EXECUTIVE SESSION –

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

ADOPTED – AYES – 4 (Kaye, Campbell, J. Merwin, Midwood)  
NAYS – 0

RESOLVED, to go into Executive Session. The Board went into Executive Session at 8:15 P.M to discuss litigation matters.

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

ADOPTED – AYES – 4 (Kaye, Campbell, J. Merwin, Midwood)  
NAYS – 0

RESOLVED, to return to regular session at 8:47PM

**General Comment Period:** NONE

**Adjournment:**

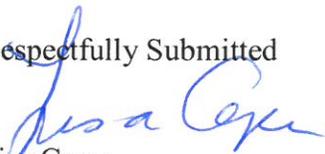
On a motion by Councilman Midwood, seconded by Supervisor Kaye the following was

ADOPTED – AYES – 4 (Kaye, Campbell, J. Merwin, Midwood)  
NAYS – 0

RESOLVED, to adjourn the meeting.

The meeting adjourned at 8:50 P.M.

Respectfully Submitted



Lisa Cope  
Town Clerk

**Approved March 10, 2016**