

**TOWN BOARD, TOWN OF NORTH EAST**  
**BUSINESS MEETING**  
**JULY 16, 2014**

**Members Present:**

Supervisor John Merwin  
Councilman Jim Campbell  
Councilman Ralph Fedele  
Councilman George Kaye

**Members Absent:**

Councilman Steven Merwin

**Call to Order:**

Supervisor 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 Fedele the following was

ADOPTED - AYES - 4 (Merwin, Campbell, Fedele, Kaye)  
NAYS - 0

RESOLVED, to accept the Agenda as presented.

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

**Department and Committee Reports:**

POLICE - No report

HIGHWAY - Superintendent Stevens reported that the Kildonan School has requested that the Town install one crosswalk on Perry's Corners Road and two on Morse Hill Road. Supervisor Merwin advised that he would discuss this matter with Mr. Replansky. Mr. Stevens also informed the Board that the Webutuck School District requested that the Town patch the rear driveway at the Webutuck Elementary School. The School District would pay for the hot mix asphalt.  
A resident of Sawchuck Road has requested a speed limit reduction because it is dangerous getting out of his driveway. Mr. Stevens recommended a reduction to 40 MPH. Superintendent Stevens recommended a speed limit reduction on Rudd Pond Road between Shagroy Road and State Route 22 from 55 MPH to 40 MPH.

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

ADOPTED - AYES - 4 (Merwin, Campbell, Fedele, Kaye)  
NAYS - 0

RESOLVED, To send a request to Dutchess County Department of Public Works for a speed reduction on Sawchuck Road from 55 MPH to 40 MPH.

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

ADOPTED - AYES - 4 (Merwin, Campbell, Fedele, Kaye)  
NAYS - 0

RESOLVED, to send a request to Dutchess County Department of Public Works for a speed reduction on Rudd Pond Road between Shagroy Road and Route 22 from 55 MPH to 40 MPH.

**Highway Committee** - Superintendent Stevens has some recommendations for materials being used at the Highway Garage. Supervisor Merwin indicated that the Board will review the recommendations at the next meeting.

**Public Hearing on Local Law #2 regulating Property Maintenance:**

Supervisor Merwin opened the Public Hearing. Town Clerk Lisa Cope read the notice into the record.

Public comment were made by Dennis Johnson. He had concerns regarding the scope of the law and why a need for it has arisen. He feels that every property could be faulted for one violation or another.

David Sherman said that the law seems to be oriented towards a suburban community not a rural community. He feels that unless you have a specific problem a law should be made to a specific maintenance issue.

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

ADOPTED - AYES - 4 (Merwin, Campbell, Fedele, Kaye)  
NAYS - 0

RESOLVED, to close the Public Hearing.

The Public Hearing closed at 7:15 P.M.

Ken McLaughlin, Building Inspector advised the Board that with rural properties it is hard to determine if the law applies. He feels that enforcing this law needs to be consistent with the district the property is located in. He did indicate that there was a need for this law.

Mr. Replansky informed the Board that the Law was consistent with the New York State Property Maintenance Law.

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

ADOPTED - AYES - 4 (Merwin, Campbell, Fedele, Kaye)  
NAYS - 0

RESOLVED, to table the discussion of the Property Maintenance Law until the August 14, 2014 meeting.

**Public Hearing on Local Law No. #3 of 2014 to Provide a four year term for the elected office of the Town Clerk of the Town of North East:**

Town Clerk Lisa Cope read the notice into the record.

There were no Public Comment.

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

ADOPTED - AYES - 4 (Merwin, Campbell, Fedele, Kaye)  
NAYS - 0

RESOLVED, to close the Public Hearing.

The Town Board adopted the following resolution:

**TOWN BOARD OF THE TOWN OF NORTH EAST**  
**RESOLUTION APPROVING LOCAL LAW NO. 3 OF 2014 SUBJECT TO**  
**MANDATORY REFERENDUM**

**WHEREAS**, the Town Board of the Town of North East has determined that it is in the public interest to extend the term of the elected office of the Town Clerk from two years to four years; and

**WHEREAS**, the attorney to the Town, at the request of the Town Board, drafted proposed Local Law No. 3 of 2014 entitled "A Local Law Providing for a Four Year Term for the Elected Office of the Town Clerk of the Town of North East; and

**WHEREAS**, the Town Board on June 12, 2014 accepted the proposed Local Law for purposes of commencing the local law adoption process; and

**WHEREAS**, the Town Board scheduled a public hearing on said Local Law for July 16, 2014 and take comments from the public with regard to the adoption of the Local Law; and

**WHEREAS**, the Town Board closed the public hearing on July 16, 2014; and

**WHEREAS**, the Town Board has determined that this is a Type II action pursuant to the provisions of SEQRA and does not require environmental review; and

**NOW, THEREFORE**, be it

**RESOLVED**, that the Town Board hereby adopts Local Law No. 3 of 2014 and orders that this Local Law shall be submitted for approval by mandatory referendum to the electors of the Town of North East at the next general Town election to be held on November 4, 2014; and it is further

**RESOLVED**, that the Town Clerk and the Attorney to the Town shall prepare an abstract of the Local Law, together with the proposition which shall be numbered Proposition No. 1 submitting the said Local Law to the electors of the Town of North East to be voted upon at the general election of the Town of North East to be held on November 4, 2014; and be it further.

**RESOLVED**, that this Local Law shall not take effect until such time as the Local Law is approved by a majority of electors voting thereon in accordance with the requirements of §27 of the Municipal Home Rule Law.

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

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

This resolution was declared duly adopted on July 16, 2014.

Dated: July 16, 2014  
Millerton, New York

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

**Public Hearing on Local Law No.4 of 2014 providing a four-year term for the elected office of the Town Supervisor of the Town of North East:**

Town Clerk Lisa Cope read the Notice into the record.

Resident Dennis Johnson stated that he opposes the law to extend the Supervisor's term to four years. The current law has the Supervisor and two Town Councilman up for election every two years and he thinks that this puts checks and balances in place. He also feels that if the law is passed now, the election would take place in a off year and that the Board should wait for the next Presidential election.

On a motion by Councilman Campbell, seconded by Councilman Fedele the following resolution was adopted:

ADOPTED - AYES - 4 (Merwin, Campbell, Fedele, Kaye)  
NAYS - 0

RESOLVED, to close the Public Hearing.

Councilman Kaye indicated that he supports the change to a four year term, but that he understands Mr. Johnson's comments.

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

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

**RESOLUTION APPROVING LOCAL LAW NO. 4 OF 2014 SUBJECT TO  
MANDATORY REFERENDUM**

**WHEREAS**, the Town Board of the Town of North East has determined that it is in the public interest to extend the term of the elected office of the Town Supervisor from two years to four years; and

**WHEREAS**, the attorney to the Town, at the request of the Town Board, drafted proposed Local Law No. 4 of 2014 entitled "A Local Law Providing for a Four Year Term for the Elected Office of the Town Supervisor of the Town of North East; and

**WHEREAS**, the Town Board on June 12, 2014 accepted the proposed Local Law for purposes of commencing the local law adoption process; and

**WHEREAS**, the Town Board scheduled a public hearing on said Local Law for July 16, 2014 and take comments from the public with regard to the adoption of the Local Law; and

**WHEREAS**, the Town Board closed the public hearing on July 16, 2014; and

**WHEREAS**, the Town Board has determined that this is a Type II action pursuant to the provisions of SEQRA and does not require environmental review; and

**NOW, THEREFORE**, be it

**RESOLVED**, that the Town Board hereby adopts Local Law No. 4 of 2014 and orders that this Local Law shall be submitted for approval by mandatory referendum to the electors of the Town of North East at the next general Town election to be held on November 4, 2014; and it is further

**RESOLVED**, that the Town Clerk and the Attorney to the Town shall prepare an abstract of the Local Law, together with the proposition which shall be numbered Proposition No. 1 submitting the said Local Law to the electors of the Town of North East to be voted upon at the general election of the Town of North East to be held on November 4, 2014; and be it further.

**RESOLVED**, that this Local Law shall not take effect until such time as the Local Law is approved by a majority of electors voting thereon in accordance with the requirements of §27 of the Municipal Home Rule Law.

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

SUPERVISOR MERWIN	Voted ABSTAINED
COUNCILMAN CAMPBELL	Voted AYE
COUNCILMAN FEDELE	Voted AYE
COUNCILMAN KAYE	Voted AYE
COUNCILMAN MERWIN	Voted ABSENT

This resolution was declared duly adopted on July 16, 2014.

Dated: July 16, 2014  
Millerton, New York

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

Counsel Replansky will work with the Board to get this to the Board of Elections.

Supervisor Merwin informed Mr. Replansky of the request from the Kildonan School for the cross walks. Superintendent Stevens inform him that he will do further investigation with DOT and see what can be done.

**Presentation of Local Law No. 5 of 2014 on Exceeding the Tax Cap:**

This law will allow the Town to exceed the Tax Cap, because of the EMS service that will have to be paid for by the Town starting in January 2015 budget and exceeding the cap will be necessary. A public Hearing on Local Law No.5 of 2014 will be held on August 14, 2014 at 7:30 P.M.

**Meeting with Counsel:**

**GENERAL LEGAL MATTERS** - Mr. Replansky informed the Board that he received a call from Jim Constantino concerning setting up a transfer station on Town property. There will be further discussion on this issue in the future.

**CABLE VISION** - Mr. Replansky told the Board that the only issue in the revised contract with Cable Vision was section 17.7 regarding equipment to be provided for Channel 22.

**EMS ISSUE** - The Town is ready to approach various vendors of EMS Services. Mr. Replansky advised that the Board set up meetings with two or three vendors that the Town could work with. After these meeting the Board should pick a vendor and have the Accountant Mike Torchia be part of the discussion.

**POLICE CONTRACT** - Counsel Replansky suggested that the Town Board request a meeting with the Village Board to discuss the voucher that the Village had presented

RECREATION CONTRACT -

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

ADOPTED - AYES - 4 (Merwin, Campbell, Fedele, Kaye)  
NAYS - 0

RESOLVED, to authorize Supervisor Merwin to sign the Village Recreational Contract and to inform the Village Board that the Town Board needs to meet with them to discuss the Police Contract. There will be a special meeting with the Village to do so.

**Executive Session:**

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

ADOPTED BY ROLL CALL:

AYE - Supervisor Merwin  
AYE - Councilman Campbell  
AYE - Councilman Fedele  
AYE - Councilman Kaye

RESOLVED, to go into Executive Session for litigation matters.

The Board went into Executive Session at 7:50 P.M.

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

ADOPTED - AYES - 4 (Merwin, Campbell, Fedele, Kaye)  
NAYS - 0

RESOLVED, to return to regular session.

The Board returned to regular session at 8:10 P.M.

**Proposal to Allow Property Taxes to be Paid in Installments:**

Town Clerk Lisa Cope gave a brief over view on possible installment plan for Town Taxes.

**BoardDocs Update:**

BoardDocs a soft ware company gave a presentation concerning there service on the web. Webutack School is using their services to organize the agenda and to go paperless. if there is any interest a Board presentation could be arranged.

**Acceptance of Audit Reports:**

Supervisor Merwin advised the Board that three audits, one for the Justice Court, one for Tax Collector and one for the Town Clerk had been presented with no issues.

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

ADOPTED - AYES - 4 (Merwin, Campbell, Fedele, Kaye)  
NAYS - 0

RESOLVED, to accept the audit reports for the three offices listed above.

**Budget Adjustment # 3, 2014:**

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

ADOPTED - AYES - 4 (Merwin, Campbell, Fedele, Kaye)  
NAYS - 0

RESOLVED, to accept Budget Adjustment #3, 2014.

**Supervisor's Report:**

MONTHLY BILLS ABSTRACT/SPECIAL ABSTRACT -

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

ADOPTED - AYES - 4 (Merwin, Campbell, Fedele, Kaye)  
NAYS - 0

RESOLVED, to approve the Special Abstract dated June 23, 2014 in the following manner:

A Fund - \$3,428.39  
B Fund - \$5,777.81  
DB Fund - \$6,472.80

TOTAL: \$15,679.00

All signed and dated the abstract.

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

ADOPTED - AYES - 4 (Merwin, Campbell, Fedele, Kaye)  
NAYS - 0

RESOLVED, to approve the monthly abstract dated July 16, 2014 in the following manner:

A Fund - \$ 17,024.56  
B Fund - \$ 18,878.43  
DB Fund - \$ 158,500.55

TOTAL \$194,403.56

All signed and dated the abstract.

**Voucher Committee:**

The Voucher Committee for August 2014 will consist of Councilmen Campbell and Fedele and Supervisor Merwin.

**Minutes:**

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

ADOPTED - AYES - 4 (Merwin, Campbell, Fedele, Kaye)  
NAYS - 0

RESOLVED, to accept the minutes of July 7, 2014 as presented.

**General Comment:**

Mr. Dave Sherman said that the law on Property Management should be part of the hearing discussion.

Councilman Kaye asked how the Board was going to resolve the issue of the Police Contract? Supervisor Merwin said a Committee based discussion was the best way to proceed.

**Adjournment:**

On a motion by Councilman Fedele, seconded by Councilman Campbell the following  
WAS

ADOPTED - AYES - 4 (Merwin, Campbell, Fedele, Kaye)  
NAYS - 0

RESOLVED, to adjourn the meeting.

The meeting adjourned at 8:30 P.M.

Respectfully Submitted.

Lisa Cope  
Town Clerk

APPROVED - 08/14/2014