TOWN BOARD, TOWN OF NORTH EAST
SPECIAL MEETING
SEPTEMBER 12, 2012

Members Present:

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

Member Absent:

Councilman Steven Merwin

Call to Order:

Supervisor Merwin called the meeting to order at 4:35 P.M. with the Pledge of Allegiance.

Acceptance of Agenda:

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 Agenda as presented.

Public Comment on Agenda Items Only:

Mr. Robert Trotta, counsel to the Oblong Valley Neighbors Association, was informed that he had five minutes to speak. He asked if this was a new rule, and Supervisor Merwin informed him that it was adopted at the Organizational Meeting. He was awarded a ten minute courtesy period to speak.

Mr. Trotta provided the Board with handouts concerning the appointment of George A. Rodenhausen as the Town Board Counsel on matters relating to the Watershed Proposal.

One of those handouts was a letter from Davis and Trotta Attorneys and Counselors at Law, informing George Rodenhausen that they believe it is a conflict of interest for him to act as proposed counsel to the Town Board in reference to the application of Brooke Lehman.

This letter also advised Counsel Rodenhausen that they are in the process of investigating what appears to be two separate violations of the New York State Open Meeting Law.

Mr. Trotta advised him that the Law Office had proposed a moratorium to the Town Board respecting the following uses: Educational Center, Educational Institutions , Retreat, Hotel, as well as Bed and Breakfast.

Ed Downey, the Attorney for Brooke Lehman informed the Board that he had sent a letter to them outlining his arguments against moratorium legislation.

Ms. Pam Michaud expressed her concern that the previous meeting of the Zoning Board was not conducted properly and that it was inappropriate to hire an attorney before the public has an opportunity to know what is going on.

Councilman George Kaye informed the Board that they need to keep to the time schedule concerning the application.

Councilman Fedele said that the process of the ZBA is not an agenda item of the Town Board.

Securement of Legal Services from George Rodenhausen to represent the Town Board in matters relating to the Water Shed Proposal:

Supervisor Merwin indicated that Mr. Rodenhausen is familiar with all materials relating to the Water Shed Proposal.

Councilman Kaye pointed out that Mr. Replansky had represented the different Boards of the Town in the past and he does not see why it is a conflict of interest now.

Councilman Fedele spoke of the cost effectiveness of hiring Mr. Rodenhausen.

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

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

RESOLVED, to secure the services of George Rodenhausen to represent the Town Board in matters relating to the Watershed Proposal.

Executive Session:

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

ADOPTED BY ROLL CALL:

AYE – J. Merwin
AYE – R. Fedele
AYE – J. Campbell
AYE – G. Kaye

RESOLVED, to go into Executive Session to get advice of Counsel.

The Board went into Executive Session at 5:02 P.M.

On a motion by Councilman Fedele, seconded by Councilman Kaye 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 5:35 P.M.

County Legislator David Sherman's Report:

County Legislator Sherman reported to the Board that the next phase of the Rail Trail is going to commence. He also informed them that five new members of the Dutchess County Board of Ethics had been appointed. Mr. Sherman went on to describe different proposed Local Laws being considered and resolutions for budget adjustments.

General Comment Period:

Mr. Trotta asked Mr. Sherman about the County Ethics Law, and asked if he would provide him with a copy.

Adjournment:

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

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

RESOLVED, to adjourn the meeting.

The meeting adjourned at 5:57 P.M.

Respectfully Submitted,

Ellen Owens
Deputy Town Clerk

APPROVED – 10-11-12