

**TOWN OF NORTH EAST
TOWN BOARD
FEBRUARY 8, 2018**

Members Present:

Supervisor George Kaye
Councilman Ralph Fedele
Councilman John Merwin
Councilman Chris Kennan
Councilman John Midwood

Members Absent:

Call to Order:

Supervisor Kaye called the meeting to order at 7:00 PM.

Acceptance of Agenda

Supervisor Kaye stated that there were some amendments to the agenda:

- 1) Completed Millerton Pedestrian Plan
- 2) Revisions to Employee Handbook
- 3) Town has received the quick claim deed to the property that was purchased for the Town/Highway Garage
- 4) JCAP Grant

On a motion made by Councilman Merwin, seconded by Councilman Kennan it was:

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

RESOLVED, to accept the agenda as amended.

Public Comment on Agenda Items Only

MaryLynn Kalogeras asked what the procedure is with regard to appointing individuals to the Boards and if the Town Board is familiar with the people.

Supervisor Kaye explained that with regard to the Comprehensive Plan appointment it was a replacement of a Village member with a person who is also currently a member of the Village of Millerton Planning Board.

Supervisor Kaye explained that Planning Boards can be tasked with the process of doing the entire Comprehensive Plan. It was chosen not to go that route because it only shows one aspect of the entire spectrum of both the Village and Town. However, representation from the Planning Boards must be on the Comprehensive Plan Committee.

Supervisor Kaye explained that with regard to the Planning Board position for the Town it was published in the paper, posted at the Post Office and on the Town website. Three different people put in applications for this position and the entire Town Board interviewed the individuals and voted on the appointment.

Supervisor Kaye explained that in certain instances a specific type of person may be being sought to represent a certain part of the community.

Bill Kish asked if there was a meeting where the Planning Board member was voted upon.

Supervisor Kaye explained that there was a special meeting, which was advertised, where the Board went into executive session to interview the applicants for the Planning Board. The entire Board was present at said meeting.

Ms. Kolageras asked if the Town Attorney could come at the end of the meetings.

Supervisor Kaye explained that in certain instances there are public hearings and the need for the attorney to be there is important and to keep him until the end wouldn't be cost effective.

Department and Committee Reports

POLICE – Dave Rudin informed the Board that there were 40 incidents in the month of January; 14 in the Town, 26 in the Village that included 2 arrests in the Village and one in the Town.

A member of the audience asked Officer Rudin how much, if any, has narcotics increased in the community.

Officer Rudin stated that rescue squad calls for overdoses have gone down in this area. As far as drug activity, many of the community's drug dealers have been arrested or moved out of the community.

HIGHWAY – Superintendent Stevens informed the Board that the results of the surplus equipment were as follows:

- 1) 2003 John Deere loader the bid was \$31,500 and he recommends the Board accept this offer.
- 2) Hydraulic wheel loader forks the bid was \$1,925.00 and he recommends the Board accept this offer.
- 3) 2000 York Broom the bid was \$240 which he recommends making a \$500 counter offer.
- 4) The used tires bid was \$330 and he would recommend the Board accept this offer.

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

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

RESOLVED, to accept the bids with the exception of the broom and counter on that bid for \$500.

Superintendent Stevens presented the Board with the bid for on road diesel and 89 Octane gasoline. Only one bid was received from Botini fuel which is the Town's current supplier. The price went up two cents per gallon from last year.

Town Clerk Cope explained that at the bid opening on January 18, 2018 they did not have bids in hand. Superintendent Stevens then called the two companies he knew he would get bids from and was informed by Botini that they had over-nighted a bid to the Town which was to arrive on January 17, 2018. However, due to the fact that the Town Hall was closed on January 17, 2018 due to a snow closure.

Town Clerk Cope spoke with Town Attorney Replansky and explained the situation. Attorney Replansky stated that if the bid was acceptable and due to the fact that it was over-nighted and due to arrive on the bid date it can be an acceptable bid.

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

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

RESOLVED, to accept the bid made by Botini.

Superintendent Stevens addressed a complaint that was received by the Town with regard to a Town truck being seen in Stanfordville on February 7, 2018. He stated that the facts are that he took a driver to Stanfordville yesterday to pick up a plow truck and no stops were made by either truck going to or coming back.

Councilman Fedele thanked Superintendent Stevens for providing him with the schedule showing the life span of equipment.

PLANNING, ZONING & BUILDING - Written reports were made available to the Board.

ASSESSOR – A written report was provided and read by Town Clerk Cope.

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

COMMITTEE ACTIVITY – No reports

Councilman Midwood discussed the possibility of having the Town provide \$2,400 in taxpayer dollars towards equipment to be used for recording meetings. This would be in conjunction with \$2,600 the

Town received in a grant. He would prefer to have the system set up right and not have to upgrade in order to provide a quality product.

Councilman Midwood stated that he has researched equipment and his vision is to have a camera mounted in such a way so as to show the whole Board in the video. The goal would be to have a system that can be controlled by a remote and suspended in a way to show the whole Board and to acquire such a system would be difficult to be purchased for under \$5,000.

Supervisor Kaye asked Councilman Midwood to gather more exact figures and present them to the Board.

Councilman Fedele stated that he was concerned with the proposed angle of the camera. He felt that with the way the Board is seated it wouldn't give a clear view of who is speaking.

Councilman Midwood explained that he is trying to be creative with the space and its limitations.

Councilman Midwood stated that the cost would include the camera, equipment mounted, installation and remote.

Councilman Midwood stated that the previous system was extremely time consuming.

Councilman Kennan asked if other Towns have the ability to show the audience.

Councilman Midwood explained that they do however these Towns have a very large annual budget.

7:15 PM Public Hearing on Local Law No 1 of 2018 to Amend Article IV, Section 155-12(C) of the Town Code to Extend the Cold War Veterans Real Property Tax Law Exemption

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

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

RESOLVED, to open the Public Hearing at 7:15 PM.

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

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

RESOLVED, to close the Public Hearing.

TOWN BOARD OF THE TOWN OF NORTH EAST

RESOLUTION ADOPTING LOCAL LAW NO. 1 OF 2018

WHEREAS, Section 458-b of the New York Real Property Tax Law (“N.Y. RPTL”) provides an exemption from taxation to qualified residential real property owned by Cold War Veterans and/or qualified owners for a period of ten years provided municipalities adopt a local law authorizing the same; and

WHEREAS, Chapter 155, Article IV of the Town Code established an exemption from real property taxes for Cold War Veterans in accordance with Section 458-b of the N.Y. RPTL with a ten year limitation; and

WHEREAS, recent amendments to Section 458-b of the N.Y. RPTL provide that municipalities may adopt a local law providing that the exemption authorized by this section shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners, without regard to a ten year limitation; and

WHEREAS, the Town Board desires to extend the aforementioned exemption in accordance with the statutory amendments to Section 458-b of the N.Y. RPTL, which became effective on September 12, 2017; and

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WHEREAS, the Attorney to the Town has drafted a proposed Local Law amending Article IV, Section 155-12(C) of the Town Code to extend the Cold War Veterans exemption, as provided in the recent amendment to Section 458-b of the New York RPTL; and

WHEREAS, the Town Board duly noticed, advertised and conducted a public hearing on the adoption of said Local Law on February 8, 2018; and

WHEREAS, there was no opposition to the passage of said Local Law and the Town Board members have determined that the passage of the Local Law is in the best interest of the Town of North East and its veterans.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby adopts Local Law No. 1 of 2018; be it further

RESOLVED, that the Town Clerk is directed to file a copy of the said Local Law with the Department State as required by law.

This motion was offered by Town Board member Chris Kennan and was seconded by Town Board member John Midwood.

MOTION: Chris Kennan
SECOND: John Midwood

SUPERVISOR KAYE	Voted	AYE
COUNCILMAN FEDELE	Voted	AYE
COUNCILMAN KENNAN	Voted	AYE
COUNCILMAN MERWIN	Voted	AYE
COUNCILMAN MIDWOOD	Voted	AYE

The Resolution was carried by a 5-0 vote of the Town Board members on February 8, 2018.

Lisa Cope,
Town Clerk, Town of North East

Acceptance of the Pledge to Become a Climate Smart Community

Councilman Kennan explained that the climate smart program is a program of NYS to involve municipalities in taking steps to reduce greenhouse gas emissions and to help municipalities adapt to a changing climate. This program has been around for some time. It involves taking a pledge to take a series of steps involving assessing the natural resources of the Town and finding ways as the Town moves forward to be sensitive to climate issues in its planning.

Councilman Kennan feels that this is very relevant to the Comprehensive Plan update. The first step in the process is to actually pledge to pursue the process. There are no mandates other than finding out what the Town has and working to factor in climate issues in planning and building etc. as the Town goes forward. Having taken the pledge it enables the Town to receive a grant that would go towards doing an assessment of its resources.

Councilman Kennan would recommend that the Town enter a pledge.

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

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

RESOLVED, to accept the climate smart community pledge.

TOWN BOARD OF THE TOWN OF NORTH EAST

**RESOLUTION ADOPTING TOWN OF NORTH EAST CLIMATE SMART COMMUNITIES
PLEDGE**

WHEREAS, The Town of North East believes that climate change poses a real and increasing threat to our local and global environments and is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods, harm our farms, orchards and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, The Town believes that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, The Town believes the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, The Town believes that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come.

NOW, THEREFORE, be it

RESOLVED, the Town of North East, in order to reduce greenhouse gas emissions and adapt to a changing climate, adopts the New York State Climate Smart Communities Pledge, which comprises the following ten elements:

1. Pledge to be a Climate Smart Community.
2. Set goals, inventory emissions, plan for climate action.
3. Decrease community energy use.
4. Increase community use of renewable energy.
5. Realize benefits of recycling and other climate-smart solid waste management practices.
6. Reduce greenhouse gas emissions through use of climate-smart land-use tools.
7. Enhance community resilience and prepare for the effects of climate change.
8. Support development of a green innovation economy.
9. Inform and inspire the public.
10. Commit to an evolving process of climate action.

This motion was offered by Town Board member Chris Kennan and was seconded by Town Board member John Midwood.

MOTION: Chris Kennan
SECOND: John Midwood

SUPERVISOR KAYE	Voted AYE
COUNCILMAN FEDELE	Voted AYE
COUNCILMAN KENNAN	Voted AYE
COUNCILMAN MERWIN	Voted AYE
COUNCILMAN MIDWOOD	Voted AYE

The Resolution was carried by a 5-0 vote of the Town Board members on February 8, 2018.

Lisa Cope,
Town Clerk, Town of North East

Resolution Authorizing the Town of North East Supervisor to Enter Into an Agreement Amending the Inter-municipal Agreement for Equipment Sharing of the Bucket Truck Dated March 3, 2016

Supervisor Kaye explained that this bucket truck was originally a shared service between Milan, Rhinebeck and Clinton. They had received from the County \$194,000 for the purchase of the bucket truck and for legal issues that were involved. At the time, the Town believed it had access to a bucket truck however this may not be the case.

Supervisor Kaye stated that he then approached the other Towns to see if we could become a partner on the bucket truck. This would entail the legal drafting of documents, receiving the approval to join from the aforementioned Towns and the costs for insurance and repairs as needed.

Mr. Replansky explained he has passed this by County Planning and they have not offered any comments or critiques. So this IMA needs to be signed and sent to the other municipalities.

TOWN BOARD OF THE TOWN OF NORTH EAST

RESOLUTION AUTHORIZING THE TOWN OF NORTH EAST SUPERVISOR TO ENTER INTO AN AGREEMENT AMENDING THE INTERMUNICIPAL AGREEMENT FOR EQUIPMENT SHARING OF THE BUCKET TRUCK DATED MARCH 3, 2016

WHEREAS, the Towns of Milan, Clinton and Rhinebeck have entered into an Intermunicipal Agreement for Equipment Sharing of a Bucket Truck dated March 3, 2016, a copy of which is annexed hereto as Schedule "A"; and

WHEREAS, the Town of North East has expressed a desire to participate in the IMA as a party to the same in accordance with the terms and conditions set forth in said IMA as amended by an Amendment to said IMA, a copy of which is annexed hereto; and

WHEREAS, the Towns of Milan, Clinton and Rhinebeck have indicated their willingness to allow the Town of North East to participate as a fourth party to the IMA under the same terms and conditions as set forth in the March 3, 2016 IMA, as modified by the Agreement annexed hereto as Schedule "B"; and

WHEREAS, the County of Dutchess has indicated its willingness to allow the Town of North East to participate in the IMA as a party, subject to the original terms of the IMA dated March 3, 2016 and as amended by the Agreement annexed hereto as Schedule "B".

NOW, THEREFORE, be it

RESOLVED, that the Town Supervisor is hereby authorized to execute the said Amendment to the IMA dated March 3, 2016 and Robert Stevens, the Town Highway Superintendent is hereby designated as Project Facilitator for purposes of participating in the IMA and the sharing of the said bucket truck in accordance with the terms of the same; and it is further

RESOLVED, that this is a Type II action under SEQRA which does not require environmental review.

This motion was offered by Town Board member John Merwin and was seconded by Town Board member Chris Kennan.

MOTION: John Merwin
SECOND: Chris Kennan

SUPERVISOR KAYE	Voted	AYE
COUNCILMAN FEDELE	Voted	AYE
COUNCILMAN KENNAN	Voted	AYE
COUNCILMAN MERWIN	Voted	AYE
COUNCILMAN MIDWOOD	Voted	AYE

The Resolution was carried by a 5-0 vote of the Town Board members on February 8, 2018.

Lisa Cope,
Town Clerk, Town of North East

Meeting with Counsel

Executive Session Involving Litigation Matters

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

ADOPTED BY ROLL CALL:

Supervisor Kaye –	AYE
Councilman Midwood -	AYE
Councilman Fedele -	AYE
Councilman Merwin -	AYE
Councilman Kennan -	AYE

RESOLVED, to enter into executive Session to discuss a tort case.

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

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

RESOLVED, to return to session.

Approval of the Insurance Policy Renewal and Authorization to Contract

Supervisor Kaye explained that the Town’s insurance provider has submitted a quote for 2018. It has increased by \$130 from last year.

Supervisor Kaye stated that the agent has proposed the possibility of an optional coverage increasing the premium for dishonest employee coverage from the current limit of \$100,000 to \$500,000. This would be at an additional premium of \$478.

Supervisor Kaye stated his opinion is that due to the fact that the Town has regular quarterly audits and has good checks and balances in place that this may not be necessary.

It was the consensus of the Board to remain at \$100,000.

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

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

RESOLVED, to accept the proposal from Glatfelter for a renewal cost of \$30,315 for the year.

Appointment of New Planning Board Member

Supervisor Kaye stated that the Board as a whole interviewed three people. All were very good candidates and would like to keep those that were not selected for this appointment in mind for other possibilities.

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

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

RESOLVED, to appoint Dan Sternberg to the Town Planning Board.

Appointment of Patti Lynch-VandeBogart to Replace Lance Middlebrook on Comprehensive Plan Committee

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

ADOPTED – AYES – 5 (Kaye, Merwin, Midwood, Fedele, Kennan)

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NAYS – 0

RESOLVED, to appoint Patti Lynch-VandeBogart to the Comprehensive Plan Committee.

Millerton Pedestrian Plan

Councilman Midwood informed the Board that the Committee met for about three hours a month for the past year. They worked with the Dutchess County Transportation Council. The final product is a 92 page document.

Councilman Midwood stated that the idea is to have this added as an addendum to the Comprehensive Plan. This document can be adopted by the Village and Town so grants can be applied for.

Councilman Fedele stated that in order to implement this it will take a lot of money which the Town and Village do not have.

Councilman Midwood explained that this document can be used to apply for grants. He suggested the Town and Village hire a grant writer. He stated that this is a Town and Village issue because the Village is the commercial center of the Town.

The Pedestrian Plan will be posted on the Town's website.

Revisions to Employee Handbook

Supervisor Kaye explained that in discussion with Highway Superintendent Mr. Stevens some revisions to the current handbook as it pertains to highway department summer work hours needed to be made. The revision to be made is as follows:

The Highway department will operate under a four day summer work schedule for the period beginning the first Monday in May until the last Friday in August. This schedule will consist of four 10 hour days from 6AM until 4:30 PM Monday thru Thursday with a half hour lunch break.

Supervisor Kaye explained that the next item to be changed was the usage of vacation leave credits. These credits may no longer be used in increments of less than one hour. In the past it has read that time off needed to be taken off in increments of four hours. This does not work necessarily if someone just needs a couple of hours for an appointment or for part time employees. This now allows time to be taken off in one hour increments.

Supervisor Kaye explained that the last issue to be addressed is the paid leave for cancer screening. This is in relation to a new NYS law. In the past it only stated it was for breast cancer and prostate cancer screening.. It is now inclusive of screening for all cancer screenings.

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

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

RESOLVED, to institute those changes to the Employee Handbook.

Quick Claim Deed to the New Highway Garage Property

Supervisor Kaye announced that the Town has received the quick claim deed for the property on Route 22 that is proposed for the joint highway garage with the Village. Now plans can be made for this project,

The total cost for the property was \$6,582.12

JCAP Grant

Supervisor Kaye explained that the Town Court has received a grant for half the purchase and installation for a heat pump for the courtroom. The grant is for \$2,404 and the Town will need to come up with the rest of the funds.

Announcement of New CDBG Grant to make Town Hall Entrance Way and Door Ways ADA Compliant

Supervisor Kaye explained that the Town and Village applied for a grant jointly for the amount of \$189,700. The CDBG grant amount available for all of municipalities in Dutchess County was \$875,000. There were 13 different applications for grants with a total of 7 being chosen. Amongst those seven the Town and Village's was chosen and will receive a total \$161,000.

Supervisor Kaye stated that the Town's share will be about \$55,000 the remainder is for the Village because what needs to be done in the Village is more extensive. The Town's portion will cover approximately 85%.

Supervisor Kaye explained that the scope of the work at the Town Hall will include the widening of the downstairs bathroom door, new front door with a ramp, widening of interior doorways.

Supervisor's Report

Monthly Bills/Abstracts/Special Abstracts

Supervisor Kaye presented Budget Adjustment #9 of 2017.

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

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

RESOLVED, to accept Budget Adjustment #9 of 2017.

Supervisor Kaye presented Special Abstract dated December 29, 2017 totaling \$1,872 broken down as follows:

Special Unemployment - \$1,872
Total -\$1,872

On a motion made by Councilman Merwin, seconded by Councilman Kennan the following was

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

RESOLVED, to accept Special Abstract dated December 29, 2017.

Supervisor Kaye presented Special Abstract dated January 24, 2018 totaling \$7,766.37 broken down as follows:

A Fund - \$3,153.77
B Fund - \$4,402.45
Payroll T&A - \$210.15
Total -\$7,766.37

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

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

RESOLVED, to accept Special Abstract dated January 24, 2018.

Supervisor Kaye presented Abstract dated December 31, 2017 totaling \$10,311.58 broken down as follows:

A Fund - \$2,727.00
B Fund - \$1,025.34
DB Fund - \$5,591.50
T&A2 Escrow - \$967.74
Total -\$10,311.58

On a motion made by Councilman Kennan, seconded by Councilman Fedele the following was:

ADOPTED – AYES – 5 (Kaye, Merwin, Midwood, Fedele, Kennan)

NAYS – 0

RESOLVED, to accept Abstract dated December 31, 2017.

Supervisor Kaye presented Abstract dated February 8, 2018 totaling \$99,553.95 broken down as follows:

A Fund - \$45,720.51
B Fund - \$5,388.72
DB Fund - \$48,444.72

Total -\$99,553.95

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

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

RESOLVED, to accept Abstract dated February 8, 2018.

Voucher Committee for March 2018

Councilmen Fedele and Midwood.

Approval of Minutes from Previous Meetings

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

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

RESOLVED, to accept the January 11, 2018 minutes with minor corrections.

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

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

RESOLVED, to accept the January 31, 2018 minutes with minor correction.

General Comment Period

Supervisor Kaye announced that there is still an opening on the BAR. The candidate must be 18 years of age, knowledge of property values, a US citizen and a resident of the Town. The appointee must attend training sessions, receive certification and must be available to hear complaints on grievance day and any other days the Board meets to make determinations.

Mr. Kish asked if the Board went into Executive Session to discuss a proposed, pending or current court case.

Supervisor Kaye stated that it is case that is almost settled and the Board discussed what occurred in the session and how to handle such a case in the future.

Mr. Kish asked if there was anything discussed in the Executive Session that would put the Town in jeopardy of not winning the case.

Supervisor Kaye explained that it might have put the Town in jeopardy of not winning future cases.

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Adjournment

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

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

RESOLVED, to adjourn at 8:35 PM.

Respectfully Submitted,

Lisa Cope
Town Clerk

Approved: March 8, 2018