

**TOWN OF NORTH EAST
TOWN BOARD
MARCH 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 removed Agenda Item #8 (Announcement of Settlement on Peaceful Valley Tax Certiorari Case) due to the fact that the settlement has not been made at this time.

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

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

RESOLVED, to accept the agenda as amended.

Public Comment on Agenda Items Only

There were no comments.

Department and Committee Reports

HIGHWAY – Superintendent Stevens informed the Board that as part of the equipment replacement program the next piece to be replaced is the 18 year old plow truck. He has a quote for the replacement of that truck for \$249, 145.

Superintendent Stevens explained that \$125,000 of that would be done through a three year bond and the remainder would come out of the Highway Funds. There would be no effect on the taxes.

Supervisor Kaye explained that the Town is currently on a three year bond for a truck that will come off at the end of this year. The first payment on the new truck would be due in 2019; it doesn't increase anything on the budget.

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 accept proposal as outlined by Superintendent Stevens for the purchase of replacement plow truck.

**A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF A STATUTORY
INSTALLMENT BOND OF
THE TOWN OF NORTH EAST, DUTCHESS COUNTY, NEW YORK,
TO PAY THE COST OF ACQUISITION OF HIGHWAY EQUIPMENT FOR SAID
TOWN, TO WIT:**

**2019 International Model HV513 6 x 4 Cab & Chassis with Plow, Wing and
Combination Dump Body/Spreader**

WHEREAS, this Board desires to authorize a Statutory Installment Bond for the financing of the purchase of a 2019 International Model HV513 6 x 4 Cab & Chassis with Plow, Wing and Combination Dump Body/Spreader (hereinafter “the Equipment”); and

WHEREAS, this Board, by resolution, authorized the purchase of the Equipment per the Onondaga County Contract #7823.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of North East, Dutchess County, New York as follows:

Section 1. The maximum estimated cost of the Equipment, including incidental expenses to be incurred in connection therewith, is \$249,145.00.

Section 2. The plan for the financing of the purchase is as follows: (a) by the issuance of a General Obligation Statutory Installment Bond of the Town of North East, hereby authorized to be issued pursuant to the Local Finance Law in the maximum amount of \$125,000.00; and by the expenditure of \$124,145.00 from the 2018 Highway Fund.

Section 3. The Statutory Installment Bond will be dated on a date to be determined by the Town Supervisor, and will mature no more than three (3) years following the date of execution of the Bond with prepayment received and will bear interest in the name of the Town of North East by the Town Supervisor and by the Town Clerk and will be sealed with the Corporate Seal of the Town of North East.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid object or purpose is three (3) years, pursuant to Section 11.00 of the Local Finance Law. It is further determined that the maximum maturity of the Bond herein authorized will not exceed three (3) years.

Section 5. The faith and credit of said Town of North East, Dutchess County, New York, are hereby irrevocably pledged to the payment of the principal of, and interest on, such Bond as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of, and interest on, such Bond becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of, and interest on, such Bond as the same become due and payable.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of, and to sell, Bond Anticipation Notes in anticipation of the issuance and sale of the Statutory Installment Bond herein authorized, including renewals of such Note is hereby delegated to the Town Supervisor, the Chief Fiscal Officer. Such Notes shall be of such terms, form and content, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 7. The powers and duties of advertising such Bond of sale, conducting the sale, and awarding the Bond are hereby delegated to the Town Supervisor, who shall advertise such Bond for sale, conduct the sale, and award the Bond in such a manner as he shall deem best for the interests of the Town; provided, however, that in the exercise of the delegated powers, he shall comply fully with the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of Municipal Bonds. The receipt of the Town Supervisor shall be a full acquittance to the purchaser who shall not be obliged to see to the application of the purchase money. The Town Supervisor shall be authorized to execute any and all documents and to perform any and all steps necessary to obtain financing incident to this purchase.

Section 8. This Resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this Resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such Bond, and Bond Anticipation Notes, may be contested only if:

(1) Such Bond is authorized for an object or purpose for which said Town is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication, or

(3) Such Bond is authorized in violation of the provisions of the Constitution.

Section 10. This action is a Type II action pursuant to Part 617 of the Rules and Regulations implementing the State Environmental Quality Review Act (SEQRA).

Section 11. This Resolution shall take effect immediately pursuant to Section 35.00(5)(2), and shall be published, in full, in the official paper, together with a Notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call on March 8, 2018 which resulted as follows:

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

The Resolution was thereupon declared duly adopted March 8, 2018.

LISA COPE, TOWN CLERK

Superintendent Stevens presented Morris Associates cost estimate for the road drainage along Irondale Road. He explained that there will be a tremendous amount of drainage work done. Morris Associates has submitted two options to NYSDOT. Option One is to install two new basins in the State right of way and replacing two of the State's basin. Option One is acceptable to the State. Option Two is to run seven basins on each side of Irondale Road to connect into the State right of way. The State would like more information from Morris Associates on this Option in the form of a hydraulic analysis and additional topographic mapping. These studies would cost \$4,600. If the project does move forward there would be an additional cost of \$3,200 for drainage easements.

Superintendent Stevens explained that these additional costs would only apply to Option Two.

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 cost estimates of Morris Associates as presented by Superintendent Stevens.

ASSESSOR – No report available

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

POLICE – Officer Dave Rudin stated that for February there were 41 incidents, 26 in the Village, 15 in the Town. There were 2 arrests in Village and 2 in the Town. One arrest was a DWI that also involved a criminal mischief charge.

In 2017 there were three more incidents overall.

TOWN CLERK – A written report was made available

DOG WARDEN – A written report was made available

COMMITTEE ACTIVITY – Councilman Kennan gave a report on Climate Smart Community. He explained that the Town has made the pledge and the second step is to assign a task force to follow up on that pledge through various ways. One of the options suggested in assigning a task force is to use the Conservation Advisory Committee (CAC) as the task force. Councilman Kennan believes this would be an appropriate committee to become the task force.

Councilman Kennan explained that the purpose of the task force is to help the local government to find the objectives to develop a climate action plan, to contribute technical expertise and other resources to help the local government complete the plan and to assist with the engagement with the public in the creation and implementation of the plan.

Councilman Kennan stated that he met with CAC Chairman Diane Engelke and she agreed that the CAC would be the best task force.

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 designate the Conservation Advisory Committee as the Climate Smart Community task force, to follow up on the Climate Smart Community Pledge that was adopted at the February 8, 2018 meeting of the Town Board.

Edie Greenwood reported to the Board that the Comprehensive Plan Update Committee has received 174 survey results and handed out approximately 6 hard copies. The goal is to get over 400.

Supervisor Kaye thanked the Town Highway Department for an excellent job in the past two snow storms. There were six road closures due to downed trees and wires. There were some roads that were closed due to drifts.

Adoption of Parkinson's Awareness Month Proclamation

Clerk Cope read the proclamation into the record.

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 declare April 2018 Parkinson's Awareness Month.

Presentation and Discussion of the Video Equipment for Taping and Broadcasting Future Town Board Meetings

Councilman Midwood stated that the current video equipment is 15 years old and operates on VHS and is outdated. He is proposing that the Town use the \$2,600 the Town has available through Optimum to update the equipment. He was able to get all of the proposed updated equipment for under the \$2,600 and wouldn't need to use any tax dollars

Councilman Midwood is proposing to purchase a Sony Handicam Camcorder 4K which is the latest technology, a tripod, a case, laptop, mouse, headphones and laptop case. A camcorder microphone would be needed to link the sound system to the camcorder.

Councilman Midwood proposed that a Town of North East Facebook page be created and that would require the purchase of the laptop. Within the Facebook page, postings regarding meetings, special meetings, vacancies on various Boards, travel advisories, weather closures, community events etc. could be posted. Town Board meetings could be made available as well through a Facebook page via YouTube.

Councilman Midwood stated that he already has volunteers that have expressed interest in recording meetings and setting up equipment.

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

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

RESOLVED, to allocate the \$2,600 granted by Optimum for the purchase of the aforementioned equipment for the purpose of recording Town Board meetings.

Councilman Midwood stated that the Millerton Pedestrian Plan has been completed and he has a two page summary. He feels that the Town should consider adopting the plan; it does cover parts of the Town. He feels that if the Town and Village have adopted the Pedestrian Plan it would benefit the Village in moving forward and obtaining grants. This Pedestrian Plan will become part of the Comprehensive Plan.

It was suggested that Councilman Midwood prepare a presentation for the next Town Board meeting and maybe at that meeting the Board could adopt it.

Mr. Replansky suggested that a copy of the Pedestrian Plan be forwarded to the Comprehensive Plan Committee and that it will need to be adopted by the Town Board with a resolution which he can have prepared for the next Board meeting.

Councilman Fedele asked if the implementation of the Pedestrian Plan is essentially a Village concern.

It was explained that there are parts of the Town included in the Pedestrian Plan.

Mr. Replansky stated that it is a joint plan between the Village and Town.

Meeting with Counsel

General Legal Matters

Mr. Replansky stated that a decision was received from the Appellate Division in the Town of North East v. Vitiello case. The Court found in favor of the Town.

Mr. Replansky informed the Board that he has been in touch with the Attorney for the Town of Milan regarding the IMA and skidsteer loader. He had some concerns and forwarded those to Milan's Attorney but hasn't heard back yet due to weather affecting communications. He believes the issues are easy to remedy.

Supervisor Kaye stated that he forwarded a request form and IMA between the Town and the Village regarding a joint fueling station to Mr. Replansky.

Mr. Replansky stated that he has a call into Dutchess County Planning with regard to lead agency issues. He needs to see what the County would want to see in the IMA, who they would want as lead agency.

Supervisor Kaye stated that since it's a Town owned property the Town would most likely be deemed lead agency.

Executive Session

Mr. Replansky stated that there is an update on some pending litigation matters and a contractual issue.

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

ADOPTED BY ROLL CALL:

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

RESOLVED, to enter into executive Session at 7:40 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 return to session at 7:55 PM.

Supervisor’s Report

Monthly Bills Abstract/Special Abstracts

Supervisor Kaye presented Special Abstract dated February 23, 2018 totaling \$7,521.34 broken down as follows:

A Fund - \$2,908.74
DB Fund - \$4,402.45
Payroll T&A - \$210.15
Total - \$7521.34

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 February 23, 2018.

Supervisor Kaye presented Special Abstract dated February 26, 2018 totaling \$297.08 broken down as follows:

B Fund - \$297.08
Total -\$297.08

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

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

RESOLVED, to accept Special Abstract dated February 26, 2018.

Supervisor Kaye presented Abstract dated March 8, 2018 totaling \$280,226.58 broken down as follows:

A Fund - \$89,212.59
B Fund - \$94,359.77
DB Fund - \$96,654.22
Total -\$280,226.58

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 March 8, 2018.

Supervisor Kaye presented Budget Adjustment #1 of 2018.

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 #1 of 2018

Voucher Committee for April 2018

Councilman Merwin and Councilman Kennan

Approval of Minutes from Previous Meetings

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 accept the minutes of February 8, 2018

General Comment Period

Bill Kish asked if the Board could provide any information about what was discussed in Executive Session without violating the need for confidentiality.

Supervisor Kaye stated that there was a discussion regarding a case of new litigation.

Supervisor Kaye stated the he had asked Mr. Replansky to give a short synopsis for the new Board members regarding some ongoing litigation.

Adjournment

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

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

RESOLVED, to adjourn at 8:02 PM

Respectfully Submitted,

Lisa Cope
Town Clerk

Approved: April 20, 2018