

**TOWN OF NORTH EAST  
TOWN BOARD  
MINUTES  
April 20, 2018**

**Councilman Present:**

Supervisor Kaye  
Councilman Merwin  
Councilman Fedele  
Councilman Kennan  
Councilman Midwood

**Call to Order:**

Supervisor Kaye called the meeting to order at 4:30PM.

**Acceptance of Agenda:**

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

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

RESOLVED, to accept the agenda as amended.

**Public comment on agenda items only:**

Councilman Midwood explained that the Town is now videoing Town Board meetings so members of the public should be mindful that their conversations may be recorded by the equipment.

**Department and Committee Reports**

**HIGHWAY** - Superintendent Stevens stated that he is looking for authorization to advertise surplus equipment for sale on Auctions International.

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

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

RESOLVED, to authorize the advertisement for sale of surplus equipment.

Superintendent Stevens informed the Board that the body of the all season dump body on the 2005 International plow truck needs to be replaced. It was refurbished six years ago and the truck will be in service for another seven years. The quote he received is for \$36,665.00.

Superintendent Stevens informed the Board that the money is already in the Highway Fund.

A motion was made by Councilman Midwood, seconded by Councilman Kennan, the following was:

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

RESOLVED, to authorize Superintendent Stevens to have the necessary work completed on the 2005 International plow truck.

Superintendent Stevens informed the Board that for the 2018 snow and ice control 90 percent of the sand and salt budget has been used. In September he will be asking the Board to transfer some money to get the Highway Department through the first of the new year.

Superintendent Stevens also informed the Board that 65 percent of the overtime has been used.

**ASSESSOR** – Assessor Johnson was present but did not have a report but does have an agenda item.

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

**TOWN CLERK** – Clerk Cope informed the Board that Dog Control Officer Prentice has asked for an increase on the impound fee.

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

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

RESOLVED, to accept the increase of fees for dog impoundment.

Clerk Cope announced that Deputy Town Clerk Michelle Lull has resigned from the position and the position has been advertised. Clerk Cope thanked Ms. Lull for her service and commended her on an excellent job.

**COMMITTEE ACTIVITY** – No report

### **Update on Culvert Replacement on Lower Mill Road**

Supervisor Kaye stated that this has been an ongoing issue. The Town was awarded \$225,000 for culvert replacement for Mill Road. Originally, when the Town submitted its plans to DEC the plans were accepted then after the award was received new stipulations were added by DEC and the Town has been trying to comply with them ever since.

Supervisor Kaye explained that the DEC is requiring a monitor be on site for bog turtles. He stated that where the culvert is being put is in flowing water going under the culvert and bog turtles do not inhabit flowing water courses. The habitat in the wetlands may be an environment for bog turtles. Having the monitor on site full time is an added expense.

Supervisor Kaye further explained that the DEC has put other stipulations and would not agree to the plan. When the DEC was asked by the Town what the stipulations were, the DEC could not explain them so it was impossible for the Town to meet what the DEC could not explain.

After much discussion with the DEC, the DEC has agreed to the Town's plan. The Town is now waiting for DEC to issue a Notice of Complete Application.

Supervisor Kaye stated that the Town will be going out to bid and the bid applications will be available April 26, 2018 and bid opening will be May 22, 2018.

Supervisor Kaye stated that the County has already given the Town an extension so this project needs to be completed otherwise the Town could lose the \$225,000.

### **Audit Reports**

The Board members were provided copies of the audits for the Town Clerk, Town Justice and Tax Receiver.

Supervisor Kaye explained that there were no problems detected in any Department. These reports are available for viewing by the Public.

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

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

RESOLVED, to accept the audit reports.

**Presentation and Update on Activities at the North East Community Center’s Activities by Interim Director Jennifer Dowley**

Ms. Dowley explained that the North East Community Center (NECC) is a 28 year old non-profit based in Millerton and the mission is to strengthen the community through social service works, educational and cultural projects as well as recreational programming.

Ms. Dowley stated that the NECC looks after and raises funds and has a 1.2 million dollar budget this year. The NECC develops programs for toddlers and has a complete after school program for children in kindergarten through eighth grade. There are also programs for teens, which takes them on alternative spring breaks, provides training for them and there are also paid jobs for them. The NECC raises and invests approximately \$60,000 per year for paid teens to work in various businesses throughout the Town. It’s a tremendous opportunity for the Town’s teens to be mentored and learn their first professional skills. It prepares them for college and beyond and also prepares them if they don’t go to college.

On Saturday, April 21, 2018 for Millerton Earth Day the teens will be leading a Village clean up.

Ms. Dowley informed the Board that a few weeks ago the NECC hosted a community conversation at the Legion and over 80 people attended. There was such a sense of energy and positive commitment to our community by the attendees, she would like to work with the Board in getting these volunteers involved in various ways in the Town.

Ms. Dowley informed the Board that two donors have offered to buy some new equipment for the playground at the NECC along with some topsoil. This will be at no cost to the NECC and will be done over the next few weeks.

Ms. Dowley thanked the Town for supporting the NECC with its grant of \$5,500.

**Appointment of New Comprehensive Plan Members**

Supervisor Kaye stated that Mimi Ramos and Bill Kish were nominated to serve.

A motion was made by Councilman Kennan, seconded by Councilman Midwood, the following was:

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

RESOLVED, to appoint Mimi Ramos and Bill Kish as members of the Comprehensive Plan Committee.

**Appointment of New Board of Assessment Review Member**

Supervisor Kaye stated that Daniel Goldhagen was nominated to serve.

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

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

RESOLVED, to appoint Daniel Goldhagen to the Board of Assessment Review

### **Appointment of New Member to the CAC**

Supervisor Kaye stated that Eliot Ramos and Lance Middlebrook were nominated to serve.

A motion was made by Councilman Kennan, seconded by Councilman Midwood, the following was:

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

RESOLVED, to appoint Eliot Ramos and Lance Middlebrook to the CAC.

Councilman Kennan stated that the Town has voted to join the Climate Smart Communities Program and the Village is looking to join. The taskforce which has been charged with carrying out this program is the CAC. It makes sense to have the Town and Village do this together.

Supervisor Kaye stated that with regard to the terms of the members on the CAC it will increase from five years to seven.

### **Authorization to Sign IMA with Village on Joint Fuel Facility at Proposed Highway Garage Site**

Supervisor Kaye stated that Village has reviewed the IMA and offered some comments and the Town Board probably has some comments.

Mr. Replansky stated that this IMA is a very preliminary draft document for the Town and Village. It can't be decided how and what will be shared until plans are formulated and we are close to construction.

Supervisor Kaye stated that both sides need to commit to the idea that they will be working together on this project. In terms of going for grants and shared services the Town needs the Villages commitment.

Supervisor Kaye explained that the Town will be ordering the fuel and then the Village will reimburse the Town for its fuel consumption.

Supervisor Kaye explained that there will be a computerized system called Fuel Master that will be in place to track the Town and Village consumption.

Councilman Fedele asked if maintenance and repair is really a part of this IMA being that the storage building is being discussed and the Village will have its own garage section in the main building which is where the Village will probably do their maintenance. The storage should be used for only storage.

Supervisor Kaye stated that the first phase will be the storage building and it may be safe to assume that some repairs or maintenance may happen in this facility.

Councilman Kennan stated that he thinks this is an important move for the Town and Village. This opportunity may not come around again and plenty of other communities have shared space like this.

Mr. Replansky stated that municipalities in NYS are encouraged to share services and by doing so and showing that there is a cost savings may open opportunities for grant money.

Supervisor Kaye informed the Board that there is a meeting coming up with the County in which it will be discussed what grants monies may be available for this project.

Supervisor Kaye stated that the majority of the funding will be coming from the Town A fund which covers both the Village and the Town.

Mr. Replansky stated that the County will want to see a memorandum of understanding. One of the requirements of receiving a grant will be having an IMA and by that time there will be much more information to use in devising the IMA.

A motion was made by Councilman Merwin, seconded by Councilman Kennan, the following was:

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

RESOLVED, to allow Supervisor Kaye to accept this as a memorandum of understanding between the Village and the Town with the intent of entering into an IMA for the sharing of the storage building and fuel dispensing system.

### **Resolution to Adopt the Pedestrian Plan**

Mr. Replansky stated that he reviewed the plan and the problem from a legal stand point is that the plan mostly relates to the Village and the Town is somewhat in it. To adopt this as part of the Town's Comprehensive Plan it really should be adopted by the Village and the Town as part of their Comprehensive Plan amendment. If the Town were to adopt this by itself as an amendment the Town would have to move forward with a fairly complex process. This would be a Type I action under SEQR, there would be public hearings, an environmental review; it would need to be referred to County and Town Planning Board etc. There would be a whole host of procedural requirements.

Mr. Replansky advised the Board to refer this to the Comprehensive Plan Committee and have them fold it into their joint Comprehensive Plan since they will be doing all of the environmental work when they adopt the plan. Why do it twice.

Mr. Replansky advised the Board to accept the plan with the understanding that it will be incorporated into the Comprehensive Plan.

A motion was made by Councilman Midwood, seconded by Councilman Kennan, the following was:

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

RESOLVED, that the Town Board accept the Pedestrian Plan.

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

### **RESOLUTION ACCEPTING THE MILLERTON PEDESTRIAN PLAN DATED JANUARY 2018**

**WHEREAS**, the Village of Millerton had requested the preparation of a Millerton Pedestrian Plan by the Metropolitan Planning Organization (MPO) for Dutchess County; and

**WHEREAS**, the preparation of the Plan was funded by federal planning funds from the Federal Highway Administration, which are programmed and administered by the Dutchess County Transportation Counsel (DCTC); and

**WHEREAS**, representatives from a Village-designated volunteer task force has worked with DCTC to develop a plan which supports the Village as the center of the community and encourages the development of pedestrian walkways and bikeways and provides certain recommendations for pedestrian and transportation improvements within the Village of Millerton; and

**WHEREAS**, many of those recommendations, either impact, or involve, the Town of North East; and

**WHEREAS**, the Town Board has received and reviewed the Plan and determined that the Plan should be considered for incorporation in the Town/Village Comprehensive Plan; and

**WHEREAS**, the Town and Village have appointed a Comprehensive Plan Review Committee, which Committee has been formed and has retained the services of a planner to assist the Committee in making recommendations for the amendments to the Town and Village Comprehensive Plan; and

**WHEREAS**, the Town Board feels that it is appropriate for this Plan to be incorporated in the Comprehensive Plan developed by the Comprehensive Plan Committee and then approved by the Town and Village Boards.

**NOW, THEREFORE**, be it

**RESOLVED**, that the Town Board hereby accepts the Millerton Pedestrian Plan dated January 2018; and be it further

**RESOLVED**, that the Town Board hereby refers the Millerton Pedestrian Plan dated January 2018 to the Comprehensive Plan Committee, with the request that the Committee review the Plan and consider the adoption of the Plan as part of its Comprehensive Plan amendment process.

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

MOTION: John Midwood  
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 April 20, 2018.

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Lisa Cope,  
Town Clerk, Town of North East

### **Discussion of the Draft Solar Law**

Jon Arnason presented the Board with copies of the current draft and a copy of the Town of Rhinebeck's law upon which this law is based on.

Mr. Arnason explained that this law divides solar systems into three parts. The first part includes rooftop, building mounted or built into the structure. These are allowed in all zoning districts except for historic districts. These require approval from the building department. There will be a uniform solar permit that will need to be adopted.

Mr. Arnason explained that the second part involves free standing or ground mounted systems for electricity to be used on the premises which will require a special use permit to be issued by the ZBA.

The third part is solar farms. Solar farms are large installations that are subject to a whole series of other requirements. The most significant of which is an obligation for decommissioning in the event they are no longer in use. Property owners must also take out ground mounted systems if they are no longer used.

Mr. Replansky stated that removal bonds are not readily available. It was suggested to have an agreement with the Town that if they are not removed that the Town can remove them and charge the cost to property owner via a lien.

Mr. Arnason explained that this law permits the construction of solar farms and other solar facilities on prime farm land as long as it did not permanently remove the farmland from production. The reasoning for this is because solar farms can be decommissioned fairly easily there did not seem to be a reason to restrict the construction on farmland.

Mr. Arnason said a size limitation was not put on installations for use on people's property. The reason being there is a limitation because it's being used on one's own property there is sort of a limitation. A size limitation was also not put on solar farms. This is something that can be discussed.

Mr. Arnason stated that Mr. Replansky, NYSERDA and Town Building Official still need to review this document.

Mr. Arnason suggested that there be a community solar maybe located on the old landfill where citizens of the community could buy into it for energy.

Mr. Arnason stated that the Town Board needs to have a discussion with regard to screening a solar farm which will not be easily done. He suggested the Town restrict the locations of solar farms.

Mr. Arnason explained that the "pilot provision" is not included in this proposed law which allows for payment in lieu of taxes.

It was asked if solar farms would be subject to site plan approval and Mr. Replansky explained anything that requires a special use permit must have site plan approval.

There is language in the law addressing how soil must be dealt with should a solar farm be located on prime farmland.

Mr. Replansky stated that input from the public should be gathered and there are a few issues that need to be resolved with the law.

Mr. Replansky stated that if there is a finished product by next month then a public hearing could be set and hear what concerns people may have.

Supervisor Kaye explained that the Committee was tasked to address solar, signage and windmills. These issues will all be covered under three separate local laws.

A discussion was held regarding the procedures that will be required leading up to adopting this law.

### **Approval to Fund the Post-Closure Monitoring and Maintenance of the Closed Landfill**

Supervisor Kaye explained that it is required that an annual inspection be done. As of six years ago, because the Town met all of the requirements over a number of years, the limit was then set at every three years. This is the third year and it needs to be monitored by May 30, 2018.

An estimate of \$11,590 was received for the cost of the ground water and surface water quality monitoring. An estimate of \$1,600 was received for the quarterly explosive gas sampling and an estimate of \$1,700 for the quarterly cap inspections. The total cost would be \$14,890.

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

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

RESOLVED, to allow the funding for the post-closure monitoring and maintenance of the closed landfill.

**Announcement that the Dutchess County Office for the Aging will be Holding a Free Senior Citizen Picnic on Wednesday, June 13, 2018 at 12:00 noon at the Pine Plains Club Pavilion, 82 Beach Road**

Supervisor Kaye made the announcement.

**Announcement of Bulk Trash Day – April 21, 2018**

Supervisor Kaye made the announcement.

**Meeting with Counsel**

**General Legal Matters**

There were no matters to discuss.

**Executive Session**

Mr. Replansky stated that there was one item to discuss regarding a personnel issue.

On a motion by Councilman Merwin, 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 at 5:50 PM..

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 return to session at 6:23 PM.

**Broadband Discussion with Mary Lynn Kalogeras**

Ms. Kalogeras asked the Board to start the process in getting broadband in the Town. She claimed that in 2015 Governor Cuomo gave 500 million dollars to give unserved communities broadband. Three years ago Ancram, Hillsdale, Copake and Austerlitz formed a committee to investigate the issue. She feels the Town should also form a committee.

Ms. Kalogeras claimed that the Town received \$33,000 from the State for broadband.



Supervisor Kaye stated that the Town has never received that money.

Councilman Midwood explained that the Town does not receive that money. The internet providers, that run the lines in underserved areas, applied for and received the grant to offset the cost of running the fiber network to homes.

Councilman Midwood asked if Ms. Kalogeras could provide him with six names of volunteers he would be happy to serve on a committee with them regarding the matter of broadband.

### **Supervisor's Report**

#### **Monthly Bills Abstract/Special Abstracts**

Supervisor Kaye presented Special Abstract dated March 26, 2018 totaling \$7,865.87 broken down as follows:

A Fund - \$3,220.95  
B Fund - \$32.32  
DB Fund - \$4,402.45  
Payroll T&A - \$210.15  
Total -\$7,865.87

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

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

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

Supervisor Kaye presented Abstract dated April 20, 2018 totaling \$264,315.92 broken down as follows:

A Fund - \$198,402.42  
B Fund - \$3,069.42  
Special Unemployment - \$1,296.00  
DB fund - \$61,337.93  
Payroll T&A – 210.15  
Total -\$264,315.92

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 April 20, 2018.

### **Budget Adjustment**

Supervisor Kaye presented Budget Adjustment #2 of 2018.

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 Budget Adjustment #2 of 2018.

### **Voucher Committee for May 2018**

Councilmen Fedele and Councilman Midwood.

**Approval of Minutes from Previous Meetings**

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 accept the February 28, 2018 and March 8, 2018 minutes with minor corrections.

**General Comment**

It was asked what the Village had to do in order to install their solar panels.

Supervisor Kaye stated that he doesn't know what the provisions were at the time of installation. The Town did not have those provisions in our zoning code and that is why these things are being addressed now in the Comprehensive Plan and Zoning Code.

Mr. Kish asked what was discussed in executive session.

Supervisor Kaye stated that it was in regard to a pending lawsuit against the Town and a discussion was had with the Assessor with regard to a tax cert case litigation.

**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 the meeting at 6:45 PM.

Respectfully Submitted,

Lisa Cope  
Town Clerk