

**TOWN OF NORTH EAST
TOWN BOARD
MINUTES
September 13, 2018**

Councilman Present:

Supervisor Kaye
Councilman Merwin
Councilman Fedele
Councilman Kennan
Councilman Midwood

Councilman Absent:

Call to Order:

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

Acceptance of Agenda:

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

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

RESOLVED, to accept the agenda

Public Comment on Agenda Items Only:

There were no public comments.

Department and Committee Reports:

POLICE – Officer Rudin reported the month of August had a total of 93 incidents. Most of the incidents were traffic related. There were 71 in village and 22 in the town. This year, we had two arrests in the town and six arrests in the village. In 2017, we had a total of 100 incidents.

HIGHWAY – Superintendent Stevens presented the Board with an Agreement for the Expenditure of Highway Moneys. Superintendent Stevens said the he was adding the Mill Rd culvert replacement in the sum of \$184, 280.56. Supervisor Kaye stated that we had received a grant for the Mill Rd Culvert replacement and that this amount was the difference from the grant that we needed to pay to cover the cost of the replacement.

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

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

RESOLVED, to accept the expenditure of Highway moneys as presented by Superintendent Stevens.

Superintendent Stevens reviewed the results of the sealed bids for highway materials with the Board and presented the winners of the bid.

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

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

RESOLVED, to accept the bid prices as presented by the Highway Superintendent.

ASSESSOR – No Report

PLANNING, ZONING BOARDS, and BUILDING DEPARTMENT – A report was provided from each department.

TOWN CLERK – Clerk Cope mentioned that the North East Historical Society is holding a Tavern Tour with the Dutchess County Historical Society and will be discussing a few residents from North East whom served in World War I. The presentation will be at the American Legion on September 21st at 6:30PM.

Resolution to Accept Water District #1 Benefit Assessment Roll and Set Schedule for Public Hearing

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

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

RESOLVED, to accept resolution setting Public Hearing for October 11, 2018 at 7:15 PM

7:15 PM Public Hearing on CDBG Grant Ideas and Approval of one for submission

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

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

RESOLVED, to open the public hearing on CDBG grant ideas at 7:15pm.

Cathy Chow suggested water fountains be placed near the rail trail and monitoring of the private wells located in town for water quality.

Supervisor Kaye said that Village would like to put in for a CDBG grant to fix the sidewalks on the south side of Main Street.

Bill Kish- said the boulevard district in the town needs sidewalks and inquired if we should apply for this.

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

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

RESOLVED, to close the public hearing at 7:23pm.

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

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

RESOLVED, to accept the Village of Millerton Proposal to jointly apply for the CDBG grant to repair or replace the sidewalks on the south side of Main Street.

7:25 PM Public Hearing on Local Law 1. “A Law to Regulate Solar Energy Systems

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

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

RESOLVED, to open the public hearing at 7:25 PM

Supervisor Kaye said that for larger solar arrays that there should be a bigger buffer between any of the property boundaries and the solar array than currently is being proposed. Would like to see a larger set back as the current setback is 100 feet from each property line.

Councilman Fedele spoke about the solar farm located on Route 23 in Craryville and how close it was to the main road with no screening.

Bill Kish said that could buffer the solar array with specific plantings that would shield but not block them.

Attorney Replansky stated that the ZBA in the special permit process would have the authority to mitigate the setbacks and the visual screening.

These comments will be added to the proposed solar law.

This local law was provided to Dutchess County Planning under a 239-m planning review; Dutchess County Planning reviewed and responded that this was a matter of local concern.

Attorney Replansky has prepared the SEQRA review. He recommends that it is a negative declaration. The Town Board is awaiting a response from the Planning Board on their review.

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

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

RESOLVED, to continue the public hearing until October 11, 2018

7:35PM Public Hearing on Local Law 2 “A law to override the Tax Levy Limit for Fiscal Year 2019”:

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

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

RESOLVED, to open the public hearing at 7:40 PM on Local Law to override the tax cap levy for fiscal year 2019.

There were no public comments.

Supervisor Kaye said that he thinks most other municipalities may also be passing laws to exceed the tax cap.

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

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

RESOLVED, to close the public hearing at 7:45pm.

Clerk Cope read the resolution into the record and the resolution passed.

TOWN BOARD OF THE TOWN OF NORTH EAST

**RESOLUTION ADOPTING A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT
FOR FISCAL YEAR 2019 PURSUANT TO GENERAL MUNICIPAL LAW §3-c AS
LOCAL LAW NO. 2 OF THE YEAR 2018**

WHEREAS, the Town Board determined that it may be necessary for the Town of North East to exceed the limit on the amount of real property taxes that may be levied by the Town of North East pursuant to General Municipal Law §3-c for fiscal year 2019; and

WHEREAS, the Town Board by Resolution dated August 9, 2018 accepted a proposed Local Law to override the tax levy limits for fiscal year 2019 pursuant to General Municipal Law §3-c for commencement of the Local Law adoption process; and

WHEREAS, the Town Board scheduled and duly noticed a public hearing on said Local Law to be held on September 13, 2018 at the North East Town Hall; and

WHEREAS, the Town Board opened the public hearing and heard comments on said Local Law and closed the public hearing on September 13, 2018; and

WHEREAS, the Town Board has determined that this action is a Type II action under SEQRA and does not require environmental reviews; and

WHEREAS, the Town Board has determined that it is in the best interests of the Town of North East to adopt this Local Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby adopts Local Law No. 2 of 2018 entitled “A Local Law to Override the Tax Levy Limit for the fiscal year 2019 pursuant to General Municipal Law §3-c”; and it is further

RESOLVED, that the Town Clerk is hereby directed to file said Local Law in the Office of the Department of State, as required by law.

WHEREUPON, the above Resolution was offered by Councilman Ralph Fedele, and was seconded by Councilman Chris Kennan and the vote was as follows:

| | |
|--------------------|-----|
| SUPERVISOR KAYE | AYE |
| COUNCILMAN KENNAN | AYE |
| COUNCILMAN FEDELE | AYE |
| COUNCILMAN MIDWOOD | AYE |
| COUNCILMAN MERWIN | AYE |

This resolution was declared duly adopted on September 13, 2018.

Dated: September 13, 2018
Millerton, New York

LISA COPE
Town Clerk, Town of North East

Meeting with Counsel:

GENERAL LITIGATION MATTERS –

Attorney Replansky briefly discussed his meeting with Ann Saylor of Dutchess County on the ADA compliance set up, regarding the CDBG grant received last year to make the Town Hall front door ADA compliant.

Attorney Replansky also met with Christy Bonomo from Dutchess County and was informed that North East has been awarded a shared services grant.

Mr. Replansky also spoke about the Domestic Partnership that the board discussed last month. Mr. Replansky has done some research and came up with some standards for the Town of North East to be added to the employee handbook. The domestic partnership will also cover any children that are part of the partnership. An update will also need to be made to the bereavement section of the employee handbook to include domestic partners.

Executive Session

Mr. Replansky stated that there was two items to discuss regarding a personnel issue.

On a motion by Councilman Merwin, seconded by Councilman Midwood 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 8:05PM to discuss the human rights violation referred to as personnel issue and time clock rounding.

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 return to regular session at 8:35pm.

Supervisor’s Report:

BUDGET ADJUSTMENT – Supervisor Kaye said there is a budget adjustment #7 for 2018. It is in A Fund – General Town-wide. There is an expense increase of \$3,462.00 less an expense decrease of \$3,462.00.

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

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

RESOLVED, to approve the budget adjustment as presented for A Fund.

Supervisor Kaye said there is a budget adjustment #7 for 2018. It is in DB Fund – Highway Town Outside. There is an expense increase of \$1,908.00 less an expense decrease of \$1,908.00.

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

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

RESOLVED, to approve the budget adjustment as presented for DB Fund

MONTHLY BILLS ABSTRACT/SPECIAL ABSTRACTS –

Supervisor Kaye presented a Special Abstract, dated August 27, 2018, totaling \$7,559.35 broken down as follows:

| | |
|---------------|------------|
| A Fund - | \$2,976.75 |
| DB Fund - | \$4,372.45 |
| Payroll T&A - | \$210.15 |
| Total - | \$7,559.35 |

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

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

RESOLVED, to approve the Special Abstract, dated August 27, 2018, totaling \$7,559.35

Supervisor Kaye presented an Abstract, dated September 13, 2018, totaling \$179,998.19 broken down as follows:

| | |
|-----------|--------------|
| A Fund - | \$54,427.49 |
| B fund - | \$4,156.79 |
| DB Fund - | \$121,413.91 |
| Total - | \$179,998.19 |

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

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

RESOLVED, to accept Abstract, dated September 13, 2018, in the amount of \$179,998.19

Approval of Minutes from Previous Meetings:

The town board reviewed the minutes of August 9, 2018.

On a motion 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 minutes of August 9, 2018 as amended

The town board reviewed the minutes of August 23, 2018.

On a motion 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 minutes of the special meeting of August 23, 2018.

VOUCHER COMMITTEE FOR SEPTEMBER 2018 –

The voucher committee for October will be Councilmen Merwin and Kennan.

General Comment Period:

Bill Kish asked a question regarding the cost of the ambulance. He wanted to know if NDP was amenable to negotiation on the cost. 2. Asked for a brief description of the litigation that was being discussed in executive session. Attorney Replansky said that it was a human rights violation that involved a former employee.

Adjournment:

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

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

RESOLVED, to adjourn the meeting at 8:40 pm.

Respectfully submitted,

Lisa M. Cope
Town Clerk