

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

Councilman Present:

Supervisor Kaye
Councilman Merwin
Councilman Fedele
Councilman Kennan
Councilman Midwood

Call to Order:

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

Acceptance of Agenda:

On a motion made by Councilman Merwin, seconded by Councilman Kennan, 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 on agenda items.

Department and Committee Reports

POLICE – Officer Rudin was present and wished everyone a Happy Holiday. Officer Rudin reported the total incidents for the month of November was 28. 15 were in the town and 13 were in the village. There were 4 arrests in the Town and 2 in the Village. Officer Rudin also briefly discussed the types of arrest that were made in the town and village.

HIGHWAY - Superintendent Stevens informed the Board that the new plow truck has been delivered and ready to be put in service on Friday.

ASSESSOR – No Report

PLANNING, ZONING, and BUILDING – Monthly reports were on the table.

TOWN CLERK – Clerk Cope said that her monthly report and the Dog Control Officer Report were on the table.

COMMITTEE ACTIVITY– Councilman Kennan recently attended a NYSERDA seminar in Croton on Hudson Town Hall with Cathy Chow of the North East CAC, the seminar was about retro fitting lighting into LED type lighting. Mr. Kennan said that we could have an opportunity to put LED lighting into the New Highway Garage.

Set the Holiday Schedule for the Town Employees

Supervisor Kaye and the Board Members discussed the upcoming holiday schedule for Town Hall employees. The Supervisor suggested giving the employees off the full day on Christmas Eve and New Year's Eve. The Town Hall is already closed for the holiday on Christmas Day and New Year's Day.

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

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

RESOLVED, to close the Town Hall on Christmas Eve and New Year's Eve

Resolution for the Payment in Lieu of Taxes Law (PILOT) and set date of public hearing:

Town Clerk Cope read the Resolution into the record.

TOWN BOARD OF THE TOWN OF NORTH EAST

**RESOLUTION COMMENCING THE LOCAL LAW ADOPTION PROCESS FOR
LOCAL LAW NO. __ OF 2018**

WHEREAS, The Town of North East enacted Local Law No. 3 of the year 2018 entitled: “A Local Law to Regulate Solar Energy Systems and Facilities and to Amend the Schedule of Use Regulations to Provide for those Facilities”, upon a finding that it is in the public interest to provide for and encourage renewable energy systems and a sustainable quality of life, and to facilitate the development and operation of renewable energy systems based upon sunlight while minimizing the adverse impacts on neighboring properties so as to protect the public health, safety and welfare; and

WHEREAS, Section 487(2) of the Real Property Tax Law (RPTL) provides, in relevant part, that real property which includes a solar energy system in accordance with the provisions of said section, shall be exempt from taxation to the extent of any increase in the value thereof by reason of the inclusion of such solar energy system for a period of fifteen (15) years. RPTL §487(6) provides, in relevant part, that such exemption shall be granted only upon the application by the owner of real property on a form prescribed and made available by the Commissioner in cooperation with the New York State Energy Research and Development Authority; and

WHEREAS, RPTL §487(8)(a) provides, in relevant part, that a Town may by resolution or local law provide that no exemption under this section of the law shall be applicable within its jurisdiction with respect to any solar energy system which began construction subsequent to January 1, 1991 or the effective date of such local law, ordinance or resolution, whichever is later. The Town of North East has not, to date, adopted such a local law or resolution. RPTL §487(9)(a) provides, in relevant part, that a Town which has not acted to remove the exemption under said section may require the owner of a property which includes a solar system which meets the requirements of RPTL §487 to enter into a contract for Payments in Lieu of Taxes (PILOT). Said section also provides, in relevant part, that such contract may require payment of annual amounts in amounts not to exceed the amounts which would otherwise be payable but for the exemption under this section. In addition, RPTL §487(9)(a) provides that if the owner or developer of such a system provides written notification to the Town of its intent to construct such a system, then in order to require the owner or developer of such system to enter into a

contract for Payments in Lieu of Taxes (PILOT), such taxing jurisdiction must notify such owner or developer of its intent to require a contract for Payments in Lieu of Taxes within sixty (60) days of receiving the written notification. The Town Board has determined that it would be in the best interests of the Town and its citizens to require the owner of a property which includes a “solar farm” as that term is defined in §170-73(B) of the Town Code, and permitted pursuant to the provisions of §170-73 of the Town Code, to enter into such a PILOT Agreement; and

WHEREAS, the Attorney to the Town, with the input of the Town Assessor, has drafted a Local Law amending the Town of North East Code to establish a new Article V of Chapter 155 requiring the owner of a property which includes a Solar Farm Energy System approved pursuant to the Provisions of §170-73 of the Town Code to enter into a contract for Payments in Lieu of Taxes; and

WHEREAS, the Town Board has received said Local Law and determined that the same was acceptable for purposes of commencing the local law adoption process.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby schedules a public hearing on the adoption of Local Law No. __ of the Year 2018 for January 10, 2019 at 7:15 p.m.; and be it further

RESOLVED, that the Town Clerk give notice of said public hearing in accordance with the requirements of law.

This motion was offered by Town Board Member John Merwin and was seconded by Town Board Member 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 December 13, 2018.

Lisa Cope,
Town Clerk, Town of North East

Set 2019 Reorg Meeting Date and Time:

Supervisor Kaye announced that the 2019 Re-Org meeting would take place on Wednesday, January 2, 2019 at 5pm with a snow date of January 3, 2019 at 5pm.

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

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

RESOLVED, to schedule the Re-Org Meeting for Wednesday, January 2, 2019 at 5pm

SUPERVISOR'S REPORT:

Supervisor Kaye reviewed budget adjustment #10 for 2018 dated December 13, 2018, The budget adjustment is for A Fund General Town-wide expense increase of \$63,689.00 less an expense decrease of \$2,210.00, less a revenue increase of \$61,479.00.

B Fund- General Town Outside expense increase of \$11,244.00 less expense decrease of \$612.00, less a revenue increase of \$632.00

DB Fund- Highway Town Outside- expense appropriation of \$119,078.00, less revenue appropriation decrease of \$119,078.00

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 budget adjustment # 10 of 2018

Supervisor Kaye presented a special abstract, dated November 20, 2018, totaling \$23,867.35 broken down as follows:

A Fund -	\$ 3,294.55
B Fund -	\$17,500.00
DB Fund -	\$ 2,862.65
Payroll T&A-	\$ 210.15
Total -	\$23,867.35

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

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

RESOLVED, to accept the special abstract dated November 20, 2018 in the amount of \$23,867.35.

Supervisor Kaye presented an special abstract, dated December 4, 2018, totaling \$65,383.00 broken down as follows:

A Fund -	\$30,730.00
B Fund -	\$ 7,192.00
DB Fund -	\$ 27,461.00
Total -	\$65,383.00

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 the special abstract dated December 4, 2018 in the amount of \$65,383.00.

Supervisor Kaye presented an abstract, dated December 13, 2018, totaling \$238,212.95 broken down as follows:

A Fund -	\$ 96,501.46
B Fund -	\$107,004.31
DB Fund -	\$ 34,497.03
Payroll T&A	210.15
Total -	\$238,212.95

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

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

RESOLVED, to accept the abstract dated December 13, 2018 in the amount of \$238,212.95.

The voucher committee for the month of January is Councilmen Midwood and Councilman Fedele.

GENERAL LEGAL:

Attorney Replansky discussed with the Board the changes that still needed to be made to the grant that was received from the county to the town. The original grant was for \$240,000. Currently the County has agreed that phase 1 would use \$75,000 for engineering cost and the remainder of \$165,000 would be used towards the construction of the cold storage building. The first step would be to put out a RFP for the engineering cost, second step would be for the construction phase of the cold storage building, which would use the remainder of the grant, some money from reserve and a bond note for the remainder.

Mr. Replansky suggested an attorney client session with the board to discuss the process of putting the engineering services out to bid or an RFP for general engineering services for the Town.

On a motion by Councilman Merwin, seconded by Councilman Kennan 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 Attorney Client Session at 7:45 PM

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

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

RESOLVED, to return to session at 8:05 PM

Attorney Replansky informed the public what was discussed in the attorney client session. Mr. Replansky discussed with the Board the various options for engineering services for the county grant. Mr. Replansky recommends that General Engineering Services for the Town be put out to bid for 2019. He has prepared a draft RFP for engineering services.

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 authorize the Supervisor and Town Clerk to put out an RFP for Engineering Services for the Town of North East for year 2019

APPROVAL OF MINUTES:

The Board reviewed the minutes of November 8, 2018. Supervisor Kaye said there were some grammatical errors that have been amended.

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

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

RESOLVED, to accept the minutes of November 8, 2018

GENERAL COMMENTS:

Chris Reagan made a comment about the LED sign at the American Legion and said that this type of sign was not permitted in our zoning code. Supervisor Kaye said that the Legion was making application the ZBA.

Bill Kish asked the Supervisor to explain the PILOT (Payment in Lieu of Taxes), Supervisor Kaye said that this local law would give us the right to come up with a payment plan for solar farms as they are tax exempt.

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 the meeting at 8:12p.m.

Respectfully submitted,

Lisa Cope
Town Clerk

Approved: January 10, 2019