

**TOWN OF NORTH EAST
TOWN BOARD
MINUTES
January 10, 2019**

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:

Supervisor Kaye noted the addition of the Standard Work Day and Reporting Resolution for Elected and Appointed Officials

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 accept the agenda as amended

Public comment on agenda items only:

There were no public comments on agenda items.

Department and Committee Reports

POLICE – – Officer Rudin was not available.

HIGHWAY - Superintendent Stevens asked the Board to approve the agreement for the expenditure of Highway Moneys. This is something that is done yearly. Mr. Stevens is asking for approval of section 1 of the agreement which covers general repairs in the sum of \$230,000 to cover 34.24 miles of town highways.

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 and that the 2019 Town and County Tax Bills had been mailed out.

COMMITTEE ACTIVITY– Councilman Midwood stated that as the Communications committee he had spoken with Town Clerk Lisa Cope about emailing the agenda before each meeting to those that have signed up for the email communication through the Town’s website. Clerk Cope informed the public that if they would like to be included in this email listing that they would need to sign up at townofnortheastny.gov.

ANNOUNCEMENT THAT WE ARE THE RECIPIENT OF A CLIMATE SMART GRANT:

Councilman Kennan announced that the Town was the recipient of a DEC Climate Smart Grant. The total awarded grant is \$29,708.00. The Town will be working jointly with the Village of Millerton. The grant money will be used to 1. Inventory Greenhouse gases in the Town and Village Municipal buildings, equipment, and light fixtures. 2. Study the impact of the Village and Town policies on climate issues. 3. Study all bridges and culverts in the Town. We would need to retain a consultant company that does this type of work. Housatonic Valley Association has agreed to help us with these tasks. Two of our neighboring towns Amenia and Dover, have also received Climate Smart Grants. Our grant was the largest awarded in the state.

Resolution to Accept the Standard Work Day and Reporting Resolution

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 Resolution to Accept the Standard Work Day and Reporting Resolution for 2019

Approval of a Request from Blue Sky for a Fireworks Display at 90 East Indies Rd on February 23, 2019 with a rain date of February 22, 2019

A request has been made by Blue Sky Fireworks to have a fireworks display at 90 East Indies Rd for the owner of the property Mr. David Tisch. Blue Sky Fireworks has previously made this request in the Fall of 2018. The application which includes the proper insurance requirements, notification to the North East Fire Company is in order and has been submitted to the Town Clerk.

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 allow Blue Sky Fireworks a permit for a Fireworks display on February 23, 2019 with a rain date of February 22, 2019 at 90 East Indies Rd for a Mr. David Tisch A copy of the permit will be provided to Blue Sky Fireworks and the Fire Dept.

Appointment of New Secretary to the Building Department:

The Town had an opening in the building department for a secretary. The personnel committee interviewed several people for the open position. Upon the recommendation of the personnel committee the town board made the following motion.

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

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

RESOLVED, to appoint Patricia Millius as the Secretary to the Building Department

Appointment of Clark, Patterson, Lee as the Town Engineering Firm for General Engineering

Supervisor Kaye stated Clark, Patterson, Lee would be appointed for General Engineering services for the Town of North East. If we need engineering services for services over \$39,999 then would have to bid through an RFP.

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 appoint Clark, Patterson, Lee as the Town Engineering Firm for the Town of North East for General Engineering Services

7:15 pm Public Hearing on the Payment in Lieu of Taxes Law

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 open the public hearing at 7:15PM

Clerk Cope asked Attorney Replansky several questions regarding the Local Law.

Ms. Cope asked about Section 120-1 and noted that there is not a section 120-1 in the Town Code. Mr. Replansky said that that should be changed to Section III.

Ms. Cope also asked about the title of the local law which was worded differently in two of the sections of the local law and asked if they should both be the same wording.

Mr. Replansky responded that yes they should both read the same title of the local law.

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

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

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

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 Local Law 1 of 2019 and to have the Town Clerk file local law with the Secretary of State

TOWN OF NORTH EAST

LOCAL LAW NO. 1 OF THE YEAR 2019

BE IT ENACTED by the Town Board of the Town of North East as follows:

Section I: Title.

This Local Law shall be entitled as: “A Local Law 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”.

Section II: Amendments to Town Code Establishing Article 7 of Chapter 100.

The Town of North East Town Code is hereby amended to establish a new Article V of Chapter 155 of the Town Code entitled: “Pilot for Solar Farms Entitled to Exemption from Taxation Pursuant to the Provisions of Real Property Tax Law §487”.

Section III Purpose and Intent

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.

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.

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.

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

TOWN BOARD OF THE TOWN OF NORTH EAST

RESOLUTION ADOPTING LOCAL LAW NO 1 OF 2019

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 scheduled a public hearing on the adoption of said Local Law for January 10, 2019 at 7:15 p.m.; and

WHEREAS, the Town Board opened and closed the public hearing on that same date.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby adopts Local Law No. 1 of the Year 2019 entitled: “A Local Law 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 be it further

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

This motion was offered by Town Board Member John Merwin and was seconded by Town Board Member 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 January 10, 2019.

Lisa Cope, Town Clerk, Town of North East

Authorization to Issue an RFP for Engineering Services for Phase 1, a Storage Facility, as part of the Highway Garage Project

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 authorize the Request for Proposals (RFP) for Engineering Service for Phase 1 of the Highway Garage Project

Authorization to Issue an RFP for Ambulance Services

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 authorize the Request for Proposals (RFP) for Ambulance Service with the Town of Amenia, Dover and North East

Authorization to Change the Wording in the Employee Handbook Concerning Arriving Before or Staying After Appointed Hours

Supervisor Kaye stated that after reviewing the employee handbook that the wording for this section is correct. He would like to change the procedure of how the punch in time on time cards is currently being handled. He has checked with our Attorney, The Association of Towns, and the Town HR Consultants. If an employee comes in for their own convenience early then their time card will be adjusted to the 9 am start time. If a Department Head asks the employee to come in earlier than the 9 am start time to work on a project then they would need to authorize the employees time.

Attorney Replansky suggested notifying the employees of the new procedure.

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 new procedure for employees clocking in, if clocking in prior to 9 am it is for their own convenience and the start time will be adjusted to 9 am. If clocking in prior to 9 am and having Department Head approval they will be paid from the time they clock in.

SUPERVISOR'S REPORT:

Supervisor Kaye reviewed budget adjustment #11 for 2018 dated January 10, 2019, The budget adjustment is for A Fund-General Town wide expense increase of \$2,389.00, less an expense decrease of \$2,119.00, less an revenue increase of \$270.00.

B Fund General Town Outside expense increase of \$726.00 less an expense decrease of \$726.00

DB Fund- Highway Town Outside expense increase of \$1,000.00 less expense decrease of \$1,000.00

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 approve budget adjustment # 11 of 2018

Supervisor Kaye presented a special abstract, dated December 19, 2018, totaling \$509.23 broken down as follows:

A Fund -	\$ 509.23
Total -	\$ 509.23

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 December 19, 2018 in the amount of \$509.23.

Supervisor Kaye presented a special abstract, dated December 31, 2018, totaling \$279,210.15 broken down as follows:

A Fund -	\$7,587.75
B Fund -	\$ 2,652.60
DB Fund -	\$ 143,969.80
Capital Fund H1	\$125,000.00
Total -	\$ 279,210.15

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 December 31, 2018 in the amount of \$279,210.15.

Supervisor Kaye presented an abstract, dated January 10, 2019, totaling \$35,021.57 broken down as follows:

A Fund -	\$ 31,840.12
B Fund -	\$ 633.84
DB Fund -	\$ 2,427.61
Water Dist. SW 1	120.00
Total -	\$ 35,021.57

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

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

RESOLVED, to accept the abstract dated January 10, 2019 in the amount of \$35,021.57.

The voucher committee for the month of February is Councilmen Kennan and Councilman Merwin.

APPROVAL OF MINUTES:

The Board reviewed the minutes of January 2, 2019 Special Meeting.

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

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

RESOLVED, to accept the minutes of January 2, 2019 Special Meeting

The Board reviewed the minutes of December 27, 2018 Special Meeting.

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

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

RESOLVED, to accept the minutes of December 27, 2018 Special Meeting

The Board reviewed the minutes of December 13, 2018.

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

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

RESOLVED, to accept the minutes of December 13, 2018

The Board reviewed the minutes of January 2, 2019 Re-Organizational Meeting.

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

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

RESOLVED, to accept the minutes of January 2, 2019 Re-Organizational Meeting.

GENERAL COMMENTS:

Kelly Kilmer approached the Town Board about a new youth basketball program that was formed privately after the Town of Amenia decided not to continue their program this year. Ms. Kilmer stated that currently the program is for 5th and 6th Grade boys in which 11 of the boys were residents of the Town of North East. Ms. Kilmer stated to date that they have been able to raise about \$1970 in donations. The money that has been donated will be going towards expenses to have the program, which includes insurance policy and equipment for the team. Ms. Kilmer is requesting that the Town of North East see if they can help in the purchase of some additional equipment. All items purchased would be property of the Town of North East and only used during basketball season. Ms. Kilmer said that a donation has been received from the Village of Millerton and that she was hoping that the board could match that amount.

The board members discussed the request and asked Ms. Kilmer how much the remaining equipment that is needed would cost.

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

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

RESOLVED, to expend up to \$720.00 to cover the cost of purchasing the remaining equipment that is need for this program.

Ms. Kilmer will provide a list of the outstanding equipment to the Town of North East and the equipment will be ordered by the Town of North East.

Town of North East
Town Board
Minutes
January 10, 2019

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 7:56 p.m.

Respectfully submitted,

Lisa Cope
Town Clerk

Approved: March 14, 2019