

**TOWN OF NORTH EAST
TOWN BOARD
MINUTES
APRIL 11, 2019**

Councilman Present:

Supervisor George Kaye
Councilman Merwin
Councilman Fedele
Councilman Kennan
Councilman Midwood

Councilman Absent:

Call to Order:

Supervisor Kaye called the meeting to order at 7:00 pm with the pledge of allegiance.

Acceptance of Agenda:

Supervisor Kaye added to the agenda a resolution regarding 5G Cell Towers.

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 as amended

Public comment on agenda items only:

Rachel Berg asked about the Ethics Code. Supervisor Kaye explained that the Ethics Board meets every year for an annual meeting. The board would also meet if an issue came up. If there are no issues they are required to meet once a year.

Department and Committee Reports

POLICE – – Chief Veeder provided a report for March 2019. Chief Veeder reported the total incidents for the month of March was 34. 10 were in the town and 24 were in the village. There were 2 arrests in the Town. Chief Veeder introduced new officer Tyler Conley.

HIGHWAY - Superintendent Stevens informed the Board that his crew has been busy sweeping roads, patching potholes and taking down trees.

ASSESSOR – No Report

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

TOWN CLERK – Clerk Cope read her report into the record and noted that the Dog Control Officer Report was on the table.

COMMITTEE ACTIVITY- Edie Greenwood gave a brief update on the Comprehensive Plan Committee. Ms. Greenwood informed the Board that the draft comprehensive plan has been released to the public for comments. April 27, 2019 will be the informational meeting at the North East-Millerton Library Annex. Consultant Nan Stolzenberg will give a 20 minute presentation on the updates to the plan. A public hearing on the draft plan will take place on Saturday, May 18, 2019 at 2pm after the public hearing the Comprehensive Plan Committee will meet to evaluate the comments and then will present the plan in final format to the Town Board.

Resolution to Approve Purchase of and Bonding for New Backhoe:

Supervisor Kaye stated that we have a replacement schedule for our highway equipment. The Highway Department is looking to replace the current backhoe which is very old and replace it with a new one.

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

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

RESOLVED, approve the purchase and bonding for a new backhoe for the highway dept.

THIS RESOLUTION published herewith has been adopted on the 11th day of April, 2019, and the validity of the Obligations authorized by such Resolution may be hereafter contested only if such Obligations were authorized for an object or purpose for which the Town of North East is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this Notice, or such Obligations were not authorized in violation of the provisions of the Constitution.

GEORGE KAYE, Supervisor
Town of North East

**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 Caterpillar Inc. Model: 420F2 ST Backhoe Loader

WHEREAS, this Board desires to authorize a Statutory Installment Bond for the financing of the purchase of a 2019 Caterpillar Inc. Model: 420F2 ST Backhoe Loader (hereinafter “the Equipment”); and

WHEREAS, this Board, by resolution, authorized the purchase of the Equipment per the Sourcewell Contract #032515.

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 \$99,790.00.

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 \$80,000.00; and by the expenditure of \$19,790.00 from the 2019 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 four (4) 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 fifteen (15) 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 four (4) 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 April 11, 2019 which resulted as follows:

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

The Resolution was thereupon declared duly adopted April 11, 2019.

LISA COPE, TOWN CLERK

7:15pm Public Hearing on the Monroe Balancing Test to Determine If and to What Extent the Town of North East shall be exempt from the Zoning and Land Use Regulations of the Town of North East Planning Board for a New Town Highway Garage Facility:

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

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

RESOLVED, to open the public hearing at 7:15pm

Town Attorney Replansky explained that the property for the proposed Highway Garage Facility is located in an A5A zoning district. There is no place in the zoning of that district which allows a highway garage to be located there. The Town must apply the Monroe Balancing Test which consists of 9 criteria to see if we would be exempt from Zoning. This would give the public the opportunity give public comments. He said the first step would be to have the Town's Engineer

Ray Jurkowski give a brief presentation on the project. Mr. Jurkowski explained the property is located on the west side of Route 22. It is proposed for 3 buildings to be on the site and this would be a joint site for the Town and Village to utilize. The project will entail three phases. Phase one will be to build a 4800 sq. ft. cold storage building with four bays. One bay would be dedicated to the Village, one bay would be for the storage of the weed harvester and the other two bays are for storage of Town equipment. The building will be a pole barn style building on a concrete slab. Phase 2 will be for a joint sand/salt storage which will be able to store 2000 tons of materials. It will be 40' x 80' with an asphalt floor and a lean to that is 80 feet long and 25 feet wide. Phase 3 will be the construction of a 14,000 sq. ft. Highway Garage. There will be a maintenance bay, and a jointly shared admin area which would consist of office space and a breakroom. Since more than one acre is being disturbed a storm water prevention pollution plan will need to be signed off on by the DEC along with the realignment of the stream located on property. The timeframe of the project is Phase 1 in 2019, Phase 2 in 2020 and Phase 3 in 2021. Mr. Replansky reviewed the resolution with the board. He asked if the public had any comments. Bill Kish said that he was a member of the Planning Board but, his comments were his own and not a representation of the Planning Board. He asked that the resolution include some language that the Town Board would include the planning board in the review of the site plan. He discussed signage, lighting and vegetation. The board agreed to the planning board reviewing site plan as long as it was done in a timely manner and that a paragraph would be included in the resolution to this effect.

On a motion made 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

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

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

RESOLVED, to schedule a special meeting on April 18, 2019 at 6pm

Attorney Replansky reviewed Part 2 of the SEQR form. The SEQR form is for all three phases of the project. After reviewing Mr. Replansky said he would prepare a SEQR Negative Declaration to be voted on at the special meeting of April 18, 2019.

Presentation by Karin Roux from Dutchess Land Conservancy Regarding a Request for a letter of Endorsement Concerning the Purchase Development Rights for the Perotti Homestead Farm:

Karin Roux explained to the board that the Dutchess Land Conservancy was looking to purchase the development rights for Homestead Farm owned by the Perotti family. As part of the application to NYS Ag & Markets, Dutchess Land Conservancy would need a letter of support from the municipality. The farm consists of 348 acres, the projected area is for 271 acres which is 68% active agriculture and 23% are prime farmland soils. John Perrotti one of the owners of the farm spoke for a few minutes about the history of the farm and farming in his family for 105 years and thinks that conserving farmland will help the future generations.

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

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

RESOLVED, to authorize the Supervisor to sign a letter endorsing the project

Discussion on Resolution to join NY Class:

Supervisor Kaye stated that at the last meeting we had a presentation from Joel Friedman of NY Class an investment program. After that meeting we contacted Salisbury Bank to see if they could match the interest rate that NY Class was going to give the Town on the accounts that were invested with this

program. Salisbury Bank notified us today that they could match the interest rate that NY Class proposed for all of our accounts. Supervisor Kaye stated that it would be better for us to stay with our local bank and that our money would FDIC be insured.

Re-appointment of David Shufelt to the Ethics Committee:

Mr. Shufelt was re-appointed at the reorganizational meeting in January. An Oath of office was not signed within the 30 day times period, so he will have to be re-appointed again to the Ethics Board.

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 reappoint David Shufelt to the Ethics Committee

Request from the County Executive for the Town Board to Name a Board Member as a Veteran Liaison:

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 appoint George Kaye as the Dutchess County Veteran Liaison for the Town of North East

Resolution and Policy Statement regarding 5G Cell Towers:

Attorney Replansky stated that there is new technology for wireless cell towers that could cause a visual impact. Municipalities need to pass some type of regulations for the aesthetics of the 5g towers. Upon the advice of the Association of Towns they suggested passing a resolution regarding 5G Cell Towers and amending our zoning in the future. Mr. Replansky said in future we could pass a local law that addresses this technology and town could collect an additional fee.

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 approve the resolution on 5 G Cell Towner

**TOWN OF NORTH EAST
RESOLUTION AND POLICY STATEMENT
REGARDING FUTURE TELECOMMUNICATION
TECHNOLOGY REGULATION AND
PERMITTING WITHIN THE TOWN**

WHEREAS, the Town of North East has established a permitting process for communications facilities and/or personal wireless service facilities in §180-70 of the Town Code, and

WHEREAS, the Town recognizes that wireless telecommunication technologies are important to the community, but the technology changes rapidly, and

WHEREAS, the Town is committed to the preservation of health and safety of its residents, business and visitors, and to protection of public safety by minimizing the adverse effects of wireless telecommunication facilities through the established permitting process, and

WHEREAS, the Town is committed to the protection, to the maximum extent possible, of aesthetic quality, property values, and visual character of the Town, while not unreasonably limiting competition among communication providers, and

WHEREAS, the Town does not intend to limit the use of in house wireless communication devices installed solely for the use of the property owner or business, and

WHEREAS, the Town is committed to minimizing the visual and aesthetic impact of telecommunication facilities to the maximum extent practicable through the permitting process

outlined in §180-70 emphasizing careful design, siting, screening and innovative camouflaging techniques, and with the understanding that modification or revision or even replacement of that statute may be necessary to continue to pursue the intentions of that statute as new technology is proposed to be installed within the Town, and,

WHEREAS, the Town wishes to preserve and maintain all of its legal rights and options to address and reasonably regulate addition telecommunication technologies, including, but not limited to so called “4G” and “5G” technology, now therefore, be it

RESOLVED that the Town of North East shall reserve the right to define small commercial wireless facilities as accessory facilities owned and maintained by a wireless telecommunication infrastructure provider requiring special permit and site plan review under §180-70, as it now exists, or as may be modified by local law in the future, and be it further

RESOLVED that requirements for the siting, construction operation and maintenance of such small commercial wireless facilities shall at all times meet or exceed the most recent American National Standards Institute (ANSI) Code, National Electrical Safety Code and the National Electric Code and shall be at all times kept and maintained in good condition, order and repair by qualified maintenance and construction personnel so to protect persons and property within the Town, and be it further

RESOLVED that siting of all telecommunication facilities shall, as a matter of policy, have the least adverse effect on the environment and character of all zoning districts within the Town of North East, including visual impacts, existing vegetation, residential character and lighting, and be it further

RESOLVED that as soon as practicable, and upon due deliberation, the Town shall enact such additional modified standards for such small telecommunication facilities as may be necessary to assist the Planning Board in the review of such permits as currently outlined in §180-70, or as may be necessary upon the amendment of Town Code by Local Law.

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

MOTION: Councilman Kennan

SECOND: Councilman 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 April 11, 2019.

Lisa Cope,
Town Clerk, Town of North East

SUPERVISOR’S REPORT:

Supervisor Kaye presented a special abstract, dated March 26, 2019, totaling \$285.59 broken down as follows:

A Fund -	\$ 285.59
Total -	\$285.59

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 the special abstract dated March 26, 2019 in the amount of \$285.59

Supervisor Kaye presented an abstract, dated April 11, 2019, totaling \$219,950.53 broken down as follows:

A Fund -	\$ 166,102.58
B Fund-	\$ 3,481.09
DB Fund -	\$ 42,992.74

Town of North East
Town Board
Minutes
April 11, 2019

Escrow	\$ 7,374.12
Total -	\$ 219,950.53

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 abstract dated April 11, 2019 in the amount of \$219,950.53

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

APPROVAL OF MINUTES:

The Board reviewed the minutes of March 12, 2019 Meeting.

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

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

RESOLVED, to accept the minutes of March 12, 2019

The Board reviewed the minutes of March 14, 2019 Meeting.

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 March 14, 2019 Meeting

GENERAL COMMENTS:

Bill Kish asked about the sexual harassment training that would be taking place. Supervisor Kaye informed him that the training would last about 20 to 30 minutes with an additional video for department heads that would be 20 minutes.

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 8:30 pm

Respectfully submitted,

Lisa Cope
Town Clerk

Approved: June 13, 2019