

**TOWN OF NORTH EAST
TOWN BOARD
MINUTES
JULY 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 noted the addition of Item 6 to the agenda, which was the bond resolution

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:

No public comment

Department and Committee Reports

POLICE – – Officer Rudin provided a report for June. Officer Rudin reported the total incidents for the month of June were 37. 17 were in the town and 20 were in the village. There were 2 arrests in the Town and 2 arrests in the Village.

HIGHWAY - Superintendent Stevens informed the Board that the crew is currently working at the site of the New Highway Facility and will be removing topsoil starting next week.

ASSESSOR – Town Clerk Cope read the Assessor Report into the record. In Ms. Johnson’s report she discussed Grievance Day and the Final Roll. A copy of the report is in the Clerk’s Office.

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

TOWN CLERK – Clerk Cope gave a brief report on her meeting with Dennis Reily of the NYS Archives Office. Mr. Riley toured our record room and discussed with Ms. Cope creating a record policy which Ms. Cope is currently working on. We also discussed applying for a grant to conduct a records inventory and having a day dedicated to records by all town hall employees to work on records retention. We are in the last phase of updating the website and hope to present the updated site at that next month meeting.

Resolution Awarding the Bid for Construction of the Storage Shed and Authorization for the Supervisor to Sign Contract:

Supervisor Kaye stated that we received 2 bids and they were opened at the bid opening on Monday, July 8, 2019, in total we had 11 requests for bid information and plans. Engineer Jurkowski found out that some contractors did not bid due to their work loads. The low bid that came in was from One Way Construction in West Hurly, NY in the amount of \$429,219.00, second bid that came in was from Siegrist and Sons, Poughkeepsie, NY in the amount of \$ 475,446.00 these bids included the electrical work, the garage doors, building, fuel depot and excavating of the property. The bids are good for 45 days. Town Clerk Cope read the resolution into the record and the Board voted as follows:

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 bid of One Way Construction for Phase 1 of the North East Highway Storage Building Project and authorize Supervisor to sign the contract for this project.

TOWN BOARD OF THE TOWN OF NORTH EAST

RESOLUTION ACCEPTING THE BID OF ONE WAY CONSTRUCTION SERVICES INC. FOR THE PHASE 1 OF THE TOWN OF NORTH EAST HIGHWAY DEPARTMENT STORAGE BUILDING PROJECT

WHEREAS, the Town Board prepared an Invitation to Bid dated June 7, 2019 for the project known as “Phase 1 of the Town of North East Highway Department Facility Storage Building Project, Contract No. 19-007; and

WHEREAS, the Town Board received two bids for said project, one from One Way Constuction of West Hurley, New York in the amount of \$429,219.00 and the other from Seiegrist & Sons Construction of Poughkeepsie, New York in the amount of \$475,416.00; and

WHEREAS, the bids were opened and reviewed in accordance with the Invitation to Bid documents; and

WHEREAS, the Town Board has determined, with the advice and counsel of its Consulting Engineer CPL Architecture, Engineering, Planning, that the bid of One Way Construction represented the lowest responsible bidder for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts the bid of One Way Construction in the amount of \$429,219.00 for the said Highway Department Storage Building Project; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to execute a contract for said construction in accordance with the bid documents, subject, however, to passage of a bond resolution dated July 11, 2019, without challenge and without the filing of a lawful Petition for Referendum.

MOTION: Councilman John Merwin
SECOND: Councilman 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 July 11, 2019.

Lisa Cope, Town Clerk, Town of North East

Bond Resolution Dated July 11, 2019 Authorizing, Subject to Permissive Referendum, the Construction of Phase 1 of the Town of North East Highway Garage Storage Facility with Fuel Depot on Town owned Parcel on Route 22:

Attorney Warren Replansky explained the Bond Resolution. The resolution is to authorize a permissive referendum for the construction of phase 1 of the Highway Garage Storage Facility with fuel depot on the Town owned property on Route 22. This is to authorize the issuance of a bond not to exceed the amount of \$454,000.00. Town Clerk Cope read it into the records.

BOND RESOLUTION

At a regular meeting of the Town Board of the Town of North East, Dutchess County, New York, held at the Town Hall, in Millerton, New York, in said Town, on the 11th day of July, 2019 at 7 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Kaye, and upon roll being called, the following were

PRESENT: Supervisor George Kaye, Councilman Ralph Fedele, Councilman Chris Kennan, Councilman John Merwin and Councilman John Midwood

ABSENT: NONE

The following resolution was offered by Councilman Chris Kennan, who moved its adoption, seconded by Councilman Ralph Fedele, to-wit:

**TOWN OF NORTH EAST
BOND RESOLUTION DATED JULY 11, 2019.**

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE CONSTRUCTION OF PHASE 1 OF THE TOWN OF NORTH EAST HIGHWAY GARAGE STORAGE FACILITY WITH FUEL DEPOT ON A TOWN OWNED PARCEL OF LAND ON ROUTE 22 IN MILLERTON, NEW YORK, IN AND FOR THE TOWN OF NORTH EAST, DUTCHESS COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$874,000, AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$454,000 BONDS OF SAID TOWN TO PAY A PORTION OF THE COST THEREOF

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, the capital project hereinafter described has been determined to be a Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant adverse environmental effects; and

WHEREAS, it is now desired to authorize the financing thereof; NOW, THEREFORE,

BE IT RESOLVED, by the Town Board of the Town of North East, Dutchess County, New York, as follows:

Section 1. The construction of Phase 1 of the Town of North East highway garage storage facility with fuel depot on a Town owned parcel of land on Route 22 in Millerton, New York, in and for the Town of North East, Dutchess County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, site improvements and other incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$874,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is as follows:

- a) by the issuance of not exceeding \$454,000 serial bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; and
- b) by the expenditure of not exceeding \$220,000 current available fund monies hereby appropriated therefor; and
- c) by the expenditure of \$200,000 grant-in-aid monies hereby appropriated therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 11 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of North East, Dutchess County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds 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 bonds 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 bonds as the same become due and payable.

Section 5. 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 bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are 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 days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

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. Upon this resolution taking effect, the same shall be published in full or summary form in the official newspaper of said Town for such purpose, together with a notice of the Town clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor George Kaye - VOTING AYE

Councilman Ralph Fedele- VOTING AYE

Councilman Chris Kennan- VOTING AYE

Councilman John Merwin- VOTING AYE

Councilman John Midwood-VOTING AYE

The resolution was thereupon declared duly adopted.

Update on Comprehensive Plan and Future Schedule:

Edie Greenwood, Chairperson of the Comprehensive Plan gave an update to the Town Board and informed them that the committee met on June 27, 2019 and finalized the draft plan. The committee has turned the plan over to the Town Board for approval. The Town Board must have a joint meeting with the Village Board. Both Boards will need to conduct a public hearing. Public hearing notice will need to be in newspaper and on official websites. A copy of the draft plan will have to go to Dutchess County Planning Department for a 239-m review. A SEQRA determination and resolution to adopting Comprehensive plan. Ms. Greenwood said that she hoped this process would take place in 2019.

Speed Limit Study Request for Winchell Mountain Rd:

A letter has been received from Daniel Goldhagen and Meg and Michael Winkler of Winchell Mountain Rd with a request for a posted speed limit. Mr. Goldhagen was in attendance at the meeting and spoke briefly of his concerns with the traffic on his road and the speed which people are traveling by his home. Mr. Goldhagen said that there is no posted speed limit on Winchell Mountain Rd and that cars travel quite fast past his home and that it makes it sometimes difficult to pull out of the driveway.

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

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

RESOLVED, to refer the request for a speed analysis to Dutchess County Public Works for their review

Appointment of Julie Fink to the Clerk Position to Assist with Records Management:

Ms. Fink has been helping out in the Assessor Office for Records Management. Cope Clerk would like to use Ms. Fink in her office to assist her with records management.

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 appoint Julie Fink as a Clerk to assist with Records Management

Authorization for the Supervisor to Sign a New 5 year Contract with UniFirst:

The current contract for UniFirst is up for renewal. UniFirst provides the mats for Town Hall and toiletries. We have currently been with this company for the last 5 years.

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 authorize the Supervisor to sign the renewal contract for five years with UniFirst

Supervisor's Report:

Monthly Bills Abstract/ Special Abstracts –

Supervisor Kaye presented a Special Abstract, dated June 25, 2019, totaling \$627.59 broken down as follows:

A Fund -	\$439.02
Payroll T&A -	\$187.67
Total -	\$627.59

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

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

RESOLVED, to accept Special Abstract dated June 25, 2019 in the amount of \$627.59.

Supervisor Kaye presented an Abstract, dated July 11, 2019, totaling \$84,395.84 broken down as follows:

A Fund -	\$ 48,444.85
B Fund -	\$ 2,804.73
DB Fund -	\$ 17,174.26
Capital Project H1	\$ 14,677.00
T &A2 Escrow	\$ 1,295.00
Total -	\$ 84,395.84

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

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

RESOLVED, to accept Abstract dated July 11, 2019 in the amount of \$84,395.84.

Voucher Committee for August 2019

The voucher committee for August will be Councilmen Kennan and Midwood.

Approval of Minutes:

The Board reviewed the minutes of May 9, 2019 Meeting.

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

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

RESOLVED, to accept the minutes of May 9, 2019

The Board reviewed the minutes of June 13, 2019 Meeting.

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

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

RESOLVED, to accept the minutes of June 13, 2019 Meeting

General Comments:

Engineer Ray Jurkowski informed the board that he has been contacted by the contractor that is working on the Mill Rd culvert and has been informed that they have some time in early August to work on completing the culvert work. The biologist that Mr. Jurkowski's firm uses is busy and he would like to have the board permission to arrange with another biologist to make sure the bog turtles will not be endangered during this process.

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

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

RESOLVED, to allow Town Engineer to arrange working with another biologist for the Mill Rd Culvert project

Adjournment:

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

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

RESOLVED, to adjourn the meeting at 7:50 pm

Respectfully submitted,

Lisa Cope
Town Clerk
Approved: August 8, 2019