

**TOWN OF NORTH EAST
TOWN BOARD
MINUTES
AUGUST 8, 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:

On a motion made by Councilman Midwood, 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:

No public comment

Department and Committee Reports

POLICE – No Report.

HIGHWAY - Superintendent Stevens asked the Board to approve the appointment of James R. Shultz as the newly hired MEO.

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

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

RESOLVED, to appoint James R Shultz to fill the vacant position of MEO

Superintendent Stevens would like the board to authorize him to advertise for the 2020 Highway bids for sand, gravel and fuel.

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 authorize Highway Superintendent to advertise for 2020 Highway materials for sand, gravel and fuel.

Superintendent Stevens gave a brief update on the progress at the Route 22 site and lower Mill Rd. He stated that the rough grading has been done at the route 22 highway site and will be working with the contractor of phase 1. The excavation of the old culvert has been started, the old culvert piping is being removed and the new culvert will be installed soon. The project is estimated to last 2 weeks. The road has been closed and detour signs posted.

ASSESSOR – Town Clerk Cope read the Assessor Report into the record. Ms. Johnson has requested that the board re-appoint Ann Veteran to a 5 year term that will end in September of 2024 to the Board of Assessment Review.

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 re-appoint Ann Veteran to the Board of Assessment Review with a 5 year term that will end in September 2024

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

TOWN CLERK –Town Clerk Cope gave a presentation on the updated website. She explained that this was a process of several months working with our web designer James Thompson of Zenpoint Media and the communications committee which consists of herself, Councilman John Midwood, and Lorna Sherman. Ms. Cope asked the board for authorization to have the updated website be activated to go live.

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

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

RESOLVED, to authorize the Town Clerk to have Zenpoint Media activate the updated website

Announcement of the Municipal Innovation Grant (MIG) or Dutchess County Shared Services Grant for Phase II of the Town/Village Highway Garage:

Supervisor Kaye informed the Board and the member of the public that the Town was the recipient of a Municipal Innovation Grant from Dutchess County in the amount of \$327,000. Our community received the largest amount awarded this year. This is the second grant that we have received in this program and this grant money will be used toward phase II of the highway garage project for the sand/salt shed.

Update on Regional Ambulance Negotiations:

Supervisor Kaye stated that an RFP for shared ambulance coverage for the Towns of Amenia, Dover and the Town of North East including the Village of Millerton was put out to bid. We received a response back from NDP received a bid number of \$410, 00. During the process of negotiations NDP agreed to roll back the 2020 cost to \$340,000 the same amount as 2019, after that it will be a 2% increase annually for the next five years. The contract will be coming soon to finalize.

Announcement of joint Town/Village Public Hearing on Comprehensive Plan:

Supervisor mentioned that the joint public hearing on the Comprehensive Plan will take place on September 4, 2019 at 7:00pm at the North –East Library Annex.

Meeting with Council:

IMA with village of Millerton Ian MacDonald preparing resolution.
Resolution approving IMA with Village for grant for water.

Proposed Sign Law- Attorney Replansky informed the Board that he is in the process of reviewing the proposed sign law and will consult with the sign committee. It can be discussed at our next meeting.

Mr. Replansky said the closing for the Bond moneys borrowed for phase 1 of Highway Garage project will take place in the next week or two. The closing will take place with the Bank of Greene County. Proof of publication of the Estoppel Notice will need to be provided to our Bond Counsel.

Robert Trotta requests time to speak on Taylor Oil's Storage of Fuel at their Route 22 location:

Robert Trotta spoke on behalf of Taylor Oil. The Taylor's would like to propose a fuel storage depot for on -road fuel and diesel. Mr. Trotta said that this would be a wholesale business. He is looking to get Town Board approval to allow the storage of fuel at the Route 22 location. Supervisor Kaye informed Mr. Trotta that he was under the impression that this application was still before the ZBA and Planning Board. Mr. Trotta also said that this area could be a floating industrial zone. Mr. Kaye felt that this may be jumping the steps and wanted to know how the rest of the Board felt, he said that this application was still before the Planning and Zoning Boards. Mr. Trotta said that he would speak to his clients.

Approval of Quenzer Environmental LLC for wetlands delineation and endangered species screening at the Town highway Garage Site as required by Army Corp of Engineers:

The Army Corp of Engineers is requiring the Town to do a wetland delineation and endangered species study at the Route 22 Highway property. Quenzer Environmental LLC can do this study for \$2800.00.

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

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

RESOLVED, to hire Quenzer Environmental LLC at a cost \$2800.00 to do the wetland delineation and endangered species study as required by the Army Corp of Engineers.

Announcement of Submission of Grant Application to the Water Quality Improvement Project (WQIP) Program through the Consolidated Funding (CFA) application Process:

Councilman Kennan spoke about the CFA grant application that was submitted. It would be to relocate the sand and salt shed from the current highway site on S. Center Street and move it over to the route 22 site. Currently our sand and salt shed site along the Webutuck Creek and is uncovered. This would be a shared facility with the Village. The amount of the grant that we have submitted is for \$485,000. We should hopefully know in December if we are a recipient of this grant.

Submission of the Community Development Block Grant (CDBG) Ideas and Set a date for public hearing:

Each year a public hearing is scheduled to hear ideas for submission to the Community Development Block Grant program.

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

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

RESOLVED, to schedule the public hearing for CDBG for September 12, 2019 at 7:20PM.

Introduction of Local Law to Exceed Tax Cap and Set Public Hearing:

Supervisor Kaye introduced Local Law 2 of 2019 and stated that this is similar to a local law that we have passed in previous years. It allows us, if we have to go over the tax cap.

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

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

NAYS - 0

RESOLVED, to schedule the public hearing for Local Law 2 of 2019 for September 12, 2019 at 7:30PM.

LOCAL LAW NO. 2 OF THE YEAR 2019

OVERRIDE OF THE TAX LEVY LIMIT FOR FISCAL YEAR 2020 PURSUANT TO GENERAL MUNICIPAL LAW §3-c

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

Section I: Title.

This Local Law shall be known and cited as Town of North East “Local Law No. 2 of the Year 2019 To Override the Tax Levy Limit for Fiscal Year 2020 Pursuant to General Municipal Law §3-c.”

Section II: Legislative Intent.

The Town Board acknowledges that it is vitally important to use the taxes of the Town of North East in a fiscally responsible manner and it is necessary to keep the tax levy of the property taxpayers to a minimum amount, especially in economically hard times. The Town Board has reviewed the proposed budget, the appropriation requests of the Town Department Heads and the financial position of the Town. The Town Board has determined that the Fiscal Year 2020 Budget will require a tax levy increase that is greater than that allowed by General Municipal Law §3-c.

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of North East, County of Dutchess, pursuant to General Municipal Law § 3-c, and to allow the Town of North East, County of Dutchess, to adopt a Town budget for Town purposes and any other special or improvement district governed by the Town Board for the fiscal year 2020 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section III: Authority.

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section IV: Tax Levy Limit Override

The Town Board of the Town of North East, County of Dutchess, is hereby authorized to adopt a budget for fiscal year 2020 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section V. Separability.

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstance, and the Town Board of the Town of North East hereby declares that it would have

passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section VI: Effective Date.

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 ACCEPTING A PROPOSED LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT FOR FISCAL YEAR 2020 PURSUANT TO GENERAL MUNICIPAL LAW §3-c FOR COMMENCEMENT OF THE LOCAL LAW ADOPTION PROCESS

WHEREAS, the Town Board has 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 2020; and

BE IT FURTHER RESOLVED, the Town Attorney has prepared a proposed local law to override the tax levy limit for fiscal year 2020 pursuant to General Municipal Law §3-c, and the same has been reviewed and approved by the Town Board members.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the proposed local law for the year 2019 entitled “Local Law to Override the Tax Levy Limit for Fiscal Year 2020 pursuant to General Municipal Law §3-c” for commencement of the local law adoption process; and

BE IT FURTHER RESOLVED, that the Town Board hereby schedules a public hearing on said local law to be held on September 12, 2019 at the North East Town Hall, at 7:30PM and that the public hearing be duly noticed by the Town Clerk as required by law.

MOTION: John Merwin
SECOND: Ralph Fedele

SUPERVISOR KAYE	Voted AYE
COUNCILMAN MERWIN	Voted AYE
COUNCILMAN MIDWOOD	Voted AYE
COUNCILMAN KENNAN	Voted AYE
COUNCILMAN FEDELE	Voted AYE

This resolution was declared duly adopted on August 8, 2019

LISA COPE
Town Clerk, Town of North East

Supervisor’s Report:

Monthly Bills Abstract/ Special Abstracts –

Supervisor Kaye presented a Special Abstract, dated July 30, 2019, totaling \$11,707.70 broken down as follows:

A Fund -	\$3,156.57
DB Fund-	\$ 8,363.46
Payroll T&A -	\$187.67
Total -	\$11,707.70

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

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

RESOLVED, to accept Special Abstract dated July 30, 2019 in the amount of \$11,707.70.

Supervisor Kaye presented an Abstract, dated August 8, 2019, totaling \$71,836.85 broken down as follows:

A Fund -	\$ 43,588.84
B Fund -	\$ 607.88
DB Fund -	\$ 12,963.24
Capital Project H1	\$ 14,554.39
T &A2 Escrow	\$ 122.50
Total -	\$ 71,836.85

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

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

RESOLVED, to accept the abstract dated August 8, 2019 in the amount of \$71,836.85.

Voucher Committee for September 2019

The voucher committee for September will be Councilmen Fedele and Councilman Merwin.

Approval of Minutes:

The Board reviewed the minutes of July 11, 2019 Meeting.

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 July 11, 2019

The Board reviewed the minutes of July 19, 2019 Meeting.

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

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

RESOLVED, to accept the minutes of July 19, 2019 Meeting

The Board reviewed the minutes of July 25, 2019 Meeting.

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 the minutes of July 25, 2019 Meeting.

Town of North East
Town Board
Minutes
August 8, 2019

General Comments:

None

Adjournment:

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

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

RESOLVED, to adjourn the meeting at 8:15 pm

Respectfully submitted,

Lisa Cope
Town Clerk

Approved: 10/10/2019