

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

**Councilman Present:**

Supervisor Kaye  
Councilman Merwin  
Councilman Fedele  
Councilman Kennan  
Councilman Midwood

**Councilman Absent:**

**Call to Order:**

Supervisor Kaye called the meeting to order at 7:00 p.m. with the Pledge of Allegiance

**Acceptance of Agenda:**

Supervisor Kaye informed the Board that there was one change to the agenda. Item #10 draft revisions to sign law will be removed and discussed at another meeting and the addition of an executive session.

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:**

Resident Bill Kish asked when the draft revisions to the sign law would be available and if it would be possible to get them in the red line version?

**Department and Committee Reports:**

**POLICE** – Officer Rudin reported the month of September had a total of thirty incidents. There were seventeen in village and fifteen in the town. In September, there were three arrests in the town and three arrests in the village.

**HIGHWAY** – Superintendent Stevens informed the Board that the 2008 Sag Mower needed to be replaced. He presented the board with three quotes. The low result was from Reardon Briggs the board in the amount of \$8,066.07.

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 bid of \$8,066.07 to purchase a 48” Tiger Cat II 22 HP from Reardon Briggs.

**ASSESSOR** – No Report

**PLANNING, ZONING BOARDS, and BUILDING DEPARTMENT** – The reports for these Departments have been emailed to all Board members.

**TOWN CLERK** – Clerk Cope gave a brief report for her office. Ms. Cope informed the Board that the lease on the postage meter was up for renewal. Ms. Cope suggested upgrading the postage meter to make processing mail more efficient. Ms. Cope suggested two postage meter for consideration. The board agreed to have the Town Clerk sign a lease for the IX-3 mailing system from Neopost in the amount of \$70.99 per month for a lease term of 63 months.

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

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

RESOLVED, to lease the IX-3 postage meter at \$70.99 per month for 63 months from Neopost.

**Bulk Trash Day Set for October 19, 2019:**

Supervisor Kaye announced that Bulk Trash day would take place on Saturday, October 19, 2019 from 8am-12pm at the North East Highway Garage.

**Resolution to Submit Justice Court Assistance Program (JCAP) Grant Application:**

Town Justice Dennis Johnson would like to submit a JCAP grant application. The Court Department recently had a security audit by the NYS Unified Court System and the report addressed lighting around the outside of the building and other security measures.

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

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

RESOLVED, that the Town Board of the Town of North East, State of New York hereby authorizes the North East Town Court to apply for a grant from the Justice Court Assistance Program (JCAP) in the 2019-2020 cycle in the amount of \$11,480.22.

**Appointment of new member to the Conservation Advisory Council (CAC):**

Councilman Kennan said that the personnel committee had interviewed two residents that submitted letters of interest to serve as a member of the CAC. The committee would like to recommend Mary Lynn Kalegoras to fill the vacant position on the CAC.

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

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

RESOLVED, to appoint Mary Lynn Kalegoras as a member of the Conservation Advisory Council.

**7:20pm public hearing on the acceptance of water district#1 benefit assessment rolls:**

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

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

RESOLVED, to open the public hearing on acceptance of Water District # 1 benefit assessment roll.

There were no comments.

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

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

RESOLVED, to close the public hearing at 7:23pm.

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

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

RESOLVED, to accept the water district #1 benefit assessment roll for 2020.

**7:30 resume public hearing on Community Development Block Grant (CDBG) ideas and authorize the supervisor to sign on for submission:**

The public hearing for CDBG ideas from the September meeting was resumed. The Village of Millerton has proposed applying for the grant together for the revitalization to Eddie Collins Memorial Park. Councilman Chris Kennan supported this idea.

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

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

RESOLVED, to close the public hearing at 7:35pm.

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

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

RESOLVED, to accept the project proposed by the Village of Millerton to submit an application for a CDBG grant for the revitalization of Eddie Collins Park and to have the supervisor sign a letter of support.

**TOWN BOARD OF THE TOWN OF NORTH EAST**

**RESOLUTION AUTHORIZING THE SUBMISSION OF THE 2018 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

**WHEREAS**, the Town of North East (hereinafter referred to as the “Municipality”) is participating in the 2020 Community Development Block Grant Consortium; and

**WHEREAS**, the Town has agreed to support the Village of Millerton’s CDBG Grant application for purposes of funding the Eddie Collins Memorial Park Renovation Project and

**WHEREAS**, input from the citizens and groups have been received and considered in the course of a public hearing; and

**WHEREAS**, the application has been prepared for the above referenced activity which addresses our community concerns.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that 2020 application to the Dutchess County Community Development Block Grant Program for the Municipality, including the certifications therein, is hereby approved by the Town of North East; and be it further

**RESOLVED**, that the submission of the application by the Village of Millerton to the Dutchess County Department of Planning and Development is hereby authorized.

MOTION: Councilman Kennan  
SECOND: Councilman Fedele

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

This resolution was declared duly adopted on October 10, 2019.

Dated: October 11, 2019  
Millerton, New York

**Resolution Establishing Intent to be Co-Lead Agency; Identification of the Action as Type 1 under SEQRA; and Direction for Dutchess 239-m Referral for the Adoption of the Town/Village Joint Comprehensive Plan:**

Attorney Warren Replansky said that the County Planning Department came back with a few comments from their review of the draft comprehensive plan. A supplement was added. Mr. Replansky said that we needed to pass a resolution adopting part 1 of the SEQRA, a second appendix has been added to the plan and a public hearing set for November 14, 2019 at 7:25pm.

**TOWN BOARD OF THE TOWN OF NORTH EAST**

**RESOLUTION ESTABLISHING INTENT TO BE CO-LEAD AGENCY;  
IDENTIFICATION OF THE ACTION AS TYPE I UNDER SEQRA; AND DIRECTION  
FOR DUTCHESS COUNTY 239-m REFERRAL FOR THE ADOPTION OF THE  
TOWN/VILLAGE JOINT COMPREHENSIVE PLAN AND SCHEDULING OF PUBLIC  
HEARING ON SAID COMPREHENSIVE PLAN**

**WHEREAS**, the Town of North East Town Board (“Town Board”)and the Village of Millerton Village Board (“Village Board”) identified a need to review and update their existing Joint Comprehensive Plan (“Joint Comprehensive Plan”) to properly plan growth and development in the Village and the Town; and

**WHEREAS**, the Village Board and Town Board assigned the task of reviewing and are preparing a draft Joint Comprehensive Plan to the joint Village of Millerton/Town of North East Comprehensive Plan Committee (“Comprehensive Plan Committee”) whose members were chosen by the Village Board and the Town Board; and

**WHEREAS**, as a result of a joint cooperative effort between the Village Board and the Town Board, the Comprehensive Plan Committee has drafted a proposed update to the Joint Comprehensive Plan (“Draft Joint Comprehensive Plan”), with the assistance of a planning consultant, and has solicited input from the community via a survey, planning workshop, focus groups, public meetings, and public hearings pursuant to New York State Town Law § 272-a and Village Law § 7-722; and

**WHEREAS**, the Comprehensive Plan Committee has submitted a Draft Joint Comprehensive Plan to the Village Board and the Town Board for the consideration of, and adoption by, each respective Board; and

**WHEREAS**, the Village Board and Town Board are initiating a joint adoption process per Village Law § 7-722 and Town Law § 272-a respectively; and

**WHEREAS**, adoption of a comprehensive plan pursuant to Village Law § 7-722 and Town Law § 272-a has been determined to be a Type I action, pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and 6 NYCRR Part 617.4, and

**WHEREAS**, the proposed action will not require permits and approvals from any local, regional or State agencies, other than the Village Board and Town Board, prior to adoption of the plan and therefore a coordinated SEQRA review with other agencies is not required; and

**WHEREAS**, the Dutchess County Department of Planning and Development is required to review the Draft Joint Comprehensive Plan pursuant to GML §239-m and this review is considered an advisory opinion under SEQRA and the is not an Involved Agency under SEQRA and therefore not eligible to serve as Lead Agency in this action; and

**WHEREAS**, Dutchess County Department of Planning and Development has already preliminarily reviewed the Comprehensive Plan and has made certain suggestions for amendment thereto; and

**WHEREAS**, the Town Board has directed its Planning Consultant to make the required amendments and changes to the Comprehensive Plan, as recommended by Dutchess County Department of Planning and Development.

**NOW THEREFORE BE IT RESOLVED**, pursuant to the applicable standards of the SEQRA regulations contained in 6 NYCRR Part 617, the Town Board hereby determines that it is appropriate for both the Village Board and the Town Board to serve as Co-Lead Agencies under SEQRA, and the Town Board hereby declares itself Co-Lead Agency and consents to the Village Board serving with the Town Board as Co-Lead Agency for the environmental review of this action; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby adopts and authorizes development and circulation of a copy of Part I of the Full EAF, a copy of which is annexed hereto, pursuant to the requirements set forth in 6 NYCRR Part 617; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes referral of the Draft Joint Comprehensive Plan, as amended in response to Dutchess County Department of Planning and Development recommendations, and Part I of the Full EAF to the Dutchess County Department of Planning and Development pursuant to New York State General Municipal Law §239-m; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby schedules a public hearing on said Comprehensive Plan for November 14, 2019 at 7:25 p.m. at the North East Town Hall; and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to publish notice of the said public hearing on the Town's official board, and in the Town's official newspaper, at least ten (10) days prior to the scheduling of the date of the said public hearing and to make a copy of Part 1 of the EAF and amended Comprehensive Plan available for review by the public by posting the same on the Town's website and by having a copy of Part 1 of the Full EAF and the Amended Comprehensive Plan available at the Town Clerk's office and the Millerton Public Library during regular business hours.

MOTION: John Merwin

SECOND: 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 October 10, 2019.

Lisa Cope, Town Clerk, Town of North East

#### **Presentation of the 2020 Tentative Budget:**

Budget Officer Lorna Sherman presented the tentative 2020 budget. The budget committee worked hard to keep the numbers down. Ms. Sherman said that there was an increase to the

library line of \$20,000. Slight increase in NYS retirement, 9% increase in the health insurance. 3% increase in salaries. The amount over the tax cap was \$11, 775.00.

**Set Public Hearing Date for the 2020 Budget:**

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

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

RESOLVED, to set the public hearing for the 2020 budget for November 14, 2019 at 7:15PM.

**American Legion Requests to Speak to Town Board Concerning Their Sign:**

Sean Klay from the American Legion addressed the Board about the sign; Mr. Klay said that the Legion had a series of meetings with the Red Cross regarding emergency management and how to get emergency management information out to the public. He said other post in the Hudson Valley have been closing down. He said the sign could be used for amber alerts, police announcements, would be helpful to Town, Village and Not-for-Profits for announcements. He asked the Town Board to take the Legions request to have the sign and add it to the proposed sign law. He said that by adding this to the sign law it would not be to help the Legion but to help our community. Mr. Klay said that the legion is more than happy to work with the board on hours of operation that the sign is on, brightness. Supervisor Kaye thanked Mr. Klay and said that the board needed time to discuss this issue and would not be making a decision tonight. Mr. Merwin asked our attorney to discuss this issue with the board. Mary Lynn Kalagores asked what the issue was. Supervisor Kaye informed her the issue was that the sign was erected without a permit and not allowed per the zoning law.

**Permission for the Supervisor to Sign the Dutchess County Snow Removal Contract:**

Dutchess County has requested that the Town Highway Dept. plow county road in the Town of North East. The Town use to plow these road up to a few years ago and the county is requesting that we plow these road again. The amount of county roads to maintain equals 12.6 miles. The County will pay \$5,500 per mile.

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

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

RESOLVED, to authorize the Supervisor to sign the Dutchess County Snow Removal contract for 2019-2020 at a rate of \$5,500 per mile.

**TOWN BOARD OF THE TOWN OF NORTH EAST**

**RESOLUTION AUTHORIZING TOWN SUPERVISOR TO SIGN CONTRACT WITH  
DUTCHESS COUNTY FOR PARTICIPATION IN THE COUNTY SNOW AND ICE  
CONTROL PROGRAM  
RESOLUTION 28-2019**

At a monthly meeting of the Town Board of **NORTH EAST** held on October 10, 2019

Councilman John Merwin offered the following Resolution and moved its adoption, Seconded by Councilman Chris Kennan.

WHEREAS, the Town Superintendent of Highways has been requested by the County of Dutchess to participate in the regional County Highway Snow and Ice Control Program within the boundaries of the Town, and

WHEREAS, the County of Dutchess is requesting that the Town enter into a contract with the County for participation in the County Snow and Ice Control Program, and

WHEREAS, and logically, an earlier or sooner response factor can be provided by Town units and personnel within the locale thereby benefiting the overall safety and welfare of town residents and local community interest, and

WHEREAS, such participation by the Town in removing snow from designated County Highways, and by sanding and salting or otherwise treating them for the purpose of maintaining highway safety and accessibility for emergency services, is specifically authorized by Article 6, Section 135-a of the New York State Highway Law, now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to execute a contract for the Town's participation in the County Snow and Ice Control Programs, and the Town Superintendent of Highways is herein authorized to perform such work in accordance with, and to receive payment as outlined in the Town and County contract for the County Snow and Ice Control Program for the Winter season 2019 - 2020.

I, Lisa M. Cope, Clerk of the Town of **NORTH EAST**, DO HEREBY CERTIFY that the foregoing is a true copy of a resolution offered and adopted at a meeting of the Town Board, held on October 10, 2019.

LISA COPE,  
TOWN CLERK, TOWN OF NORTH EAST

**Supervisor's Report:**

**Budget Adjustment** – Supervisor Kaye reviewed budget adjustment #6 for 2019.

A Fund – General Town-wide. There is an expense increase of \$11,388.00 less a revenue increase of \$11,388.00.

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 approve budget adjustment # 6 of 2019 as presented.

**Monthly Bills Abstract/Special Abstracts:**

Supervisor Kaye presented a Special Abstract, dated September 24, 2019, totaling \$400.49 broken down as follows:

A Fund -	\$ 245.74
Payroll T&A -	\$ 154.75
Total -	\$ 400.49

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 approve the Special Abstract, dated September 24, 2019, totaling \$400.49

Supervisor Kaye presented an Abstract, dated October 10, 2019, totaling \$323,118.21 broken down as follows:

A Fund -	\$ 57,777.98
B fund -	\$ 27,680.14
DB Fund -	\$108,685.77
Capital Projects H1	\$ 127,513.20
T&A2 Escrow	\$ 1,106.20
Total -	\$ 323,118.21

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 approve the Abstract, dated October 10, 2019, totaling \$323,118.21

#### **Voucher Committee for November 2019 –**

The voucher committee for November will be Councilmen Fedele and Merwin.

#### **Approval of Minutes from Previous Meetings:**

The Town Board reviewed the minutes of August 8, 2019.

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 minutes of August 8, 2019

The Town Board reviewed the minutes of September 12, 2019.

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 September 12, 2019

#### **Meeting with Counsel:**

Supervisor Kaye informed Attorney Replansky that a request has come in to film a movie in our town. Mr. Replansky said that this was becoming popular with the movie industry to use locations in the Hudson valley. He said that Hyde Park is proposing a local law to regulate this issue. He said that we could do the same thing. Mr. Replansky said that since we have the request now we could approve and issue a permit. We should collect a fee between \$500-\$1000. The police will be notified. We will need insurance from the production company that also names the Town as an additionally insured in the amount of \$5 million per occurrence. The filming will take place between October 21 and early November. Warren will draft an agreement for the film company to sign. The board also agreed to request a fee of \$1000.00 for the permit.



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 approve the filming permit for Citiot Productions and Three Pine Hill LLC with the Town of North East and to charge a fee of \$1,000.00.

Supervisor Kaye also mentioned that we had an unauthorized Firework display. Ask Warren about starting to charge a fee for each permit and drafting a local law.

**Executive Session:**

Attorney Replansky said that the board would need to go to executive session to discuss Insurance Compliance negotiations for EMS service.

On a motion by Councilman Fedele, seconded by Councilman Merwin 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 Executive Session at 7:50 PM

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

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

RESOLVED, to return to session at 8:05 PM

**General Comment Period:**

Meg Winkler asked the Board about the speed limit study which had been requested for Winchell Mountain Rd. Ms. Winkler reminded the Board that a letter had been submitted in June and she is now following up to an article which was in the Millerton News about the speed limit request. Supervisor Kaye informed Ms. Winkler of the process that the request was forwarded to Dutchess County Public Works, who forwarded it to NYS Department of Highways. We have had a response from our Town Engineer on the cost of the Town conducting the Speed analysis and the cost would be in the \$3,000.00 range.

**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 8:50 pm.

Respectfully submitted,

Lisa M. Cope  
Town Clerk

