

**TOWN OF NORTH EAST
TOWN BOARD
REGULAR MEETING
DECEMBER 12, 2019**

Councilmen present:

Supervisor Kaye
Councilman Merwin
Councilman Fedele
Councilman Kennan
Councilman Midwood

Councilmen absent:

Call to Order:

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

Acceptance of Agenda:

Supervisor Kaye indicated he wanted to add a number of items. One item was an authorization to extend the inter-municipal agreement for procurement with Dutchess County. The other item was permission to issue an RFP for the fueling station at the highway garage. The last item was comments on the NDP contract just signed to cover the years 2020 to 2024.

Supervisor Kaye took the time to extend special thanks to members of Town Board and Lorna Sherman. He also thanked all staff at Town Hall and the members of the various boards and committees.

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 agenda as amended.

Councilman Kennan made a couple of comments. He acknowledged Clerk Cope, Councilman John Merwin, and Supervisor Kaye and presented each with plaques in recognition of their service to the Town of North East.

Public Comment on Agenda Items Only:

No public comment on the agenda items.

Department and Committee Reports:

Police – Officer Veeder was present to review the November 2019 report. He indicated there were 29 incidents of which 16 were in the Village leading to two arrests and 13 were in the Town leading to one arrest. November of 2018 had a total of 28 incidents with seven leading to arrests.

Highway – Superintendent Stevens had the 2020 sealed bids results. He indicated there is a small increase across the board.

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 accept the 2020 bid prices.

Assessor – No report.

Planning, Zoning, and Building Departments – A report was provided from each department.

Town Clerk – Clerk Cope thanked the Town Board and residents for the opportunity to serve the community she loves.

Committee Activity – No reports.

Set the Holiday Schedule for Town Employees:

Supervisor Kaye suggested granting Christmas Eve Day as a holiday.

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 grant Christmas Eve Day as a holiday in addition to Christmas.

Set the 2020 Reorg Meeting Date and Time:

Councilman Kennan suggested January 2, 2020 at 5:00 p.m. and with a brief swearing in by Hon. McCabe at 4:45 p.m. The snow day reschedule date would be the following day, January 3, at the same time.

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 set the 2020 Reorganizational Meeting for January 2, 2020 at 5:00 p.m.

Authorization to Extend the Inter-municipal Agreement for Procurement with Dutchess County:

Supervisor Kaye mentioned Dutchess County can buy items, like copy paper, in quantity and allow the Town to buy these items at a slightly reduced price. It is used more in the handling of RFPs. The County will review the Town's proposals to ensure they match what the County requires and then allow the Town to utilize BidNet, in addition to the State's site, so there is an opportunity for more bidders.

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 continue the Inter-municipal Agreement with Dutchess County effective November 1, 2019 and terminate on October 31, 2020.

Permission to Issue an RFP for the Fueling Station at the Highway Garage:

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 authorize CPL, Architect, Engineers, and Planners to place the Fuel Storage/Fuel Management project out to competitive bid in accordance with the Town law and Dutchess County Central Services Department requirements; coordinate public notification giving notice to bidders, and all bids will be opened at the Town Hall at a date and time that shall be coordinated with the Town Clerk; such bid documents and proposed contract documents shall be available for public inspection for a deposit prior to the bid date.

Comments on the NDP Contract Just Signed to Cover the Years 2020 to 2024:

Supervisor Kaye gave a brief overview of the NDP contract for ambulance service. One issue to arise was the absence of an umbrella policy. After consultation with the Town's insurance agent, it was deemed a necessity to request a five million dollar umbrella policy. After discussions with NDP, the amount was reduced to three million dollars; however, they could not bear the cost for the policy. They offered 25% but later agreed to 33% of the cost with the remaining amount to be covered by Dover Plains, North East, and Amenia. There is now a policy to cover 2020 to 2024. The renewal rate is two percent per year for the following five years.

Presentation by Jon Arnason to the Town Board of the Draft Law for Signs:

Supervisor Kaye stated there was no presentation for tonight's meeting as Mr. Arnason was unable to attend. There will be a special meeting on Monday, December 30, 2019 to go over the law and set a date for the public hearing.

Attorney Replansky stated the changes to the sign law are not that dramatic. There is additional language, reformatting, and removal of some language that may be subject to scrutiny. There were no recommendations regarding LED signs.

Attorney Replansky mentioned one issue with a section within the existing law covering nonconforming signs. If the Zoning Enforcement Officer is not enforcing nonconforming signs, the Town should consider removing this section.

American Legion Request to Speak on Their Sign Issue:

Sean Klay, Post Adjutant, was presented a petition in support of the Legion's electronic sign. The petition requests the Town Board make the appropriate changes to the Town Law in order for the American Legion Post #178 to keep the recently installed electronic sign. The signers do not believe the sign is a detriment to the character of the town, zoning district, or neighborhood.

Post Adjutant Klay mentioned the Greenway Compact and highlighted a section outlining the Compact as a guideline to be used, but the Compact did not explicitly prohibit this type of sign. All municipalities within Dutchess County, with the exception of Stanford, are Greenway Compact Communities. Pine Plains, Dover Plains, and LaGrange all have signs like the legion within their boundaries spanning businesses, government agencies, and nonprofits. In Greenway Communities, like South East, there are businesses with this type of sign.

Approval of the Building Department Fee Schedule for 2020:

Supervisor Kaye said the fees have changed a great deal.

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 approve the Building Department's fee schedule for 2020.

Supervisor's Report:

Budget Adjustment – Supervisor Kaye presented Budget Adjustment #8 for 2019.

In A Fund – General Town-wide, there is an expense increase of \$2,271 less a revenue increase of \$2,271 for a net of \$0.00.

In B Fund – General Town Outside, there is an expense increase of \$1,045 less a revenue increase of \$1,045 for a net of \$0.00.

In DB Fund – Highway Town Outside, there is an expense increase of \$15,670 less a revenue increase of \$15,670 for a net of \$0.00.

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 accept Budget Adjustment #8 for 2019.

Monthly Bills Abstract/Special Abstracts –

Supervisor Kaye presented Special Abstract, dated November 20, 2019, totaling \$23,300.95 broken down as follows:

A Fund -	\$300.95
B Fund -	\$23,000.00

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 approve Special Abstract, dated November 20, 2019, totaling \$23,300.95.

Supervisor Kaye presented Special Abstract, dated December 3, 2019, totaling \$65,931.00 broken down as follows:

A Fund -	\$30,988.00
B Fund -	\$7,252.00
DB Fund -	\$27,591.00

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 Special Abstract, dated December 3, 2019, totaling \$65,931.00.

Supervisor Kaye presented Abstract, dated December 12, 2019, totaling \$368,466.56 broken down as follows:

A Fund -	\$40,984.41
B Fund -	\$856.81
DB Fund -	\$302,436.03
Capital Projects H1	\$23,989.41
T&A2 Escrow	\$175.00
Payroll T&A	\$24.90

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 Abstract, dated December 12, 2019, in the amount of \$368,466.56.

Voucher Committee for January 2020 –

The Voucher Committee for January 2020 is Councilmen Fedele and Midwood.

Approval of Minutes from Previous Meetings:

No minutes were presented.

Meeting with Counsel:

General Legal Matters – Superintendent Stevens left a voicemail regarding the liability issue with the resident on Shaffer Road and hasn't heard a reply. Attorney Replansky stated he should be contacted directly as he has a number of questions.

General Comment Period:

Bill Kish mentioned the grant to update the lighting at Town Hall. Supervisor Kaye stated the Town hasn't heard a response as of yet. Mr. Kish was seeking an opportunity to amend or adjust the plans for the lights. He reviewed the current plan and found issues. Supervisor Kaye stated he should contact Hon. Dennis Johnson as he submitted the grant.

He clarified matters pertaining to Greenway. The operative document that Post Adjutant Klay was looking at was the Greenway guide prepared by Dutchess County on signs and it predated LED signs. He doesn't see language that Greenway would encourage LED signs.

Mayor Debbie Middlebrook stated she has enjoyed working with Supervisor Kaye and extended thanks to him for all of his assistance.

Andrew Stayman asked Attorney Replansky if he was correct in saying that there is no way the LED sign could be turned on. Attorney Replansky stated the sign is currently in violation of the zoning law. There is nothing in the recommendation of the sign review committee that would change that issue. Mr. Stayman stated it is an injustice that this wasn't explained to the Legion. The American Legion is now arguing to have the sign turned on but it can't be turned on based on the law. Attorney Replansky said it would require amending the current zoning law. Post Adjutant Klay stated the Legion is essentially asking the Town to amend the law to allow the LED sign.

Clerk Cope read a letter from Meg Bertrand-Winkler, Michael Winkler, and Daniel Goldhagen. The letter stated they have not heard any feedback or communication as to what, if any, efforts have been made on their behalf to request the implementation of a speed study on Winchell Mountain Road. They have requested speed signs, hidden driveway signs, as well as, other advisory signs (i.e. icy road conditions) which may help to prevent accidents in the future.

Supervisor Kaye indicated the local police were contacted about the number of accidents to have occurred on that road. According to the local police, there has only been one accident over the past few years. The accident from the other day wasn't due to the speed but ice. An e-mail has been sent to Stephen Gill, Traffic Engineer at Dutchess County Department of Public Works, regarding this matter. Superintendent Stevens looked at the site distance for each resident on the road and there are several that are problematic. Those addresses have been forwarded to Mr. Gill for consideration of hidden drive signs. He was also asked to consider signs for icy conditions. No reply has been received to date.

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 8:10 p.m.

Respectfully submitted,

/s/

Gail J. Wheeler
Town Clerk

Approved: 04/16/2020