

**TOWN OF NORTH EAST
TOWN BOARD
REGULAR MEETING
FEBRUARY 13, 2020**

Councilpersons present:

Supervisor Christopher Kennan
Councilman Ralph Fedele
Councilman George Kaye
Councilman John Midwood
Councilwoman Lana Morrison

Councilpersons absent:

Call to Order:

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

Acceptance of Agenda:

Supervisor Kennan indicated he wanted to amend the agenda by adding the Climate Smart Communities Work Plan at the end of the meeting.

On a motion by Councilman Kaye, seconded by Councilwoman Morrison, the following was:

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

RESOLVED, to approve the amended agenda.

Supervisor Kennan noted the passing of Jean Valentine, Chair of the Town's Planning Board from 1997 to 2000, and Anne Veteran, member of the Zoning Board of Appeals from 2004 to 2019.

Justice Johnson applied for a grant and the Justice Court Assistance Program (JCAP) awarded \$11,441.00 to upgrade the security and lighting in the courtroom.

April 25, 2020 is the 50th anniversary of Earth Day. The Millerton Business Alliance, Townscape, and others are going to be working with the Community Center to make that a big day in Millerton.

The County is going to be replacing a culvert on Smithfield Road in between Cooper Road and Silver Mtn. Road. The road will be closed for a number of months during the summer.

A Zoning Review Committee is needed in both the Town and Village. Each committee should have diverse representation of the community and at least one member of the Planning Board and Zoning Board of Appeals. The Town hopes to get this underway as soon as possible, so interested persons should contact the Town.

There are revised Town Board Committees which will be posted on the website.

Department and Committee Reports:

Police – Officer Veeder presented the January 2020 report to the Board. He indicated there were 27 incidents of which 20 were in the Village and seven were in the Town. These resulted in one arrest in the Village and one arrest in the Town. Last year, there were 38 incidents of which five arrests resulted in the Village and one arrest in the Town.

Highway – Highway Superintendent Stevens stated the new storage shed was working out very well. The department has been cutting back brush, patching, and working on equipment. There are good stocks of sand and salt.

Assessor – Assessor Johnson mentioned the passing of Anne Veteran created a vacancy on the Board of Assessment Review. The new appointee will be filling a five-year term ending September 30, 2024. The Board should advertise to fill the position as soon as possible since Grievance Day is in May and training may be sometime in late April. Supervisor Kennan stated the open position will be posted on the website as soon as possible.

All new and renewal exemptions must be submitted by March 2 this year. Additional office hours will be Tuesday, February 25th from 3:00 p.m. to 7:00 p.m. and Friday, February 29th from 11:00 a.m. to 3:00 p.m.

March 1st is Taxable Status Date meaning the status of the property and the data which exists in our records as of this date is the status of the property and the data that will be used to determine the assessed value for the 2020 Roll.

Planning, Zoning, and Building Departments – Reports were distributed to the Board.

Town Clerk – Report was distributed to the Board.

Committee Activity – There is no committee activity at this point.

Insurance Policy Renewal Update:

Supervisor Kennan stated the Town received two quotes for the liability insurance. Since there are a couple of details to be addressed, the matter will be tabled until the next meeting.

Resolution for Procurement of Blanket Undertaking:

Supervisor Kennan mentioned a resolution is needed to approve the procurement of a blanket undertaking for town officials and other officers and employees pursuant to Public Officers Law Section 11(2). The State requires this resolution stating the Town has this coverage.

TOWN BOARD OF THE TOWN OF NORTH EAST

**RESOLUTION APPROVING THE PROCUREMENT OF A BLANKET
UNDERTAKING FOR TOWN OFFICIALS AND OTHER OFFICERS AND
EMPLOYEES PURSUANT TO PUBLIC OFFICERS LAW §11(2)**

WHEREAS, the Public Officers Law §11(1) requires, in relevant part, for an official undertaking of every officer, official and certain employees of the Town of North East in amounts, forms and manner of executions as specified pursuant to said section of the Public Officers Law to be filed and executed by the said officers, and other officials, of the Town as specified in Public Officers Law §11(1); and

WHEREAS, §11(2) of the Public Officers Law provides, in relevant part, that in lieu of the requirement of execution of official undertaking by each such covered official or officer of the Town, the Town may procure a Blanket Undertaking from any duly authorized corporate surety covering such officers and officials provided such Blanket Undertaking shall, among other things, indemnify the Town against losses incurred by the Town; and

WHEREAS, the Town Board has provided coverage through its Glatfelter Public Practice Insurance Policy for coverage against such matters as employee theft, forgery or alteration, theft of money and securities inside the premises, robbery/safe burglary inside the premises, theft or other criminal acts outside the premises, computer and funds transfer fraud, money orders, and

personal fraudulent impersonation, with a limit of \$100,000 per loss in the case of theft or \$100,000 per occurrence with regard to the other matters with \$500 deductible provisions, and further provide for coverage for the Tax Collector for various criminal or dishonest acts resulting in a loss to the Town at a limit of \$150,000 without a deductible; and

WHEREAS, the Town Board has determined, on advice of its legal counsel and liability insurance carrier, that this coverage satisfies the requirements of §11(2) of the Public Officers Law and provides adequate coverage for the Tax Collector, Town Justices, Town Clerk, Deputy Town Clerk, Receiver of Taxes, Supervisor, Bookkeeper, Deputy Supervisor and Town Board members and the other covered officers and officials of the Town and indemnifies the Town against such losses for failure of the officers covered thereunder faithfully to perform their duties or account properly for monies or property received by virtue of their positions and through fraudulent and/or dishonest acts committed by the officers and officials covered thereunder.

NOW, THEREFORE, be it

RESOLVED, that the Town shall maintain such insurance coverage during the term of office for these officers and officials and that such coverage duly satisfies the official undertaking requirements of Public Officers Law §11(2) of the State of New York.

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

MOTION: Councilman Fedele
SECOND: Councilman Midwood

SUPERVISOR KENNAN	Voted AYE
COUNCILMAN FEDELE	Voted AYE
COUNCILMAN KAYE	Voted AYE
COUNCILMAN MIDWOOD	Voted AYE
COUNCILWOMAN MORRISON	Voted AYE

The Resolution was carried by a 5-0 vote of the Town Board members on February 13, 2020.

Gail Wheeler,
Town Clerk, Town of North East

Approval of RFP for Sand/Salt Structure at New Joint Highway Garage:

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

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

RESOLVED, to authorize CPL Architects, Engineers & Planners to place the Highway Department's Salt/Sand building project out to competitive bid in accordance with Town Law and the Dutchess County Central Services Department requirements pending approval of the Dutchess County Planning Department.

There will be public notification giving notice to bidders. All bids will be open at Town Hall at a date and time coordinated with the Town Clerk. Such bid documents and proposed contract documents will be available for public inspection.

Acceptance of Bid for Well Drilling at New Highway Garage:

Supervisor Kennan mentioned the Town received four quotes from well drilling contractors.

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

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

RESOLVED, to award the well construction work to the low bidder Hyatt Pump Service in the estimated amount of \$7,200.00.

A copy of the written quotes will be kept on record in the Town Clerk's office.

Acceptance of Bid for Fuel Storage and Dispensing at New Highway Garage:

Supervisor Kennan stated the Town only received a single bid and it was over the anticipated construction budget. He suggested the Town Board reject all bids and authorize CPL Architects, Engineers & Planners to place the fuel storage/fuel management project out to re-bid.

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

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

RESOLVED, to reject all bids and authorize CPL Architects, Engineers & Planners to place the fuel storage/fuel management project out to re-bid.

Public Hearing on New Sign Law (7:20 p.m.):

Supervisor Kennan provided background on the sign law. Section 180-55 of the Town Zoning Code was amended in 2009. It was drafted by a committee appointed by former Supervisor David Sherman. The law was designed to provide some order and rationale to the placement of signs in the Town.

Recently, the Town became aware the sign law did not conform in all respects to a recent ruling of the U.S. Supreme Court. The Court basically said the sign laws must be content neutral and cannot discriminate on the basis of sign content. In general, sign restrictions must apply equally to all property owners. In following, former Supervisor Kaye asked Jon Arnason to head up a committee to look at the Town's regulation of solar facilities and our sign law.

The changes to the sign law, for the most part, attempt to ensure the North East Sign Law is "content" and "speaker" neutral. In addition, the Committee made a few technical changes to the law, such as providing a proper definition for determining the size of a sign and reorganizing the law to put administration and enforcement in one place. The Committee was not asked to, and did not, consider any substantive issues such as sign size, type, or location. As provided in the Comprehensive Plan, those issues will be considered by a Zoning Review Commission appointed by the Town Board in the context of the entire Town.

The 2009 amendments to the Code prohibited LED signs in all of the Town's zoning districts. The proposed revisions to the Sign law have left those prohibitions intact since the Committee had no direction to propose substantive changes to the sign law.

Supervisor Kennan welcomed the public's input on the proposed Sign Law. Speakers were asked to provide their names and address and limit their comments to three minutes.

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

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

RESOLVED, to open the Public Hearing at 7:23 p.m.

Speakers at the Public Hearing:

The following speakers spoke in opposition to permitting the LED sign at the American Legion Post #178:

Mary Lynn Kalogeras – Boston Corners Road, Millerton
Meg Bertrand-Winkler – Winchell Mtn. Road, Millerton

The following speakers spoke in favor of permitting the LED sign at the American Legion Post #178:

Joanne Scasso – Millerton
Molly Jenks – McGhee Hill Road, Millerton
Erik Breen – Millerton address/Town of Ancram
Bob Jenks – Millerton
Stan Chase – 613 Smithfield Road, Millerton
Sean Klay – Copake

The following speakers emphasized adherence to the Comprehensive Plan and the review of signs within zoning as a whole:

Bill Kish – North East
Daniel Sternberg – Boston Corners Road, Millerton
Chris Regan – Boston Corners Road, Millerton
Dale Culver – Route 22, Millerton

At the end of all speakers, Supervisor Kennan asked Clerk Wheeler to read communications from the following:

Louise Meryman objected to changing the regulations concerning signs on the boulevard. She feels the use of these signs runs counter to the goals of the Town's Comprehensive Plan.

Dean Nicyper stated the new Comprehensive Plan is designed to perpetuate our Town's wonderful character and the long term effects of LED/digital signs will impair the long-term success and true character of the Town.

Daniel Goldhagen opposed the request by the local American Legion Post #178 to amend the sign law to allow the organization the right to display their digital/LED sign. He stated that the Comprehensive Plan was just implemented and should be adhered to.

Joan Binzen stated the visual impression advocated for in the Comprehensive Plan will be weakened with each new LED sign.

All persons desiring to be heard, having been heard, the Public Hearing was closed.

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

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

RESOLVED, to close the Public Hearing at 8:05 p.m.

Resolution for Approval of Speed Study on Winchell Mtn. Road:

On a motion by Councilman Kaye, seconded by Councilwoman Morrison, the following was:

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

RESOLVED, to authorize the Town's engineer to conduct a speed study on Winchell Mtn. Road.

Approval of Work Plan for the Climate Smart Communities Task Force:

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

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

RESOLVED, to approve the work plan for the Town's Climate Smart Task Force.

**Supervisor's Report:
Budget Adjustment –**

Supervisor Kennan presented Budget Adjustment #10 of 2019 dated February 13, 2020.

In the A Fund – General Town-wide: An expense increase of \$676 less an expense decrease of \$676 resulting in a net of \$0.00.

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

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

RESOLVED, to approve Budget Adjustment #10 of 2019 for the A Fund – General Town-wide.

Monthly Bills Abstract/Special Abstracts

Supervisor Kennan presented Special Abstract, dated January 28, 2020, totaling \$10,777.61, broken down as follows:

A Fund -	\$3,633.42
DB Fund -	\$6,980.53
Payroll T&A -	\$163.66

On a motion by Councilman Kaye, seconded by Councilwoman Morrison, the following was:

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

RESOLVED, to approve Special Abstract, dated January 28, 2020, totaling \$10,777.61.

Supervisor Kennan presented Abstract, dated December 28, 2019, totaling \$9,815.57, broken down as follows:

A Fund -	\$2,621.96
B Fund -	\$509.92
DB Fund -	\$6,543.69
T&A2 Escrow -	\$140.00

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

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

RESOLVED, to approve Abstract, dated December 28, 2019, totaling \$9,815.57.

Supervisor Kennan presented Abstract, dated February 13, 2020, totaling \$201,627.21, broken down as follows:

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A Fund - \$52,204.07
B Fund - \$1,688.17
DB Fund - \$54,453.04
Capital Projects H1 - \$93,281.93

On a motion by Councilwoman Morrison, seconded by Councilman Kaye, the following was:

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

RESOLVED, to approve Abstract, dated February 13, 2020, totaling \$201,627.21.

Voucher Committee for March 2020 –

The Voucher Committee for March 2020 will be Councilmen Kaye and Fedele.

Approval of Minutes from Previous Meetings:

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

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

RESOLVED, to approve the minutes of January 2, 2020.

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

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

RESOLVED, to approve the minutes of January 9, 2020.

**Meeting with Counsel:
General Legal Matters –**

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

ADOPTED BY ROLL CALL VOTE:

SUPERVISOR KENNAN	Voted AYE
COUNCILMAN FEDELE	Voted AYE
COUNCILMAN KAYE	Voted AYE
COUNCILMAN MIDWOOD	Voted AYE
COUNCILWOMAN MORRISON	Voted AYE

RESOLVED, to go into executive session for the purpose of discussions regarding proposed, pending, or current litigation.

Prior to entering into executive session, the Board allowed for public comment.

General Comment Period:

No comments.

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

ADOPTED BY ROLL CALL VOTE:

SUPERVISOR KENNAN	Voted AYE
COUNCILMAN FEDELE	Voted AYE
COUNCILMAN KAYE	Voted AYE
COUNCILMAN MIDWOOD	Voted AYE
COUNCILWOMAN MORRISON	Voted AYE

RESOLVED, to enter into executive session at 8:24 p.m.

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

ADOPTED BY ROLL CALL VOTE:

SUPERVISOR KENNAN	Voted AYE
COUNCILMAN FEDELE	Voted AYE
COUNCILMAN KAYE	Voted AYE
COUNCILMAN MIDWOOD	Voted AYE
COUNCILWOMAN MORRISON	Voted AYE

RESOLVED, to return to the regular session at 8:44 p.m.

Assessor Johnson mentioned a case before the Dutchess County Supreme Court in the matter of the application of Silver Mountain Hay, LLC against the Town of North East, its assessor, and its Board of Assessment Review. She asked the Board to approve the settlement agreement and authorize the Town's attorney, Ian MacDonald, to sign the Consent Judgment on the Town's behalf.

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

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

RESOLVED, to approve the settlement agreement and authorize the Town's attorney, Ian MacDonald, to sign the Consent Judgment on the Town's behalf.

Adjournment:

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

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

RESOLVED, to adjourn the meeting at 8:45 p.m.

Respectfully submitted,

/s/

Gail J. Wheeler
Town Clerk

Approved: 03/12/2020