

**TOWN OF NORTH EAST
TOWN BOARD
REGULAR MEETING
OCTOBER 11, 2018**

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:

On a motion made by Councilman Fedele, seconded by Councilman Midwood, 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 on agenda items.

Department and Committee Reports:

Police – Officer Rudin was present to review the September 2018 report. He indicated there were 34 incidents of which 15 were in the Village leading to two arrests and 19 were in the Town leading to two arrests.

Mary Lynn Kalogeras asked about the process involved with DWI stops.

Officer Rudin mentioned the police were using grants to purchase body cameras to capture everything witnessed by the officer. The data will be transferred to the server and uploaded every night.

Scott Culbreth asked if there were incentives from DWI arrests. Officer Rudin said the only benefits they see from DWI arrests are safer roads. The police agency does not see revenue from tickets or arrests.

Highway – Superintendent Stevens provided a proposal from Easystreet Cleaning, Inc. to paint the 13 car stalls and two handicap spots for Town Hall in the amount of \$400. The lines are on the upper and lower parking areas.

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 approve the proposal by Easystreet Cleaning, Inc. to paint the 13 car stalls and two handicap spots in the amount of \$400.

Supervisor Kaye mentioned the project on lower Mill Road has been postponed. The water level has not been low enough to complete the project. The Town has asked for an extension until the end of next summer.

Assessor – Assessor Johnson stated the State has made changes to the exemption law, specifically the STAR and senior exemptions. The forms will be sent out next week and the residents will have until March 1, 2019 to return their forms.

Supervisor Kaye mentioned the settlement pertaining to Peaceful Valley. If anyone would like to see the settlement, copies will be available in the Town Clerk's office.

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 Peaceful Valley settlement.

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 Ian MacDonald to sign the Peaceful Valley settlement.

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

Town Clerk – Clerk Cope stated the Town purchased a small advertisement in the Webutuck yearbook last year. There is a new opportunity to extend congratulations to the graduating class this year.

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 purchase of an advertisement in the Webutuck yearbook in the amount of \$25.00.

Clerk Cope mentioned a request for a commercial-grade fireworks display on October 20, 2019 on East Indies Road. The display will last no longer than 15 minutes. The pyrotechnics will be stored in Connecticut until the day of the display. Clerk Cope is still waiting for the complete application from the requestor. The paperwork is required to be submitted five days prior to the display.

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 firework permit, subject to all permit conditions, on East Indies Road, lasting no longer than 15 minutes on October 20, 2019.

Committee Activity – No reports.

Bulk Trash Day Set for October 20, 2018:

Supervisor Kaye mentioned Bulk Trash Day is next weekend on October 20, 2018 and will be open from 8:00 a.m. to noon.

7:15 Public Hearing on Acceptance of Water District #1 Benefit Assessment Roll:

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 open the public hearing at 7:32 p.m.

Supervisor Kaye asked if there were any questions or comments.

Bill Kish asked for a brief overview of the Water District #1 Benefit Assessment Roll. Clerk Cope mentioned it is an assessment for Town residents within the Water District. There are different units assessed. The assessment affects the parcels within the Water District regardless of whether the water is accessed or not.

There were no other questions or comments.

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 close the public hearing at 7:33 p.m.

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

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

RESOLVED, to accept the Water District #1 Benefit Assessment Roll.

Continuation of the Open Public Hearing on Local Law No. 3 “A Law to Regulate Solar Energy Systems”:

Supervisor Kaye stated there was a change to the law concerning setbacks. Clerk Cope stated the Planning Board did not have any additional comments.

Assessor Johnson inquired about solar thermal systems and ground-mounted systems in residential use outlined in the law.

Attorney Replansky stated there would be a change to the law to reflect the Zoning Board of Appeals issues Special Permits instead of the Planning Board.

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 close the public hearing at 7:45 p.m.

Attorney Replansky reviewed the questions and answers outlined in Parts 2 and 3 of the Environmental Assessment Form. There is no adverse impact on the environment; thus, not necessary to prepare a draft environmental impact statement.

TOWN BOARD OF THE TOWN OF NORTH EAST

RESOLUTION ADOPTING LOCAL LAW NO. 3 OF 2018 ENTITLED: "A LAW TO REGULATE SOLAR ENERGY SYSTEMS"

WHEREAS, the Town of North East has determined that it is in the best of the community and its citizens to provide for, and encourage, renewable energy systems and a sustainable quality of life and to that end that a local law should be adopted to provide for the permitting and establishment of solar energy systems and facilities within the Town of North East; and

WHEREAS, the Town Board appointed an Advisory Committee to work with the Attorney to the Town to produce a local law to regulate such solar energy systems within the Town; and

WHEREAS, the Committee, with the assistance of the Attorney to the Town, drafted a proposed local law to regulate solar energy systems and submitted it to the Town Board on August 9, 2018; and

WHEREAS, the Town Board reviewed the proposed local law and determined that the local law was acceptable for purposes of commencing the local law adoption process; and

WHEREAS, the Town Board determined that this is a Type I action under SEQRA and that the Town Board is the only involved agency in the SEQRA process; and

WHEREAS, the Attorney to the Town prepared a Part 1 of a Full Environmental Assessment Form to be utilized by the Town Board in conjunction with the SEQRA review process which was adopted by the Town Board on August 9, 2018; and

WHEREAS, the Town Board declared itself to be lead agency with regard to the SEQRA review of this local law and scheduled a public hearing for the adoption of Local Law No. 3 of 2018 for September 13, 2018 at 7:25 in the afternoon at the North East Town Hall; and

WHEREAS, the Town Clerk duly posted and published notice of the public hearing, as required by law, and forwarded a copy of the local law to the Dutchess County Department of Planning and Development for its review and comment pursuant to General Municipal Law §239-m and to the North East Planning Board for its review and comment; and

WHEREAS, the Town Board opened the public hearing on the local law on September 13, 2018, received public comment and closed the public hearing on October 11, 2018; and

WHEREAS, the Town Board reviewed and completed Part 2 of the Full Environmental Assessment Form, and completed Part 3 of the Environmental Assessment Form for purposes of issuing its SEQRA determination; and

WHEREAS, the Town Board determined that this action will result in no significant impacts on the environment and that an Environmental Impact Statement need not be prepared; and

WHEREAS, the Dutchess County Department of Planning and Development determined that this action was a matter of local concern and had no comments on the law; and

WHEREAS, 30 days has expired since the referral of the local law to the Planning Board and the Planning Board has submitted no comments on said local law.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby adopts Local Law No. 3 of 2018 entitled: “A Law to Regulate Solar Energy Systems”; and be it further

RESOLVED, that the Town Board hereby directs the Town Clerk to file a copy of said local law with the Department of State as required by law; and be it further

RESOLVED, that the Town Board directs the Town Clerk to publish the Town’s Negative SEQRA Declaration in the Environmental Notice Bulletin of the Department of Environmental Conservation as required by the SEQRA Regulations.

This motion was made by Councilman Merwin, seconded by Councilman Fedele, and was:

ADOPTED BY ROLL CALL VOTE:

SUPERVISOR KAYE	Voted <u> _AYE_ </u>
COUNCILMAN FEDELE	Voted <u> _AYE_ </u>
COUNCILMAN KENNAN	Voted <u> _AYE_ </u>
COUNCILMAN MERWIN	Voted <u> _AYE_ </u>
COUNCILMAN MIDWOOD	Voted <u> _AYE_ </u>

The Resolution was carried by a 5-0 vote of the Town Board members on October 11, 2018.

Attorney Replansky mentioned solar projects are exempt under section 45 of the Tax Law for a period of 15 years. In other municipalities, there have been exemptions of everything but solar farms. In those cases, there is a PILOT program established for solar farms. The program is guided by the Assessor. Once the Assessor can make a recommendation to the Town Board, the Town Board can create a PILOT local law.

Presentation of the 2019 Tentative Budget:

Supervisor Kaye mentioned the tentative budget. The public hearing date for the 2019 budget will be November 8, 2018 at 7:15 p.m. There will be copies available in the Town Clerk’s office or on the website.

Set Public Hearing Date for 2019 Budget:

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 set the public hearing for the 2019 budget on November 8, 2018 at 7:15 p.m.

Permission for the Supervisor to Sign the CDBG Joint Application with the Village of Millerton to Replace the Sidewalks on the South Side of Main Street:

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 the Supervisor to sign the CDBG Joint Application with the Village of Millerton to replace the sidewalks on the south side of Main Street.

Permission for the Supervisor to Sign the 2018-2019 Soccer Contract:

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 authorize the Supervisor to sign the 2018-2019 soccer contract.

Announcement of Receipt of a 2018 Municipal Innovation Grant (Shared Services):

Supervisor Kaye mentioned the 2018 Municipal Innovation Grant. The Town applied several months ago for the shared services grant. The grant awarded is in the amount of \$240,000 for the engineering and legal aspects of this project.

Councilman Merwin extended thanks to everyone involved with the project.

Resolution to Hold a Public Meeting on Draft Northern Dutchess EMS Services Study:

TOWN BOARD OF THE TOWN OF NORTH EAST

RESOLUTION SCHEDULING AN INFORMATIONAL PUBLIC HEARING

WHEREAS, the Towns of Amenia, Dover and North East and the Village of Millerton have received a report entitled “North East Dutchess Emergency Medical Services: Existing Operations and Options for the Future”; and

WHEREAS, the said Towns and Village have determined that there should be an informational public hearing held on the current and future state of Emergency Medical Services.

NOW, THEREFORE, be it

RESOLVED, that an informational public hearing on the current and future state of Emergency Medical Services (EMS) in northeastern Dutchess County will be held on October 24, 2018 at 7:00 PM at the Amenia Town Hall, 4988 Route 22, Amenia, NY. This hearing is jointly sponsored by the Towns of Amenia, Dover and North East and the Village of Millerton; and be it further

RESOLVED, that the focus of the evening will be a presentation of the report “North East Dutchess Emergency Medical Services: Existing Operations and Options for the Future.” The report is a comprehensive review of the existing EMS system in the three towns and village. It also suggests several different options for the communities to consider as they seek to develop a sustainable, high-quality, patient centered model of EMS. The report is intended to assist in improving this essential service in their community; and be it further

RESOLVED, that the report can be accessed online after October 10, 2018 on the project website at www.cgr.org/NEDEMS. Paul Bishop, the lead consultant from CGR, will make the presentation and will be available for questions. This project is being funded by the Dutchess County Municipal Innovation Grant (MIG) program; and be it further

RESOLVED, that for questions prior to the hearing, please contact George Kaye, the Town of North East Supervisor.

This motion was made by Councilman Midwood, seconded by Councilman Merwin, and was:

ADOPTED BY ROLL CALL VOTE:

SUPERVISOR KAYE	Voted <u> AYE </u>
COUNCILMAN FEDELE	Voted <u> AYE </u>
COUNCILMAN KENNAN	Voted <u> AYE </u>
COUNCILMAN MERWIN	Voted <u> AYE </u>
COUNCILMAN MIDWOOD	Voted <u> AYE </u>

The Resolution was carried by a 5-0 vote of the Town Board members on October 11, 2018.

Addition of Sections on Domestic Partners and Sexual Harassment to the Employee Handbook:

TOWN BOARD OF THE TOWN OF NORTH EAST

RESOLUTION APPROVING AMENDMENTS TO THE TOWN'S EMPLOYEE HANDBOOK

WHEREAS, the Town Board has determined it would like to provide for medical coverage for domestic partners of Town employees and that it would also like to cover domestic partners under the current bereavement leave and the family medical leave policy; and

WHEREAS, the Attorney to the Town has drafted certain proposed amendments to the Employee Handbook to provide language to be included in the Employee Handbook to provide such coverage; and

WHEREAS, the Town's Human Resource Consultant, Public Sector HR Consultants LLC, shall provide the necessary amendments to the Employee Handbook to provide for such coverage; and

WHEREAS, Public Sector has also drafted a proposed amendment to the Non-Discrimination and Harassment in the Workplace provisions of the Employee Handbook to comply with recent requirements of the New York State Department of Labor and the New York State Division of Human Rights.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby approves the amendment of the Town's Employee Handbook to include necessary provisions of coverage for domestic partners for family medical coverage, bereavement leave and medical leave, and be it further

RESOLVED, that the Town Board hereby approves necessary amendments to the Employee Handbook to provide for non-discrimination and harassment in the workplace policies as annexed hereto.

This motion was made by Councilman Midwood, seconded by Councilman Merwin, and was:

ADOPTED BY ROLL CALL VOTE:

SUPERVISOR KAYE	Voted <u> AYE </u>
COUNCILMAN FEDELE	Voted <u> AYE </u>
COUNCILMAN KENNAN	Voted <u> AYE </u>
COUNCILMAN MERWIN	Voted <u> AYE </u>
COUNCILMAN MIDWOOD	Voted <u> AYE </u>

The Resolution was carried by a 5-0 vote of the Town Board members on October 11, 2018.

Councilman Kennan stated the policy applies to elected officials as well.

Supervisor's Report:

Budget Adjustment – Supervisor Kaye presented Budget Adjustment #8 of 2018.

In A Fund – General Town-wide, there is an expense increase of \$4,022 less a revenue increase of \$4,022 for a net of \$0.

In DB Fund – Highway Town Outside, there is an expense increase of \$2 less a revenue increase of \$2 for a net of \$0.

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 Budget Adjustment #8 of 2018.

Monthly Bills Abstract/Special Abstracts –

Supervisor Kaye presented Special Abstract, dated September 25, 2018, totaling \$786.39 broken down as follows:

A Fund -	\$576.24
Payroll T&A -	\$210.15

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 approve Special Abstract, dated September 25, 2018, totaling \$786.39.

Supervisor Kaye presented Abstract, dated October 11, 2018, totaling \$158,696.35 broken down as follows:

A Fund -	\$47,936.33
B Fund -	\$44,439.36
DB Fund -	\$66,320.66

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 Abstract, dated October 11, 2018, in the amount of \$158,696.35.

Voucher Committee for November 2018 –

The Voucher Committee for November 2018 is Councilmen Fedele and Midwood.

Approval of Minutes from Previous Meetings:

The Board reviewed the minutes of September 13, 2018 and noted some corrections.

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 minutes of September 13, 2018 as amended.

Meeting with Counsel:

General Legal Matters – No additional legal matters.

General Comment Period:

Bill Kish asked about the timeline for the sign regulations. Supervisor Kaye suggested Mr. Kish should speak with Jon Arnason.

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 8:22 p.m.

Respectfully submitted,

/s/

Gail J. Wheeler
Town Clerk

Draft: 04/06/2020