

**TOWN OF NORTH EAST
TOWN BOARD
REGULAR MEETING
APRIL 8, 2021**

Councilpersons present:

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

Councilpersons absent:

The April 8, 2021 meeting was held via Zoom web conference.

Call to Order & Pledge of Allegiance:

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

Roll Call and Acceptance of Agenda:

Supervisor Kennan asked Clerk Wheeler for a roll call of Town Board members.

SUPERVISOR KENNAN:	HERE
COUNCILMAN FEDELE:	HERE
COUNCILMAN KAYE:	HERE
COUNCILMAN MIDWOOD:	HERE
COUNCILWOMAN MORRISON:	HERE

A quorum was present.

**RESOLUTION #05432021
Acceptance of Agenda**

RESOLVED, to approve the agenda.

Motion by Councilman Midwood and seconded by Councilman Fedele.

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

The Resolution was adopted on April 8, 2021.

Supervisor Comments:

- Dutchess County is reporting the COVID-19-related numbers are better than a few months ago. The positivity rate is 4.47 percent.
- Town Hall safety protocols for COVID-19 will be reviewed. The May meeting may be in-person.
- Dutchess County is planning on a pop-up vaccination site at the American Legion on April 16, 2021 from 10:00 a.m. to 3:00 p.m. The Johnson and Johnson vaccine will be administered.
- There will be a dedication of the Rail Trail on Thursday, April 22, 2021 at 11:00 a.m.
- Town has received an inquiry from a fireworks vendor. The vendor has permission from the Trotta's to be in the store parking lot. Town is currently reviewing the process. Attorney to the Town Replansky stated the Town does not have a provision in the zoning

laws to permit sales; however, he is working with Building Inspector McLaughlin on issuance of a peddler's license for a temporary use.

- The County is planning to close Smithfield Road between Cooper Road and Silver Mountain Road in June to replace the culvert. The detour will be Charlie Hill Road. At a different point in time, the County will work on McGhee Hill Road.
- Councilwoman Morrison will be looking at the way the Town handles finances by comparing procedures with other towns.

Department and Committee Reports:

Police – Supervisor Kennan stated a copy of the report for March was received. The report will be available on the Town's website.

Highway – Superintendent Stevens was present to request the purchase of a plow truck.

Clerk Wheeler read the following:

RESOLUTION #0552021
A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF A STATUTORY
INSTALLMENT BOND OF
THE TOWN OF NORTH EAST, DUTCHESS COUNTY, NEW YORK,
TO PAY THE COST OF ACQUISITION OF HIGHWAY EQUIPMENT FOR SAID
TOWN, TO WIT:

2022 International Model HV513 SFA 6 x 4 Cab & Chassis with Plow, Wing and
Combination Dump Body/Spreader

WHEREAS, this Board desires to authorize a Statutory Installment Bond for the financing of the purchase of a 2022 International Model HV513 SFA 6 x 4 Cab & Chassis with Plow, Wing and Combination Dump Body/Spreader (hereinafter "the Equipment"); and

WHEREAS, this Board, by resolution, authorized the purchase of the Equipment per the Onondaga County Contract #8996.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of North East, Dutchess County, New York as follows:

Section 1. The maximum estimated cost of the Equipment, including incidental expenses to be incurred in connection therewith, is \$263,485.34.

Section 2. The plan for the financing of the purchase is as follows: (a) by the issuance of a General Obligation Statutory Installment Bond of the Town of North East, hereby authorized to be issued pursuant to the Local Finance Law in the maximum amount of \$168,000.00; and by the expenditure of \$95,485.34 from the 2021 Highway Fund.

Section 3. The Statutory Installment Bond will be dated on a date to be determined by the Town Supervisor, and will mature no more than four (4) years following the date of execution of the Bond with prepayment received and will bear interest in the name of the Town of North East by the Town Supervisor and by the Town Clerk and will be sealed with the Corporate Seal of the Town of North East.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid object or purpose is fifteen (15) years, pursuant to Section 11.00 of the Local Finance Law. It is further determined that the maximum maturity of the Bond herein authorized will not exceed four (4) years.

Section 5. The faith and credit of said Town of North East, Dutchess County, New York, are hereby irrevocably pledged to the payment of the principal of, and interest on, such Bond as the same respectively become due and payable. An annual appropriation shall be made

in each year sufficient to pay the principal of, and interest on, such Bond becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of, and interest on, such Bond as the same become due and payable.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of, and to sell, Bond Anticipation Notes in anticipation of the issuance and sale of the Statutory Installment Bond herein authorized, including renewals of such Note is hereby delegated to the Town Supervisor, the Chief Fiscal Officer. Such Notes shall be of such terms, form and content, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 7. The powers and duties of advertising such Bond of sale, conducting the sale, and awarding the Bond are hereby delegated to the Town Supervisor, who shall advertise such Bond for sale, conduct the sale, and award the Bond in such a manner as he shall deem best for the interests of the Town; provided, however, that in the exercise of the delegated powers, he shall comply fully with the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of Municipal Bonds. The receipt of the Town Supervisor shall be a full acquittance to the purchaser who shall not be obliged to see to the application of the purchase money. The Town Supervisor shall be authorized to execute any and all documents and to perform any and all steps necessary to obtain financing incident to this purchase.

Section 8. This Resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this Resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such Bond, and Bond Anticipation Notes, may be contested only if:

- (1) Such Bond is authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication, or
- (3) Such Bond is authorized in violation of the provisions of the Constitution.

Section 10. This action is a Type II action pursuant to Part 617 of the Rules and Regulations implementing the State Environmental Quality Review Act (SEQRA).

Section 11. This Resolution shall take effect immediately pursuant to Section 35.00(5)(2), and shall be published, in full, in the official paper, together with a Notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call on April 8, 2021 which resulted as follows:

MOTION: Councilman Kaye
SECOND: Councilwoman Morrison

Supervisor Kennan	Voted AYE
Councilman Fedele	Voted AYE
Councilman Kaye	Voted AYE
Councilman Midwood	Voted AYE
Councilwoman Morrison	Voted AYE

The Resolution was thereupon declared duly adopted April 8, 2021.

Assessor – Assessor Johnson was present to review the plan to update assessments. The State has approved the numbers and the tentative roll will be ready by May 1. Letters will be mailed a couple of weeks early to allow property owners time to review the changes.

Planning, Zoning & Building Dept. – Reports were submitted to the Town Board.

Town Clerk – Reports were submitted to the Town Board.

Town Board Committee Reports:

Recreation – Councilwoman Morrison mentioned there was a meeting on March 25, 2021 to discuss the renovation of the Eddie Collins Park. The contract for the first phase of the renovation will be awarded on May 10, 2021. There will not be a day camp this year due to the construction and safety measures due to COVID-19.

Cemetery – Councilman Fedele is working with the North East Historical Society (NEHS). The NEHS will provide a budget line to help with the renovation at Spencer’s Corners Cemetery. Some restoration will start this summer.

Police Services – Councilwoman Morrison stated the police reform plan was approved by the Village on March 22, 2021 and has been sent to the State.

Highway – Councilman Kaye mentioned there has been communication with the engineer on several occasions. The Town is facing a delay with the RFP. The RFP was due in February but has been moved back to the end of April.

Zoning Review – Supervisor Kennan stated there was no report for March.

Approval of Health Emergency Plan:

Clerk Wheeler read the following:

**RESOLUTION #0562021
TOWN BOARD OF THE TOWN OF NORTH EAST**

**RESOLUTION ADOPTING THE PUBLIC EMPLOYER HEALTH EMERGENCY
PLAN FOR THE TOWN OF NORTH EAST DATED MARCH 31, 2021**

WHEREAS, a Public Employer Health Emergency Plan for the Town of North East dated March 31, 2021 has been developed in accordance with the amended New York State Labor Law §27-c and New York State Education Law paragraphs k and l of subdivision 2 of §2801-a; and

WHEREAS, these laws were amended by the passing of legislation signed by the Governor of the State of New York on September 7, 2020 (S8617B/A10832) which, in relevant part, requires public employers to adopt a plan for operations in the event of a declared public health emergency involving a communicable disease; and

WHEREAS, the plan has been drafted and submitted to the Town Board for approval and has been reviewed by the Town Board members and the Attorney to the Town and has been determined to be acceptable for adoption; and

WHEREAS, this is a Type II action under SEQRA which does not require environmental review.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby adopts the Public Employer Health Emergency Plan for the Town of North East dated March 31, 2021 and directs the Town Clerk to

file a copy of said plan in the Town Clerk's office and post the same on the Town's official notice board and website and to distribute copies of the Plan to all Town employees, volunteers, board and committee members.

MOTION: Councilman Fedele
SECOND: Councilwoman Morrison

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 April 8, 2021.

Approval of Mobile Home Park and Junkyard Permits:

**RESOLUTION #0572021
Approval of Mobile Home Park and Junkyard Permits**

Supervisor Kennan mentioned Clerk Wheeler sent the applications and inspection remarks to the Town Board. Scenic View Mobile Home Park, Benwood Knolls Mobile Home Park, and Thomsen & Graham Metals seek to renew their permits.

RESOLVED, to approve the permits for both mobile home parks and the junkyard.

Motion by Councilman Kaye and seconded by 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 April 8, 2021.

Revised Resolution for Economic Development Committee:

Clerk Wheeler read the following:

**RESOLUTION #0582021
TOWN BOARD OF THE TOWN OF NORTH EAST**

**AMENDED RESOLUTION CREATING THE TOWN OF NORTH EAST ECONOMIC
DEVELOPMENT ADVISORY COMMITTEE**

WHEREAS, the North East Town Board wishes to encourage appropriate economic development in the Town, as well as new businesses which can help support the tax base of the Town; and

WHEREAS, the Town Board has determined that the encouragement of new businesses can provide economic opportunities to local residents; and

WHEREAS, the Town Board has determined it is appropriate to create an Economic Development Committee as an advisory committee to the Town to explore opportunities for the encouragement of economic development and to provide input and advice to the Town Board concerning economic development opportunities and proposals; and

WHEREAS, the Town Board has determined that the make-up of such committee should consist of Town of North East and Village of Millerton residents so that appropriate scale development within the Village is encouraged as well; and

WHEREAS, the Town Board has determined that the Committee should consist of Town and Village residents and non-residents who own or rent property or operate businesses within the Town or Village who have interest, knowledge and expertise in economic development and are desirous of contributing their time supporting such economic development, and

WHEREAS, the Town Board has determined that formation of this Committee is a Type II action under SEQRA which does not require environmental review.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board hereby creates the Town of North East Economic Development Advisory Committee.
2. That this Committee shall act in an advisory capacity only.
3. That the Committee shall undertake investigation and research of appropriate economic development opportunities in the Town and the Village to support the tax base of both municipalities and to encourage employment opportunities for local residents.
4. That the Chairman of the Committee shall be Robert Cooper.
5. That Chip Barrett, Thorunn Kristjansdottir, Steven Leven, David Maltby, Lann Rubin, Joanne Scasso, John Scutieri, Betsy Trotta, Dick Hermans, and Jeanne Vanecko are hereby appointed as members of the Committee, with the Town Board reserving the right to appoint such additional members as it deems appropriate.
6. The Committee shall periodically report back to the Town Board on its work and recommendations.
7. That the members of the Committee shall serve at the pleasure of the Town Board and may be removed or replaced for misconduct including, but not limited to, repeated failure to attend scheduled meetings of the Committee.
8. That the meetings of the Economic Development Committee shall be at such time and place as scheduled by the Chairperson but the meetings shall be subject to the requirements of the Open Meeting Law.
9. This Resolution shall supersede the Town Board Resolution passed on March 11, 2021.

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

MOTION: Councilman Midwood

SECOND: Councilman Fedele

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 April 8, 2021.

Presentation of Town's Climate Smart Communities Program – Kathy Chow:

Kathy Chow was present to discuss the program, and its mission, in detail.

Approval of Village’s Greenway Grant Proposal:

The Village of Millerton is applying for a Greenway grant for part of the work on the Eddie Collins Park. In the near future, there will be a resolution to partner with the Village and increase the funding.

Public Comments Period:

Sam Busselle is looking for passionate people to work with the Tri-Town Coalition. There will be a meeting on Tuesday at 7:00 p.m.

Joan Binzen asked about the next Police Committee’s meeting. Councilwoman Morrison stated a meeting has not yet been scheduled.

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

There were no budget adjustments.

Monthly Bills Abstract/Special Abstracts –

**RESOLUTION #0592021
Approval of Abstract Dated April 8, 2021**

RESOLVED, to approve Abstract, dated April 8, 2021, totaling \$240,593.26, broken down as follows:

A Fund -	\$199,247.43
B Fund -	\$551.59
DB Fund -	\$39,848.42
T&A2 Escrow -	\$665.00
Payroll T&A -	\$280.82

Motion by Councilman Midwood and seconded by Councilwoman Morrison.

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 April 8, 2021.

**RESOLUTION #0602021
Approval of Special Abstract Dated March 29, 2021**

RESOLVED, to approve Special Abstract, dated March 29, 2021, totaling \$1,220.27, broken down as follows:

A Fund -	\$1,220.27
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Motion by Councilman Fedele and seconded by Councilman Kaye.

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 April 8, 2021.

Voucher Committee for May 2021 –

The Voucher Committee for May is George Kaye and Ralph Fedele.

Approval of Minutes from Previous Meetings:

**RESOLUTION #0612021
Approval of March 11, 2021 Minutes**

RESOLVED, to approve the minutes of March 11, 2021.

Motion by Councilman Midwood and seconded by Councilwoman Morrison.

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 April 8, 2021.

Meeting with Counsel, if Needed:

General Legal Matters – No general legal matters.

Executive Session – Supervisor Kennan stated there would be an executive session to discuss performance of a Town staff member.

**RESOLUTION #0622021
Enter Executive Session to Discuss Performance of Town Staff Member**

RESOLVED, to enter executive session at 8:23 p.m.

Motion by Councilman Kaye and seconded by 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 April 8, 2021.

Respectfully submitted,

/s/

Gail J. Wheeler
Town Clerk

Approved: 05/13/2021