

**TOWN OF NORTH EAST
TOWN BOARD
REGULAR MEETING
MAY 13, 2021**

Councilpersons present:

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

Councilpersons absent:

The May 13, 2021 meeting was held at the North East/Millerton Library Annex and 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.

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

A quorum was present.

**RESOLUTION #0662021
Acceptance of Agenda**

RESOLVED, to approve the agenda.

Motion by Councilman Fedele and seconded by Councilwoman Morrison.

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

The Resolution was adopted on May 13, 2021.

Supervisor Comments:

- COVID-19 rates are declining. There were only 385 cases being tracked in Dutchess County. The positivity rate is 1.69% which is down from 9% at the beginning of the year. The CDC issued new guidance about wearing masks. The Town will review COVID protocols.
- The American Legion's pop-up vaccine clinic was successful. They will have a full schedule for Memorial Day.
- The bids for the renovations at Eddie Collin's Park will be opened next week.

- With approved legislation regarding marijuana sales and consumption, towns and villages will need to decide if this is an activity they want to permit. Towns and villages have until the end of the year to decide. There would be tax revenues but also negatives to consider.
- Bulk Trash Day will be June 12, 2021.
- Kathy Chow will be sending information about CSC proposals for policies to the Town Board for consideration.

Department and Committee Reports:

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

Highway –

**RESOLUTION #0672021
Acceptance of Bid for Old Salt Shed**

Superintendent Stevens was present and reviewed the auction result for the old salt shed. The auction total from Auctions International was \$5,500. According to Superintendent Stevens, the offer was a little more than half of what the Town paid 10 years ago. The concrete blocks will also be included with the salt shed.

RESOLVED, to authorize Superintendent Stevens to accept the bid.

Motion by Councilman Fedele and seconded by Councilwoman Morrison.

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

The Resolution was adopted on May 13, 2021.

Assessor – Assessor Johnson was present. The tentative roll is complete and available for viewing. Assessment notices were mailed on April 16, 2021. There were two main questions posed by the property owners. One question was whether the change was town-wide or specific to them. The other question was whether their taxes would change. Assessor Johnson reviewed the overall taxable value change percentage and statistics for the different property types. Assessor Johnson will have additional office hours prior to Grievance Day on Wednesday, May 26.

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

Town Clerk – Reports were submitted to the Town Board. Clerk Wheeler indicated she will have the final tax numbers for this year’s collection at the next meeting.

Town Board Committee Reports:

Police Services – There was no report.

Recreation – There was no report.

Cemetery – Councilman Fedele mentioned there is a group of concerned individuals who are interested in developing a not-for-profit 501(c)(3) organization and they have engaged an attorney who has already prepared a letter of engagement for the group. The North East Historical Society has dedicated a budget line for their use on the renovation project.

Zoning Review – Supervisor Kennan read a report from Chairwoman Greenwood. The ZRC is focusing on drafting a purpose statement for each zoning district in the town, while discussing how each district relates to other districts, and will then link the purpose statements to the vision outlined in the 2019 Comprehensive Plan.

Resolution Authorizing Construction of Phase 3 of Town’s New Highway Garage at a Maximum Estimated Cost of \$3,224,000 and Authorizing the Issuance of Bonds to Pay a Portion of the Cost Thereof:

Clerk Wheeler read the following:

**RESOLUTION #0682021
BOND RESOLUTION DATED MAY 13, 2021.**

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE CONSTRUCTION OF PHASE 3 OF A NEW HIGHWAY GARAGE FACILITY WITH FUEL DEPOT ON A TOWN OWNED PARCEL OF LAND ON ROUTE 22 IN MILLERTON, NEW YORK, IN AND FOR THE TOWN OF NORTH EAST, DUTCHESS COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$3,224,000, AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$2,929,000 BONDS OF SAID TOWN TO PAY A PORTION OF THE COST THEREOF.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, the capital project hereinafter described has been determined to be a Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant adverse environmental effects; and

WHEREAS, it is now desired to authorize the financing thereof; **NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of North East, Dutchess County, New York, as follows:

Section 1. The construction of Phase 3 of a new highway garage facility with fuel depot on a Town owned parcel of land on Route 22 in Millerton, New York, in and for the Town of North East, Dutchess County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, site improvements and other incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$3,224,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is as follows:

- a) by the issuance of not exceeding \$2,929,000 serial bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law, and **PROVIDED, HOWEVER**, the amount of serial bonds to be issued shall be reduced by any grants-in-aid received therefor; and
- b) by the expenditure of not exceeding \$295,000 current available fund monies hereby appropriated therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 11(a)(1) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized **will exceed five years**.

Section 4. The faith and credit of said Town of North East, Dutchess County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds 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 bonds 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 bonds as the same become due and payable.

Section 5. 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 bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are 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 days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

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. Upon this resolution taking effect, the same shall be published in full or summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

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

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| SUPERVISOR KENNAN | VOTING AYE |
| COUNCILMAN FEDELE | VOTING AYE |
| COUNCILMAN KAYE | VOTING AYE |
| COUNCILMAN MIDWOOD | VOTING AYE |
| COUNCILWOMAN MORRISON | VOTING AYE |

The Resolution was carried by a 5-0 vote of the Town Board members on May 13, 2021.

Resolution Approving Bid Documents for Construction of New Town of North East Highway Garage:

Clerk Wheeler read the following:

**RESOLUTION #0692021
TOWN BOARD OF THE TOWN OF NORTH EAST**

RESOLUTION AUTHORIZING THE SOLICITATION OF SEALED BIDS AND FURNISHING OF ALL MATERIALS NECESSARY FOR CONSTRUCTION OF THE HIGHWAY DEPARTMENT GARAGE BUILDING AT 6097 ROUTE 22, IN THE TOWN OF NORTH EAST, NEW YORK

WHEREAS, the Town has acquired a parcel of land located at 6097 Route 22 in the Town of North East, for purposes of the construction of a sand/storage facility, fuel depot and highway garage; and

WHEREAS, the project has been planned in three phases with phase one and two being the construction of the sand/salt storage building and fuel depot, which projects have been completed; and

WHEREAS, the Town Engineer, CPL Architects, Engineers, Landscape Architect and Surveyor, DPC (CPL), pursuant to a Resolution of the Town Board, has prepared construction plans for the new highway garage building including general construction; electrical construction; heating, ventilation and air conditioning construction; and plumbing construction dated May 2021; and

WHEREAS, the said plans and a bid package have been reviewed by the Town Board and the Attorney to the Town and have been determined to be acceptable in form and content; and

WHEREAS, the Town Board has, this day, passed a separate Resolution providing for the bonding and financing of said construction including engineering and legal fees; and

WHEREAS, the potential environmental impacts of this project have been reviewed pursuant to the provisions of SEQRA and it has been determined that the project does not have the potential for any significant environmental impacts and, as a result, no Draft Environmental Impact Statement was required.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Clerk and the Town Engineer to disseminate the notice to bidders and invite sealed bids for the furnishing of materials and labor necessary for the construction of the Highway Department garage; and it is further

RESOLVED, that the bids be publicly opened and read on Friday, June 18, 2021 at two o'clock in the afternoon.

This motion was offered by Town Board member George Kaye and was seconded by Town Board member Lana Morrison.

MOTION: Councilman Kaye

SECOND: Councilwoman Morrison

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| 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 May 13, 2021.

Approval of RFP for Greenhouse Gas Emissions Study:

Clerk Wheeler read the following:

**RESOLUTION #0702021
TOWN BOARD OF THE TOWN OF NORTH EAST**

**RESOLUTION AUTHORIZING THE ISSUANCE OF REQUEST FOR PROPOSALS
(RFP) FOR A CONSULTANT AND/OR ENVIRONMENTAL FIRM TO DEVELOP
DOCUMENTATION IN FURTHERANCE OF ITS ACTIONS TO ACHIEVE CLIMATE
SMART CERTIFICATION**

WHEREAS, in 2016 with staff and organizational assistance of the Housatonic Valley Association of Cornwall Bridge, CT (HVA), the Town of North East and neighboring communities along the Ten Mile River (TMR) formed the Ten Mile River Watershed Roundtable; and

WHEREAS, in 2018, HVA staff introduced the Town of North East to the NYS DEC Climate Smart Communities certification program; and

WHEREAS, the Town of North East and the Village of Millerton both registered as Climate Smart Communities, and intend to proceed together towards Certification; and

WHEREAS, with support from the TMR Roundtable and HVA's assistance with technical climate change data, the Town of North East received a 2018 NYS Consolidated Funding Application (CFA) grant in a round of competitive Climate Smart Communities (CSC) Certification Program funding; and

WHEREAS, the Town seeks to retain qualified vendors to submit proposals to assist the Town to complete two CSC Certification priority actions, *to wit*: Government Operations Greenhouse Gas (GHG) Inventory and a Government Operations Climate Action Plan; and

WHEREAS, the Town has produced a Request for Proposals for such services to assist the Town in partial completion of a grant funding priority actions to achieve the New York State DEC Climate Smart Community Certification by March 2023.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Clerk to distribute and advertise the Request for Proposals as reviewed and approved by the Town Board and the Attorney to the Town for a Governmental Operations Greenhouse Gas (GHG) Inventory and a Government Operations Climate Action Plan.

This motion was offered by Town Board member John Midwood and was seconded by Town Board member Lana Morrison.

MOTION: Councilman Midwood
SECOND: Councilwoman Morrison

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| 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 May 13, 2021.

Approval of Workers' Compensation Insurance Renewal:

**RESOLUTION #0712021
Approval of Workers' Compensation Insurance Renewal**

Supervisor Kennan mentioned the Town has received a proposal from Emery Webb for the workers' compensation insurance renewal. The proposal is a 3.94% decrease from last year's premium. The renewal premium is \$24,729.

RESOLVED, to accept the proposal for the workers' compensation insurance renewal.

Motion by Councilwoman Morrison and seconded by Councilman Fedele.

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| 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 May 13, 2021.

Acceptance of 2020 Audit Report for Justice Court, Town of North East:

**RESOLUTION #0722021
Acceptance of 2020 Audit Report for Justice Court, Town of North East**

Supervisor Kennan stated the Town Board was in receipt of the audit report for the court.

RESOLVED, to accept the justice court audit report.

Motion by Councilman Midwood and seconded by Councilman Kaye.

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| 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 May 13, 2021.

Approval of Application for Dutchess County Municipal Investment Grant Program:

**RESOLUTION #0732021
Approval of Application for Dutchess County Municipal Investment Grant Program**

Supervisor Kennan stated the County is holding a grant application process for what used to be called the Municipal Innovation Grant that is now called the Municipal Investment Grant. The Town has received two grants toward the construction of the highway garage. One grant was for the construction of the sand and salt shed and the other was for the storage building. Supervisor Kennan seeks to apply for the maximum funding level of \$250,000 in this cycle.

RESOLVED, to authorize Supervisor Kennan to apply for those funds for the highway garage.

Motion by Councilman Fedele and seconded by Councilwoman Morrison.

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| 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 May 13, 2021.

Public Comments Period:

Delora Brooks mentioned an erosion problem on the extension of Dutchess Avenue. Supervisor Kennan would look into the matter. The road is actually private and not a Town road.

Meg Winkler asked if there was any information, from the County, regarding the agricultural part of the new marijuana legislation pertaining to farmers. Supervisor Kennan has not heard any information about this portion of the legislation.

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

**RESOLUTION #0742021
Approval of Budget Adjustment #3 of 2021**

RESOLVED, to approve Budget Adjustment #3 of 2021 as follows:

In A Fund – General Town-wide, there is an expense increase of \$92,000 minus an expense decrease of \$5,000 and minus a revenue increase of \$87,000 resulting in a net of \$0.

Motion by Councilwoman Morrison and seconded by Councilman Midwood.

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| 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 May 13, 2021.

Monthly Bills Abstract/Special Abstracts –

**RESOLUTION #0752021
Approval of Special Abstract Dated April 26, 2021**

RESOLVED, to approve Special Abstract, dated April 26, 2021, totaling \$10,384.32, broken down as follows:

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| A Fund - | \$2,140.78 |
| DB Fund - | \$8,243.54 |

Motion by Councilman Kaye and seconded by Councilman Fedele.

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| 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 May 13, 2021.

RESOLUTION #0762021
Approval of Abstract Dated May 13, 2021

RESOLVED, to approve Abstract, dated May 13, 2021, totaling \$204,364.23, broken down as follows:

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| A Fund - | \$77,748.45 |
| B Fund - | \$1,546.42 |
| DB Fund - | \$29,437.12 |
| Capital Projects Fund - | \$65,230.00 |
| Water District SW1 - | \$30,180.00 |
| Payroll T&A - | \$222.24 |

Motion by Councilman Fedele and seconded by Councilwoman Morrison.

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| 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 May 13, 2021.

Voucher Committee for June 2021 –

The Voucher Committee for June is John Midwood and Lana Morrison.

Approval of Minutes from Meeting of 4/08/2021:

RESOLUTION #0772021
Approval of April 8, 2021 Minutes

RESOLVED, to approve the minutes of April 8, 2021.

Motion by Councilman Fedele and seconded by Councilwoman Morrison.

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| 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 May 13, 2021.

Meeting with Counsel:

General Legal Matters – No general legal matters.

Executive Session (if needed) – No executive session.

Adjournment:

RESOLUTION #0782021
Adjournment of May 13, 2021 Meeting

RESOLVED, to adjourn the meeting at 8:04 p.m.

Town of North East
Town Board
Minutes
May 13, 2021

Motion by Councilman Kaye and seconded by Councilwoman Morrison.

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| 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 May 13, 2021.

Respectfully submitted,

/s/

Gail J. Wheeler
Town Clerk

Approved: 06/10/2021