

**TOWN OF NORTH EAST
TOWN BOARD
REGULAR MEETING
JUNE 10, 2021**

Councilpersons present:

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

Councilpersons absent:

Zoom web conference was available for viewing the meeting.

Call to Order & Pledge of Allegiance:

Supervisor Kennan called the meeting to order at 7:02 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 #0792021
Acceptance of Agenda**

RESOLVED, to amend the agenda to add resolution regarding bidding for highway garage.

Motion by Councilman Kaye 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 June 10, 2021

Supervisor Comments:

- Hopes to have an audio/visual professional to assist in future meetings.
- County COVID rates are down. There are 102 cases and the positivity rate is 0.61 percent.
- Town Hall is still locked. Persons wishing to enter will be asked if they are vaccinated. If they are not, they will be asked to wear a mask.
- Weed harvester is back at Rudd Pond after being stored in the storage building.
- Rail Trail has a parking issue at the northern portion. Rudd Pond Road and White House Crossing Road are the two most likely locations for parking. Once a parcel of land is selected, the State will purchase the land, the County will pave a parking lot, and the Town will maintain the parking lot.

- Bulk Trash Day is this Saturday, June 12, 2021.

Department and Committee Reports:

Police – Officer Veeder was present. He distributed the police report for May. There were 45 calls in May of which 16 were in the Town and 29 were in the Village. This is an increase over last year’s incident numbers. There was recent vandalism at the cemetery and there are no suspects at this time.

Highway – Superintendent Stevens was present. There was no report.

Assessor – Assessor Johnson was present. The Board of Assessment Review met on May 26, 2021 for Grievance Day. There were a total of 17 property owners filing a total of 28 complaints. The Board granted assessment reductions to two of the property owners and approved the stipulation. Assessor Johnson also reviewed the exemption deadline and STAR exemption 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:

Police Services – There was no report.

Recreation – There was no report.

Cemetery – There was no report.

Approval of Resolution Regarding Energy Benchmarking: Clerk Wheeler read the following:

RESOLUTION #0802021 TOWN BOARD OF THE TOWN OF NORTH EAST

RESOLUTION ESTABLISHING PROCEDURES FOR THE TOWN OF NORTH EAST STAFF TO CONDUCT BUILDING ENERGY BENCHMARKING

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of North East is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Town of North East’s Board desires to use Building Energy Benchmarking - a process of measuring a building’s energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of North East and

WHEREAS, the Board of the Town of North East desires to establish procedures or guidelines for the Town of North East staff to conduct such Building Energy Benchmarking; and

WHEREAS, this has been determined to be a Type II action under SEQRA which does not require environmental review; and

WHEREAS, this Resolution shall be deemed to be part of the Town’s Climate Smart Initiative.

NOW THEREFORE, BE IT

RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(A) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) “Supervisor” shall mean the head of the Department.

(D) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town of North East that is 1,000 square feet or larger in size.

(E) “Department” shall mean the Business Office of the Town of North East.

(F) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(G) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(H) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(I) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(J) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(K) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(L) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(A) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(B) The Supervisor may exempt a particular Covered Municipal Building from the benchmarking requirement if the Supervisor determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(A) No later than February 1, 2022 and no later than February 1 every year thereafter, the Supervisor or his or her designee from the Department shall enter into Portfolio Manager the

total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(B) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Supervisor or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

- (A) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:
- (B) No later than March 1, 2022 and by March 1 of each year thereafter for Covered Municipal Buildings; and
- (C) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:
- (D) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and
- (E) For each Covered Municipal Building individually:
 - (i) The status of compliance with the requirements of this Policy; and
 - (ii) The building address, primary use type, and gross floor area; and
 - (iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and
 - (iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

(A) The Supervisor or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(B) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(C) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Town Board including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Supervisor determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE

This policy shall be effective immediately upon passage.

§8. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

This motion was offered by Town Board member John Midwood and was seconded by Town Board member George Kaye.

MOTION: Councilman Midwood

SECOND: 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 June 10, 2021.

Discussion of Climate Smart Communities Policies and Procedures Prioritization: Kathy Chow

Kathy Chow was present to discuss the Climate Smart resiliency planning. Topics of the planning include vulnerability and risk assessment, public outreach and engagement, integration of municipal plans, disaster preparedness and recovery, as well as, hazard mitigation implementation.

Supervisor Kennan suggested a workshop meeting to focus on this plan and prioritize the list. The input of the Town Board would be helpful.

Resolution Regarding Bidding for Highway Garage:

Clerk Wheeler read the following:

RESOLUTION #0812021 TOWN BOARD OF THE TOWN OF NORTH EAST

RESOLUTION AUTHORIZING THE EXTENSION OF THE BID OPENING DATE FOR 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, on May 13, 2021, 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; and

WHEREAS, the Town Board by Resolution dated May 13, 2021 authorized 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

WHEREAS, the Notice to Bidders dated May 17, 2021 stated that the bids would be publicly opened and read on Friday, June 18, 2021 at two o'clock in the afternoon; and

WHEREAS, the Town Board has determined, upon the advice of its Engineer, that it would be in the best interests of the Town to extend the original bid opening date.

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby extends the bid opening date to a date to be determined by the Town Engineer, Town Supervisor and the Town Clerk; and be it further

RESOLVED, that legal notice and advertisement of the extension of the original bid opening date be provided in the same manner as the original Notice to Bidders; and be it further

RESOLVED, that the Town Board hereby directs the Town Engineer, Town Supervisor and the Town Clerk to advertise and disseminate to all bidders, and prospective bidders, in the same manner as the original Notice to Bid, notice of the extension of the original bid opening date.

This motion was offered by Town Board member Ralph Fedele and was seconded by Town Board member George Kaye.

MOTION: Councilman Fedele

SECOND: 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 June 10, 2021.

Discussion on New State Law Concerning Cannabis Sale and Distribution:

Supervisor Kennan mentioned the State's legalization of the retail sale and consumption of marijuana. There are implications for the towns because the legislation covers everything from agriculture to transportation and so on. These are not things we need to worry about as they are covered by State law. The two parts for the Town's government to take into consideration are the retail sales and on-site consumption. If the Town does not opt out from either of those, the Town will have the right, and obligation, to say where and when a retail distribution will take place and be subject to the Town's zoning laws. The Town will receive a portion of the tax

revenue from cannabis sales. The tax rate for cannabis will be 13 percent. Of this amount, nine percent will go to the State, one percent will go to the County and the remaining three percent will go to the Town. The incentive for the Town is to provide something for which there is a demand and to obtain tax revenues. The disincentive is, for many people, something that they are not ready for or excited about having in their town. The Town has until end of year to decide whether it wants to opt out. The Town and Village are treated separately in the legislation. If the Village opts out, the Town will not receive any revenues from something sold in the Village. If the Village doesn't opt out, the Town will receive a portion of the revenue either by agreement or a 50/50 split. Opting out does have the effect of cutting off revenues.

Attorney to the Town Replansky is still reviewing the new legislation for all of his towns. Amendments to the zoning law will be required. He has information he will send to the Town Board. He will have recommendations in the next few months.

Councilman Midwood made comments in favor of the Town not opting out.

Discussion of American Rescue Plan:

Supervisor Kennan mentioned funds the towns and counties are going to receive from the American Rescue Plan. The amount to be received by the Town, \$320,000, will be shared with the Village and the proportion has not yet been determined by the State. Roughly, the amount will be in proportion to the population. Since the Village has about one-third the population of the Town, the amount will be about around \$210,000. The original legislation stated the money could be used dealing with the effects of COVID on the Town. Examples include grants for businesses hard hit by the pandemic and for a series of investments in water, wastewater and broadband. Current information says a town would receive money to the extent it had a loss of revenues due to the effects of COVID.

Acceptance of 2020 Audit Report for Town Clerk Accounts and Tax Collector Accounts, Town of North East:

RESOLUTION #0822021

Acceptance of 2020 Audit Report for Town Clerk Accounts and Tax Collector Accounts, Town of North East

RESOLVED, to accept the 2020 audit reports for the Town Clerk and Tax Collector accounts.

Motion by Councilwoman Morrison and seconded by Councilman Midwood.

AYES – 5 (Kennan, Fedeles, Kaye, Midwood, Morrison)

NAYS – 0

The Resolution was adopted on June 10, 2021.

Public Comments Period:

Meg Winkler shared an idea regarding the Town's revenue loss.

Supervisor's Report:

Budget Adjustment – There was no budget adjustment.

Monthly Bills Abstract/Special Abstracts –

RESOLUTION #0832021
Approval of Special Abstract Dated May 25, 2021

RESOLVED, to approve Special Abstract, dated May 25, 2021, totaling \$601.60, broken down as follows:

A Fund - \$601.60

Motion by Councilwoman Morrison 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 June 10, 2021.

RESOLUTION #0842021
Approval of Abstract Dated June 10, 2021

RESOLVED, to approve Abstract, dated June 10, 2021, totaling \$162,041.85, broken down as follows:

A Fund -	\$40,374.94
B Fund -	\$650.33
DB Fund -	\$34,316.51
Capital Projects Fund -	\$84,804.73
T&A2 Escrow -	\$1,673.10
Payroll T&A -	\$222.24

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 June 10, 2021.

Voucher Committee for July 2021 –

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

Approval of Minutes from Meeting of 05/05/2021 and 5/13/2021:

RESOLUTION #0852021
Approval of May 5, 2021 and May 13, 2021 Minutes

RESOLVED, to approve the minutes of May 5, 2021 and May 13, 2021.

Motion by Councilwoman Morrison and seconded by Councilman Midwood.

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

The Resolution was adopted on June 10, 2021.

Meeting with Counsel:

General Legal Matters – Attorney to the Town Replansky addressed a request from Stephen Buerger, owner of 74 Rudd Pond Road, to connect to the Water District #1.

RESOLUTION #0862021
Authorize Connection to Water District for 74 Rudd Pond Road

RESOLVED, to authorize the connection for the property at 74 Rudd Pond Road to connect to the Water District #1.

Motion by Councilman Kaye and seconded by Councilwoman Morrison.

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

The Resolution was adopted on June 10, 2021.

Executive Session (if needed) – Supervisor Kennan stated there would be an executive session to discuss a tax certiorari.

RESOLUTION #0872021
To Enter Into Executive Session

RESOLVED, to enter into executive session at 8:18 p.m.

Motion by Councilman Fedele 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 June 10, 2021.

RESOLUTION #0882021
To Return from Executive Session

RESOLVED, to return from executive session at 8:32 p.m.

Motion by Councilwoman Morrison and seconded by 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 June 10, 2021.

Adjournment:

RESOLUTION #0892021
Adjournment of June 10, 2021 Meeting

RESOLVED, to adjourn the meeting at 8:33 p.m.

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 June 10, 2021.

Respectfully submitted,

/s/

Gail J. Wheeler
Town Clerk

Approved: 07/08/2021