

TOWN OF NORTH EAST
TOWN BOARD
REGULAR MEETING MINUTES
DECEMBER 9, 2021

Supervisor Chris Kennan called the meeting to order at 7PM, followed by the Pledge of Allegiance.

Roll Call	SUPERVISOR KENNAN	HERE
	COUNCILMAN FEDELE	HERE
	COUNCILMAN KAYE	HERE
	COUNCILMAN MIDWOOD	HERE
	COUNCILWOMAN MORRISON	HERE

A quorum was present.

Zoom Web Conference was available for viewing the meeting

Approval of Agenda Supervisor Kennan amends the agenda to add an item to authorize the attorney for the Assessor's office to sign for a consent judgement.

MOTION: Councilwoman Morrison

SECOND: Councilman Kaye

AYES 5 (Kennan, Fedele, Kaye, Midwood, Morrison)

NAYS 0

The Agenda was approved as amended.

Supervisor Comments

Kennan summarized about reaching a good end to the year- The Town rests on solid finances and a budget that allows for the new Highway Garage project to go forward. Appreciation was given to many, including Ms. Schroeder and Mr. Culver for their commitment to the ZBA and PB. And to Ms. Eddie Greenwood, "whose dedication cannot be measured". The ZRC is the critical vision for the Town. Congratulations to Judge Casey McCabe who just won her 4th term.

The Town Board is losing longtime member George Kaye. Kennan stated that George's help with grants and his ten years' experience benefited the Town greatly. His commitment, dedication, and knowledge helped start the new Highway Garage project, and he hopes that George can be available for input going forward on the existing project.

The situation with Sharon Hospital and Nuvance is of high concern. Kennan has attended a rally and is meeting with staff as well as CT and NY officials to monitor the situation.

Department and Committee Reports

- **Highway**- Bob Stevens reported that his men are focused on equipment maintenance, patching and brush clean up. Supplies are well stocked in sand and salt. Kennan injected that the new Highway Garage site has two fuel tanks that are shared with both the Village and the Fire District. The Town has a NY state contract for fuel. Joining together is an example of working as "one community".

- **Police**- Copy of the report was given to the Town Board members and will be posted on the Town website. No comment from the board.

- **Town Clerk**: The Town Clerk's reports were given to the Town Board members, as well as reports from Planning, Building & Zoning, and the Dog Control Officer.

Town Board Committee Reports:

- **Police Services**- Still no response from the Village about resuming Police Service Committee meetings. Every request has gone unanswered.

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- **Personnel**- The employee handbook has been reviewed and changes made. Councilwoman Morrison proposed additional time off for town hall and Highway Department prior to the holiday.

RESOLUTION #1402021

**AUTHORIZING THE TOWN CLERK AND THE TOWN ENGINEER
TO SOLICIT BIDS FOR THE CONSTRUCTION OF
THE NEW HIGHWAY GARAGE**

WHEREAS, the North East Town Board, by Resolution dated May 5, 2021, authorized, subject to a permissive referendum, the construction of a new highway garage building on a Town owned parcel of land in Millerton, New York, in and for the Town of North East; and

WHEREAS, the cost of construction of the new highway garage, including original furnishings, equipment, machinery apparatus, appurtenances, site improvements and other incidental improvements, were authorized by said Resolution at a maximum estimated cost of \$3,224,000; and

WHEREAS, the Town Board, by Resolution dated October 14, 2021, supplemented the original bond resolution to authorize the issuance of an additional \$1,051,000 in serial bond to pay, in part, the revised estimated cost of the facility at \$4,275,000 with the issuance of \$1,051,000 of additional bonds by the Town; and

WHEREAS, pursuant to said Resolution(s), the project was put out to bid and the Town Board received and rejected all bids and determined to re-bid the project.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes and directs the Town Engineer and the Town Clerk to re-bid the said highway garage project in accordance with the requirements of General Municipal Law §103.

MOTION: Councilman Kaye

SECOND: Councilman Fedele

SUPERVISOR KENNAN	Voted	Aye
COUNCILMAN FEDELE	Voted	Aye
COUNCILMAN KAYE	Voted	Aye
COUNCILMAN MIDWOOD	Voted	Aye
COUNCIL WOMAN MORRISON	Voted	Aye

The Resolution was carried by a 5-0 vote of the Town Board members on December 9, 2021.

Approval of Agreement with Tighe & Bond

The Village of Millerton is moving ahead to develop a wastewater district and construct a new wastewater plant. The Town would like to identify and lay out a wastewater map using the same engineer used by the Village. Supervisor Kennan said, “This is a long and complicated project. There is ARPA money for this. This is only the first step in the process. It is a historic moment.”

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RESOLUTION #1412021

APPROPRIATING A SPECIFIC AMOUNT TO PAY THE COST OF
PREPARING A MAP, PLAN AND REPORT FOR THE CREATION OF A
PROPOSED WASTEWATER DISTRICT WITHIN THE TOWN OF NORTH
EAST CENTERED AROUND THE ROUTE 44 BOULEVARD DISTRICT

WHEREAS, the Village of Millerton is in the process of developing a wastewater district for the Village of Millerton; and

WHEREAS, the Village of Millerton has completed a Wastewater Feasibility Evaluation for the Village of Millerton in March of 2020, which was revised in June of 2020 to address comments received from the New York State Environmental Facilities Corporation ("NYSEFC"); and

WHEREAS, the said Wastewater Feasibility Evaluation Report delineated a proposed wastewater district for the Village of Millerton with a portion of said district in the Town of North East centered around the Route 44 Boulevard District. See map and parcel listing annexed hereto as Schedule "A"; and

WHEREAS, the engineering firm of Tighe & Bond has been retained by the Village of Millerton to develop a map, plan and report for the said sewer district; and

WHEREAS, the Town of North East is considering establishment of the wastewater district in the Town of North East in conjunction with the creation of the district of the Village of Millerton; and

WHEREAS, the Town Board has determined based on the estimate prepared by Tighe & Bond that the engineering firm of Tighe & Bond Engineering & Landscape Architecture, P.C. (Tighe & Bond) is duly qualified to prepare such map, plan and report, as required by §209-b of the New York State Town Law; and

WHEREAS, the Town Board has determined that the cost of the preparation of the map, plan and report will not exceed \$10,500; and

WHEREAS, the Town Board anticipated that the cost of the preparation of such map, plan and report will be reimbursed to the Town through available grants and aids.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of North East, in: regular session duly convened, as follows:

1. That the engineering firm of Tighe & Bond be, and hereby is, directed pursuant to the provisions of §209-b of the New York State Town Law to prepare a map, plan and report meeting the requirements of said section of the law in accordance with its proposal dated November 19, 2021.
2. That the expense incurred for the preparation of the map, plan and report shall be a general charge and shall be levied and collected in the same manner as other Town charges except that it is anticipated that the preparation of the map, plan and report will be completely

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funded by one or more grants.

3. That this Resolution, in accordance of §24 of the Municipal Home Rule; Article 7 of the New York State Town Law and §209-b of the New York State Town Law is subject to a permissive referendum.

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 December 9, 2021.

Approval of revisions to Town of North East Employee Handbook

Motion: Councilman Midwood

Second: Councilman Kaye

AYE 5 (Kennan, Fedele, Kaye, Midwood, Morrison)
NAY 0

The revisions were approved by the Town Board.

Blanket Undertaking

Warren Replansky, Legal Counsel, explained that an updated Blanket Undertaking is necessary to reflect the change in insurance Companies and the new hire of Deputy Town Clerk/Tax collector.

RESOLUTION #1422021

**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

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WHEREAS, the Town Board has provided coverage through its NYMIR 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, and without a deductible; and further provide for coverage for the Deputy Town Clerk/Tax Collector for various criminal or dishonest acts resulting in a loss to the Town at a limit of \$150,000, and 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 Clerks, 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 Councilwoman Morrison and was 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 December 9, 2021.

Climate Smart Purchasing Policy

The Town is on track to earn points towards being certified Bronze level.

RESOLUTION # 1432021

ENVIRONMENTALLY PREFERABLE PURCHASING POLICY RESOLUTION

WHEREAS, the Town of North East aims to reduce energy demand in local government operations; and

WHEREAS, the Town of North East wishes to extend its commitment to climate action to influence climate action and efficiency outside its own operations; and

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WHEREAS, demand for energy efficient and environmentally responsible products will improve market penetration; and

WHEREAS, establishing an environmentally preferable purchasing (EPP) policy institutionalizes decisions on appliances, products, and materials

NOW, THEREFORE, BE IT RESOLVED that the Town of North East will:

Purchase:

1. Appliances, IT equipment, and HVAC equipment that is certified Energy Star unless unavailable or cost prohibitive
2. Stationery and copier paper that has a minimum of 30% recycled content; paper towels and toilet paper that has a minimum of 50% recycled content

Prioritize purchases that:

1. Use LED lightbulbs
2. Use rechargeable batteries
3. Use Forest Stewardship Council (FSC) certified wood and/or locally produced and/or recycled materials for furniture, furnishings, and cabinets made from wood
4. Avoid single-use plastic and food containers
5. Include organic and locally produced foods

A motion was made by Councilman Fedele, 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 December 9, 2021.

This policy shall take effect immediately.

Approval of annual Contract with Pine Plains Veterinary Associates

To authorize Supervisor Kennan to sign the contract, a motion was made by Councilwoman Morrison, and seconded by Councilman Kaye.

AYE 5 (Kennan, Fedele, Kaye, Midwood, Morrison)

NAY 0

Approval of 2022 Building Department Fee Schedule and Genealogical Search Fee increase

A motion was offered by Councilman Fedele and seconded by Councilman Midwood.

AYE 5 (Kennan, Fedele, Kaye, Midwood, Morrison)

NAY 0

Authorize the attorney for the Assessor's office to sign for a Consent Judgement.

A motion was offered by Councilman Midwood to authorize Ian MacDonald, ESQ, to sign a Consent Judgement for a certiorari settlement. Councilman Kaye seconded the motion.

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AYE 5 (Kennan, Fedele, Kaye, Midwood, Morrison)

NAY 0

The Town Board voted in favor of Ian MacDonald signing the Consent Judgement.

Presentation by North East Working Group of the Tri-Town Housing Coalition

The Tri-Town, (NE/Millerton, Amenia, Pine Plains), Coalition is focused on “changing the narrative of local support for affordable housing”. They estimate at least another 250 units needed. They feel that inequities are built into our zoning code that deny equity and access for all. Meg Winkler, Tom Parrotte, Sam Busselle and Eliot Ramos presented research, workshop notes, and arguments in favor of establishing a combined joint Village of Millerton and Town of North East steering committee, with a consultant aware of trends in affordable housing. Eliot Ramos will send the presentation in writing to the present and future (Griffin Cooper) board members.

Set the Holiday Schedule for Town Employees

Councilwoman Morrison proposed closing the Town Hall and Highway Department at 3pm Thursday the 23rd of December for the Holidays. A motion was made by Councilman Fedele, and seconded by Councilwoman Morrison.

AYE 5 (Kennan, Fedele, Kaye, Midwood, Morrison)

NAY 0

Approval of Minutes of Town Board

Councilman Midwood motioned to approve meeting minutes of 11/1/21 and Councilman Kaye seconded.

AYE 5

NAY 0

Councilman Kaye motioned to approve the Special Town Board meeting minutes of 11/17/21 and Councilwoman Morrison seconded.

AYE 5

NAY 0

Councilwoman Morrison motioned to approve the Special Town Board meeting minutes of 11/29/21 and Councilman Fedele seconded.

AYE 5

NAY 0

Supervisor Kennan set the 2022 Reorg meeting for Monday, January 3, 2022 at 5pm

Public Comment Period

Louise Meryman registered her concern and disappointment with the Police Services Committee's inaction.

Bill Kish also spoke about the Committee's mission and lack of responsiveness.

Nuno Ramos wondered if the Police Services Committee members wanted to be participants, or if other members, from the board or the citizens, should be appointed.

Supervisor Kennan acknowledged the Public's frustrations and reminded the Public that we contribute funds to the police department, but we do not run the police department.

Councilwoman Morrison expressed futility over the lack of results from her repeated gestures to the village members of the Committee in hopes of scheduling a meeting.

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Meryman and Kish spoke again, and summarized the goal of moving forward and to include private citizens in the conversation.

Sam Busselle touched on the need to coordinate between Village and Town for funding for housing options. Mentioned that Pace law center could advise the Zoning Review Council.

Supervisors Report

Budget Adjustments #8

A Fund- An expense increase of \$8,421, minus an expense decrease of \$6,447, minus a revenue increase of \$1,974, for a net result of \$0.

Motion made to accept the budget adjustment was offered by Councilman Kaye and seconded by Councilwoman Morrison.

AYE 5 (Kennan, Fedele, Kaye, Midwood, Morrison)

NAY 0

B Fund- An expense increase of \$535, minus an expense decrease of \$35, minus a revenue increase of \$500, for a net result of \$0.

Motion made to accept the budget adjustment was offered by Councilman Fedele and seconded by Councilman Midwood.

AYE 5 (Kennan, Fedele, Kaye, Midwood, Morrison)

NAY 0

Special Abstract dated November 30, 2021 totaling \$10,760.29 broken down as follows:

A Fund \$2,154.25

DB Fund \$8,606.04

Motion to accept the Special Abstract by Councilwoman Morrison, Second by Councilman Kaye

AYE 5 (Kennan, Fedele, Kaye, Midwood, Morrison)

NAY 0

Special Abstract dated December 1, 2021 totaling \$60,053.00 broken down as follows:

A Fund \$28,224.91

B Fund \$6,605.83

DB Fund \$25,222.26

Motion to accept the Special Abstract by Councilman Fedele, Second by Councilman Midwood

AYE 5 (Kennan, Fedele, Kaye, Midwood, Morrison)

NAY 0

Abstract dated December 9, 2021 totaling \$101,197.72 broken down as follows:

A Fund \$49,980.19

B Fund \$8,290.43

DB Fund \$42,704.86

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Payroll T&A \$222.24

Motion to accept the Abstract by Councilwoman Morrison, Second by Councilman Kaye

Voucher Committee for January 2022: R. Fedele, G. Cooper

Meeting with Counsel not necessary

Adjournment 8:20 pm Final motion offered by Councilman Kaye, seconded by Councilman Fedele

AYE 5 (Kennan, Fedele, Kaye, Midwood, Morrison)

NAY 0

Respectfully submitted,



Elizabeth Strauss

Town Clerk

Approved: 1/13/2022

