

**TOWN OF NORTH EAST  
TOWN BOARD  
REGULAR MEETING  
October 14, 2021**

Town Supervisor Chris Kennan called the meeting to order at 7:00 PM, followed by the Pledge of Allegiance to the Flag.

**Roll Call and Acceptance of Agenda:**

Town Clerk Tilly Strauss conducted a Roll Call of Town Board members:

SUPERVISOR CHRIS KENNAN:	HERE
COUNCILMAN RALPH FEDELE:	HERE
COUNCILMAN GEORGE KAYE:	HERE
COUNCILMAN JOHN MIDWOOD:	HERE
COUNCILWOMAN LANA MORRISON:	HERE

A quorum was present.

Supervisor Kennan presented two changes to the draft agenda. The first was to remove the item regarding tax collector, and the second was to add a Bond authorization for the Town. A motion was made by Councilman Midwood and seconded by Councilwoman Morrison to approve the changed Agenda. All in favor to accept the Agenda.

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

**Supervisor Kennan Comments:**

Welcome to new Town Clerk, Tilly Strauss. Praise for the collegial atmosphere in Town Hall. Change of date for next month's Town Board meeting to Wednesday, November 10 at 6:00 pm, due to Veterans Day and a regularly scheduled Planning Board meeting at 7:30 pm.

**Department and Committee Reports:**

Police Sergeant Michael Veeder reported 50 calls, 26 in the Village and 24 in the Town, down from the same time last year. Discussion followed of the recent Charlie Hill tractor trailer accident.

Highway Superintendent, Bob Stevens, reported on the busy season and shared use of a bucket truck for tree work. The bucket truck is shared between the towns of North East, Milan, Rhinebeck and Clinton. North East has access to it every April and October. We also share a paver, roller and trailer with the Amenia, Milan and Rhinebeck, and skid steer with Milan. Bids open tomorrow, October 15<sup>th</sup>, for next year's highway department supplies of fuel, gravel, black top, and sand.

Planning, Zoning, and Building reports were given to Board members prior to the meeting.

Town Clerk reports were given to the Town Board members prior to the meeting.

Assessor Katherine Johnson announced the investment of her department in APEX Software to reduce paper usage. The upcoming project is to take new photographs of properties to update the website. It has been 12 years since the last photographs, and the State desires photos to be 6 years old at the most. With the photos, the assessor will be able to compare images offsite and save time and travel to the field. Johnson and the data collector, John Lloyd, will be going out to initiate this process after the leaves drop this season.

**RESOLUTION #1302021**  
**ADOPTING A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT FOR FISCAL**  
**YEAR 2022 PURSUANT TO GENERAL MUNICIPAL LAW §3-c AS**  
**LOCAL LAW NO. 3 OF THE YEAR 2021**

**WHEREAS**, the Town Board determined that it may be necessary for the Town of North East to exceed the limit on the amount of real property taxes that may be levied by the Town of North East pursuant to General Municipal Law §3-c for fiscal year 2022; and

**WHEREAS**, the Town Board by Resolution dated September 9, 2021 accepted a proposed Local Law to override the tax levy limits for fiscal year 2022 pursuant to General Municipal Law §3-c for commencement of the Local Law adoption process; and

**WHEREAS**, the Town Board scheduled and duly noticed a public hearing on said Local Law to be held on October 14 2021 at the Town of North East Town Hall; and

**WHEREAS**, the Town Board opened the public hearing and heard comments on said Local Law and closed the public hearing on October 14, 2021; and

**WHEREAS**, the Town Board has determined that this action is a Type II action under SEQRA and does not require environmental reviews; and

**WHEREAS**, the Town Board has determined that it is in the best interests of the Town of North East to adopt this Local Law.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board hereby adopts Local Law No. 3 of 2021 entitled “A Local Law to Override the Tax Levy Limit for the Fiscal Year 2022 Pursuant to General Municipal Law §3-c”; and it is further

**RESOLVED**, that the Deputy Town Clerk is hereby directed to file said Local Law in the Office of the Department of State, as required by law.

**WHEREUPON**, the above Resolution was offered by Town Board member Councilman George Kaye, and was seconded by Town Board member Councilman Ralph Fedele and the vote was as follows:

SUPERVISOR KENNAN	VOTED	AYE
COUNCILMAN FEDELE	VOTED	AYE
COUNCILMAN KAYE	VOTED	AYE
COUNCILMAN MIDWOOD	VOTED	AYE
COUNCILWOMAN MORRISON	VOTED	AYE

This Resolution was declared duly adopted by a 5-0 vote of Town Board members.

**Public Hearing on Local law permitting the Town to exceed the NYS Tax Cap:**

At 7:14 pm a motion was made by Councilman Kaye, seconded by Councilman Fedele, to open the Public Hearing. Meg Bertrand-Winkler made a comment. At 7:16 pm a motion was made by Councilwoman Morrison and seconded by Councilman Kaye to close the Public Hearing.

**Public Hearing on the Water District Assessment Roll:**

At 7:18 pm a motion was made by Councilman Midwood, seconded by Councilman Kaye, to open the Public Hearing. There was no comment. At 7:20 pm a motion was made by Councilman Fedele and seconded by Councilwoman Morrison to close the Public Hearing.

On a motion made by Councilman Kaye, seconded by Councilman Midwood, the Water District Assessments was:

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

**Presentation of the Town's Tentative 2022 Budget:**

Supervisor Kennan commented on the Budget. It was worked on by Budget Committee members Morrison and Kennan, who met throughout the month of September. There are no dramatic changes. Kennan stressed the Board's awareness of the rising cost of living. The new budget calls for a 4% increase in salaries for Town and Highway employees. Medical insurance is going up 4% as well. There are some small changes such as the increase in auditor fees. The preliminary Budget will be posted in the Town Clerk's office for members of the public to inspect. A motion for a public hearing to be held on November 10, 2021 at 6:20 PM was made by Councilwoman Morrison and seconded by Councilman Fedele.

ALL IN FAVOR- AYES- 5 (Kennan, Fedele, Kaye, Midwood, Morrison)  
NAYS- 0

**Presentation of BOND Resolution (additional money):**

Supervisor Kennan read parts of, and summarized the contents of, the additional BOND needed for proposed Highway Garage Facility. After May 13<sup>th</sup>, all the RFP bids came back a million dollars over the funds available for the project. The Town Board at that time rejected all the bids and voted to pause the process, hoping to wait out the labor shortage and rising costs of materials. We have now seen material prices start to come down. Now the hope is to put out new RFP bids in December or January and, with obvious need for more funding, have this authorized BOND give us the capability to pay for the garage. In addition, the board has revisited the design and specifications in order to bring down some costs for the facility. They have obtained a financial advisory firm to help with capital structure and fiscal responsibilities. This will enable the Town Board to solicit bids nationally, which may help bring down the cost. A publication will be in the newspaper and in the Town Clerks office for those interested to read in full.

**RESOLUTION # 1322021**

**BOND RESOLUTION DATED OCTOBER 14, 2021.**

A RESOLUTION SUPPLEMENTING THE BOND RESOLUTION DATED MAY 13, 2021, TO AUTHORIZE THE ISSUANCE OF AN ADDITIONAL \$1,051,000 SERIAL BONDS OF THE TOWN OF NORTHEAST, DUTCHESS COUNTY, NEW YORK, TO PAY PART OF THE COST OF 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 REVISED MAXIMUM ESTIMATED COST OF \$4,275,000, AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$1,051,000 ADDITIONAL BONDS OF SAID TOWN TO PAY A PORTION OF THE COST THEREOF.

**WHEREAS**, the capital project hereinafter described, as proposed, has been determined to be an “Unlisted Action”, pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which it has been determined will not have any significant adverse environmental effect; and

**WHEREAS**, all other conditions precedent to the financing of the capital project hereinafter described, have been performed; and

**WHEREAS**, by a Bond Resolution dated May 13, 2021, the Town Board of the Town of Northeast, Dutchess County, New York, authorized the issuance of \$2,929,000 bonds of said Town to pay a portion of the cost of 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, at a maximum estimated cost of \$3,224,000, and

**WHEREAS**, it has now been determined that the maximum estimated cost of such specific object or purpose is \$4,275,000, constituting an increase of \$1,051,000 over that previously authorized; and

**WHEREAS**, it is now desired to authorize the issuance of an additional \$1,051,000 bonds of said Town for such specific object or purpose; **NOW, THEREFORE**,

**BE IT RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Northeast, Dutchess County, New York, as follows:

Section 1. For the specific object or purpose of paying the \$1,051,000 additional costs of 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, there are hereby authorized to be issued an additional \$1,051,000 bonds of said Town, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such specific object or purpose is now \$4,275,000, which specific object or purpose is hereby authorized at said maximum estimated cost and that the plan for the financing thereof is as follows:

- a. By the issuance of the \$2,929,000 bonds of said Town authorized to be issued and \$295,000 current available fund monies appropriated pursuant to the aforesaid bond resolution dated and duly adopted on May 13, 2021; and
- b. By the issuance of the additional \$1,051,000 bonds of said Town herein authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby now determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty (30) years, pursuant to subdivision 11(a) 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 Northeast, 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:

SUPERVISOR CHRISTOPHER KENNAN	VOTING AYE
COUNCILMAN RALPH FEDELE	VOTING AYE
COUNCILMAN GEORGE KAYE	VOTING AYE
COUNCILMAN JOHN MIDWOOD	VOTING AYE
COUNCILWOMAN LANA MORRISON	VOTING AYE

The resolution was thereupon declared duly adopted.

**Resolution regarding purchase of green power:**

Supervisor Kennan would like to direct the town to find a supplier of electricity who has a source of renewable power. The Town Hall and the Highway Department will set an example for the town to move in the direction of green power.

The resolution was read by Supervisor Kennan:

**Resolution #1312021**

**RENEWABLE POWER PROCUREMENT RESOLUTION**

**WHEREAS** the Town of North East has a legitimate governmental interest in protecting human health within the town and beyond; and

**WHEREAS** carbon dioxide is regulated the Environmental Protection Agency as a pollutant with recognized detrimental impacts on the environment and human health; and

**WHEREAS** the Town's use of electrical power as currently supplied by Central Hudson was responsible for approximately 7,200 pounds of carbon dioxide emissions in 2020, and the Town's total cost of electricity was \$6,300 in 2020,

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town of North East will annually investigate the availability and cost of 100% renewable electric power in close coordination with the Climate Smart Communities Task Force; and

**RESOLVED** that the Town of North East will plan to enter into annual fixed price contracts to purchase renewable power for each year that such clean power can be found which, when contracted for a fixed supply price for the year, would not increase the Town's total estimated electrical costs by more than 20% above such electrical costs if the electricity had been provided by Central Hudson.

**WHEREUPON**, this policy goes into effect immediately. Town Board member Councilman John Midwood made the motion to approve, which was seconded by Councilman George Kaye and the vote was as follows:

SUPERVISOR KENNAN	VOTED	AYE
COUNCILMAN FEDELE	VOTED	AYE
COUNCILMAN KAYE	VOTED	AYE
COUNCILMAN MIDWOOD	VOTED	AYE
COUNCILWOMAN MORRISON	VOTED	AYE

This Resolution was declared duly adopted by a 5-0 vote of Town Board members.

**7:39 PM General Comment Period:**

Louise Meryman commented on police reform and the urgent need for citizen input on the Joint Police Advisory Committee and mental health facilities. Questioned why there have been no recent meetings. Marylyn Kalogeras suggested Town Board members on the Joint Police Advisory Committee initiate the call for meetings, and commented on same meetings to be held and open to public.

Andrew Stayman commented on road signs to divert tractor trailers away from Charlie Hill Road. Bill Kish commented on the current antagonism between the Village and the Police department. He recounted the timeline of police reform initiatives in the last year and lack of opportunity for citizen input.

Supervisor Kennan stated that the Joint Police Advisory Committee is chaired by the village, but he will reach out to the Mayor and remind them of our standing request to have a meeting. He also reminded the public that they can always submit questions to the Committee in writing, in lieu of attending a meeting.

7:55 PM The General Public Comment Period was closed.

**Supervisors Report:**

**BUDGET ADJUSTMENT-** Supervisor Kennan reviewed budget adjustment #6 for 2021

A FUND- general Town-wide. We have an increase in \$3,071, and a decrease in \$2449.00 with less revenue of -622.00 for a net of 0. Motion to accept the budget adjustment made by Councilman Fedele, seconded by Councilwoman Morrison.

All in favor AYE- 5 (Kennan, Fedele, Kaye, Midwood, Morrison)  
NAY- 0

B FUND- General Town outside. Expense increase of \$400, less a revenue decrease of \$400, for a net of \$0. Motion made to approve the budget adjustment was made by Councilwoman Morrison and seconded by Councilman Midwood.

All in favor AYE- 5 (Kennan, Fedele, Kaye, Midwood, Morrison)  
NAY- 0



Town of North East  
Town Board  
Minutes  
October 14 2021

Special Abstract dated September 28, 2021 totaling \$10,583.77 broken down as follows:

A Fund: \$2,340.23  
B Fund: \$8,243.54

Motion to accept the Special Abstract made by Councilman Fedele, seconded by Councilman Kaye.  
All in favor AYE- 5 (Kennan, Fedele, Kaye, Midwood, Morrison)  
NAY- 0

Abstract dated October 14, 2021 totaling \$384,539.02 broken down as follows:

A Fund: \$ 49,040.03  
B Fund: \$ 3,687.44  
DB Fund: \$ 330,488.09  
Special Grant Fund: \$ 401.22  
T&A2 Escrow: \$ 700.00  
Payroll T&A: \$ 222.24

Motion to accept the Abstract was made by Councilman Kaye, seconded by Councilwoman Morrison.

All in favor AYE- 5 (Kennan, Fedele, Kaye, Midwood, Morrison)  
NAY- 0

Voucher Committee for November is Councilman George Kaye and Councilman Ralph Fedele.

#### **Approval of the Minutes of 8/26/21 and 9/21/21**

No Board Member comments

Motion to approve the minutes made by Councilman Fedele, seconded by Councilwoman Morrison.

All in favor AYE- 5 (Kennan, Fedele, Kaye, Midwood, Morrison)  
NAY- 0

#### **Meeting with Council**

Our council left the meeting earlier. No matters to discuss. No comments from Board Members

#### **Motion to adjourn**

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

Meeting was adjourned at 7:59 PM

Respectfully submitted,

/s/:  
Elizabeth Strauss  
Town Clerk

Approved: 11/10/2021