

**TOWN OF NORTH EAST
TOWN BOARD
REGULAR MEETING
July 14, 2022
7pm**

Call to Order, Pledge of Allegiance

Roll call

SUPERVISOR KENNAN	HERE
COUNCILWOMAN MORRISON	HERE
COUNCILMAN FEDELE	HERE
COUNCILMAN MIDWOOD	HERE
COUNCILMAN COOPER	HERE

Acceptance of Agenda

The Agenda is amended to reflect an additional Public comment period, added after Department reports, and limited only to comments about the Agenda.

A motion to accept the amended Agenda was made by Councilman Midwood and seconded by Councilwoman Morrison.

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

The amended Agenda was accepted

Supervisor Comments

The Covid-19 numbers are flat. Please stay informed and use good judgement.

The Senior Picnic, sponsored by the County, in Pine Plains took place on July 13, and was well-attended.

The ZRC is focusing on the Route 44 Boulevard, and is discussing sidewalks.

There has been a positive step forward towards getting a food store for the town. Right now the underground gas tanks are being removed.

Habitat for Humanity is interested in some Town owned land: 1/6th of an acre on Rudd Pond Road, for a single family home. Town Supervisor will have an opportunity to visit an existing Habitat house in Wappinger, and will follow up with them in August.

CAC- Rich Stalzer is looking for new members. Thank you and appreciation to Diane Engleke who served as the previous Chair.

Rich Stalzer previously worked with the Broadband committee and we have made huge inroads in collecting information. An update will be presented at the August meeting.

We are in discussions with the Dutchess County DPW about a parking lot on Rudd Pond Road at the Rail Trail. The current conditions of side-of-the-road parking and pedestrian traffic are unsafe.

Department and Committee Reports

Highway- Bob Stevens, Highway Superintendent asked for an amended 284 Agreement due to increase in asphalt prices. Installing new gravel shoulders and grading on Skunks Misery Road and completing the drainage project on Irondale road call for asphalt. Plans for the rest of July and August include use of the shared paver, roller, and trailer, (shared with Amenia/Milan/Rhinebeck), laying stone, and working on drainage on the Skunks Misery project, as well as stream location at the new Highway Garage lot.

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Approval of Highway Superintendent to Sign 284 Agreement

Superintendent Stevens reviewed the need for general repairs, in the sum of \$275,000.00 for primary work and general repair upon 34.23 miles of Town highways, including sluices, culverts and bridges. In addition, the agreement asks to set aside an amount not over the sum of \$180,251.00 for permanent improvements on .55 miles of Skunks Misery Road and an amount not over the sum of \$65,800.00 for permanent improvements on .16 miles of Irondale Road.

A motion to accept the 284 Agreement was made by Councilman Fedele and seconded by Councilwoman Morrison

SUPERVISOR KENNAN	AYE
COUNCILWOMAN MORRISON	AYE
COUNCILMAN FEDELE	AYE
COUNCILMAN MIDWOOD	AYE
COUNCILMAN COOPER	AYE

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The Agreement was approved and signed by Board members on July 14, 2022

Assessor's Office- No report

Town Clerk, Planning, Zoning, & Building Department- All reports were provided to the Board before the meeting and published on the Town website.

Tax Collector- Town Clerk, Tilly Strauss also provided a Tax Collection report balancing and zeroing out the Tax Checking account at Salisbury Bank. The unpaid tax rolls and bank settlement were submitted to Dutchess County Finance on June 27th, 2022.

Town Board Committee Activity

Highway Committee- We expect concrete to be poured in the next couple of weeks at the New Highway Garage and are still waiting to hear about the fencing grant application.

Recreation Committee- No report

Cemetery Committee- Councilman Ralph Fedele reported that the FSCBG meeting has been postponed to August 18th where they will be discussing mapping of the site, fundraising, and event planning.

Public Comment (on Agenda items only)

Louise Meryman, resident of the Town, concerned about renewing a contract with the Village Police for negligible police coverage in the Shekomoko area.

Andrew Stayman, resident of the Town, spoke about the Village Police department lacking oversight and being insubordinate to the Mayor.

Israel Fitch, resident of the Town and Blacksmith in the Village, spoke of incidences of Village Police harassment and a need of oversight.

Nuno Ramos, resident of the Town, suggests a committee to supervise the Village Police.

Bill Kish, resident of the Town, questioned the value of a contract with the Village for policing, and commented on the monthly reports as conveying minimal information.

Rob Cooper, resident of the Town and businessman in the Village, agreed with Bill Kish and spoke in favor of a contract with the county for Police coverage.

Lynn Kraus, resident of the Town, emphasized the influx of new people into the community and corresponding need of Village Police services, in particular for safety.

Meg Winkler, resident of the Town, commented via Zoom about the Village Police contract.

Cheri Lamier, resident of the Town, went on record to support keeping the Village Police.

Jennifer Hand, resident of the Town, raised a question about the Village Police hours in relation to tax dollars and average amount of response calls made outside the Village.

Resolution to approve renewal of contract with Dutchess County for snow and ice removal.

The County historically has paid the Town of North East Highway Department to remove ice and snow from roughly 30% of County roads in the area.

RESOLUTION #382022

**RESOLUTION AUTHORIZING TOWN SUPERVISOR TO RENEW
CONTRACT WITH DUTCHESS COUNTY FOR PARTICIPATION IN THE
COUNTY SNOW AND ICE CONTROL PROGRAM**

WHEREAS, the Town Superintendent of Highways has been requested by the County of Dutchess to participate in the regional County Highway Snow and Ice Control Program within the boundaries of the Town, and

WHEREAS, the County of Dutchess is requesting that the Town renew its contract with the County for participation in the County Snow and Ice Control Program, and

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WHEREAS, and logically, an earlier or sooner response factor can be provided by Town units and personnel within the locale thereby benefiting the overall safety and welfare of town residents and local community interest, and

WHEREAS, such participation by the Town in removing snow from designated County Highways, and by sanding and salting or otherwise treating them for the purpose of maintaining highway safety and accessibility for emergency services, is specifically authorized by Article 6, Section 135-a of the New York State Highway Law, now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to execute a change order for the Town's participation in the County Snow and Ice Control Programs, and the Town Superintendent of Highways is herein authorized to perform such work in accordance with, and to receive payment as outlined in the Town and County contract for the County Snow and Ice Control Program for the Winter season 2022-2023.

Motion by Councilman Cooper and seconded by Councilwoman Morrison.

SUPERVISOR KENNAN	AYE
COUNCILWOMAN MORRISON	AYE
COUNCILMAN FEDELE	AYE
COUNCILMAN MIDWOOD	AYE
COUNCILMAN COOPER	AYE

The Resolution was carried by a 5-0 vote of the Town Board members.

Motion to approve application for hook up to Town Water District

RESOLUTION # 392022

Water Service Request for lot #20 Gay and Country View Roads, parcel # 7271-00-741560, to the North East Water District:

Supervisor Kennan informed the board that the Town has received a request from Scott Maher, of TJ Home Builders Inc., to hook up parcel #7271-00-741560 into the Village's water district.

On a motion by Councilwoman Morrison, seconded by Councilman Fedeles the following was

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

RESOLVED, to accept the water service request for lot #20 Gay and Country View Roads, and to send a letter to the Village Water Department regarding this hook up.

Announcement of Climate Smart Communities

NY State has awarded The Town of North East Bronze status. The Climate Smart Communities is a voluntary program that provides grant funding priority for actions meant to mitigate climate damage. Kathy Chow has worked on this for three years and hundreds of hours. There are only two other Towns in Dutchess County that have achieved this status level. This is a positive step forward. Thanks for the record go to Kathy Chow and all the members of the committee for getting us to this point.

Councilman Midwood spoke of his appreciation of the team effort to get us to be a Climate Smart Community.

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Resolution regarding contract with the Village of Millerton for Court Officer

Supervisor Kennan described the discussion of a contract between the Village of Millerton and the Town of North East for Police services and Courtroom security service. The Town had allocated \$27,000 for this in its 2022 Budget. The previous contract expired on May 31, 2022. We have now received a proposal for a 1 year contract at \$30,000. We have heard pros and cons from the residents as to whether to increase our support, on the one hand, or to totally discontinue that support. There are no easy answers. We must think of the long term interests of the community.

Councilman Cooper raised questions about the Town's liability in case of police negligence and inquired as to where and what coverage we could get through a contract with the County Sheriff's Department.

Attorney Replansky said the primary liability rests now with the Village and would indemnify us if there was any police negligence. The proposed contract can also be terminated with 90 days' notice.

Councilman Fedele said he supported police providing security in the court but not another contract for police services. He requested two separate resolutions for the signing of the contract.

RESOLUTION #402022

AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE AGREEMENTS WITH THE VILLAGE OF MILLERTON TO PROVIDE, THROUGH THEIR POLICE DEPARTMENT, A COURT OFFICER FOR THE TOWN JUSTICE COURT

WHEREAS, the Village of Millerton is empowered to operate, and does maintain, a police department in accordance with the provisions of New York State Village Law §8-800; and

WHEREAS, the Town of North East does not operate or maintain a police department, but is empowered to enter into an agreement on a contractual basis with the Village for the provision of police protective services by the Village of Millerton Police Department pursuant to §119-O of the General Municipal Law; and

WHEREAS, the Town and the Village have, for many years, entered into agreements providing, in relevant part, for the provision of police services by the Village of Millerton Police Department to the Town of North East and to provide one or more court officers for the Town of North East Justice Court; and

WHEREAS, the Town Board has been advised that the Village of Millerton is currently considering the possibility of dissolving the Village of Millerton Police Department, but, to date, no final determination of dissolution has been made; and

WHEREAS, the current contract for police protection by the Village of Millerton Police Department expired on May 31, 2022, including the provision of court officers by the Village of Millerton Police Department for the Justice Court; and

WHEREAS, the Town of North East has determined that it is in the best interests of the Town and its citizens to continue the agreements for police services and court officers, with certain modifications made as reflected in the two agreements which have been reviewed and modified by the Attorney to the Town and have been found to be acceptable in form and content; and

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

NOW, THEREFORE, be it

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RESOLVED, that the Town Board hereby authorizes the Town Supervisor to execute the Agreement for Court Officers with the Village of Millerton in their current

forms, or substantially similar, form acceptable to the Town Supervisor and the Attorney to the Town.

MOTION: Councilwoman Morrison
SECOND: Councilman Fedele

SUPERVISOR KENNAN	Voted Aye
COUNCILMAN COOPER	Voted Aye
COUNCILMAN FEDELE	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 July 14, 2022.

Resolution regarding contract with Village of Millerton for Police Services

Councilman Fedele read a statement for the record. “As a member of the Joint Police Services Committee, I have given a great deal of thought to the Millerton Police issue. I have carefully listened to all your concerns voiced during the last two police forums and those voiced to the Town Board at our last meeting.

This is a very difficult decision for me, but I’ve decided to vote against the proposal to extend Town support for the upcoming year. I have many good friends on both sides of the question; I understand that this has become a polarizing political issue and I’d like to explain why I’ve decided to vote this down.

Extending support for the Millerton Police does not give Town taxpayers value for the expense. It is a part-time service and exposes the Village to costly liability in the event of a police lawsuit. The MP rarely go beyond the Village and on occasion are seen at the junction of 22 and 199 for traffic violations. It is a redundant service already served by State Troopers and County Sheriffs and is already paid for in our tax bills.”

Councilman Cooper asked what would happen if the Village dissolves the Police department during the contract year. He asked for stronger oversight.

Supervisor Kennan said that there is a plan between the Town Supervisor, the Deputy Town Supervisor, the Village Mayor and the Deputy Village Mayor to meet quarterly and review the services and policing needs of the community.

Councilman Midwood mentioned the recent Village RFP for consulting service as a positive move. Since we already have the funds allocated in our budget set aside, and since the Town and the Village have a great working relationship, he would be voting in favor of signing the contract. Councilwoman Morrison agreed.

RESOLUTION #412022

AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE AGREEMENTS WITH THE VILLAGE OF MILLERTON TO PROVIDE, THROUGH THEIR POLICE DEPARTMENT, POLICE SERVICES IN THE TOWN

WHEREAS, the Village of Millerton is empowered to operate, and does maintain, a police department in accordance with the provisions of New York State Village Law §8-800; and

WHEREAS, the Town of North East does not operate or maintain a police department, but is empowered to enter into an agreement on a contractual basis with the Village for the provision of police protective services by the Village of Millerton Police Department pursuant to §119-O of the General Municipal Law; and

WHEREAS, the Town and the Village have, for many years, entered into agreements providing, in relevant part, for the provision of police services by the Village of Millerton Police Department to the Town of North East and to provide one or more court officers for the Town of North East Justice Court; and

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WHEREAS, the Town Board has been advised that the Village of Millerton is currently considering the possibility of dissolving the Village of Millerton Police Department, but, to date, no final determination of dissolution has been made; and

WHEREAS, the current contract for police protection by the Village of Millerton Police Department expired on May 31, 2022, including the provision of court officers by the Village of Millerton Police Department for the Justice Court; and

WHEREAS, the Town of North East has determined that it is in the best interests of the Town and its citizens to continue the agreements for police services and court officers, with certain modifications made as reflected in the two agreements which have been reviewed and modified by the Attorney to the Town and have been found to be acceptable in form and content; and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to execute the Agreement for Police Services and the Agreement for Court Officers with the Village of Millerton in their current forms, or substantially similar, form acceptable to the Town Supervisor and the Attorney to the Town.

MOTION: Councilwoman Morrison

SECOND: Councilman Midwood

SUPERVISOR KENNAN	Voted Aye
COUNCILMAN COOPER	Voted Aye
COUNCILMAN FEDELE	Voted Nay
COUNCILMAN MIDWOOD	Voted Aye
COUNCILWOMAN MORRISON	Voted Aye

The Resolution was carried by a 4-1 vote of the Town Board members on July 14, 2022.

Resolution to permit retail cannabis dispensaries in the Town of North East

Supervisor Kennan explained that at the end of last year, when it came time for the Board to vote on Opting-Out or automatically Opting-in to allowing cannabis dispensaries, the Board felt the that it was a very new program and the ramifications of permitting dispensaries was not easy to figure out. We have learned a lot since then. We have a number of resident cannabis producers licensed by the NY Department of Agriculture in the Town. We know a lot more about the regulations of a potential Licensee who comes before the Town. An opinion by the Town about the Licensee would become part of the record at the Office of Cannabis Management (OCM) prior to the issuance of any license. The Town would have clear control as to location, which would be a decision for the Town Zoning, and signage, which is limited to the business trade name, location, size and lighting. Each business can have no more than two signs per licensee. There is potential economic benefit of the legal product in tax revenue. If the Town were not to permit retail dispensaries, and the Village, (which has opted in already), allowed a dispensary, we would not get any tax revenue. The Village has already Opted-in, which enables the Town, if they Opt-in, to get a share of any revenue, by agreement or 50-50.

Attorney Warren Replansky detailed the procedure to adopt a new local law, rescinding the Local Law passed last year. A Public hearing must be held before the Town Board votes on adopting the new law. This resolution is about considering commencing the adoption of the Local Law process.

Councilman Midwood supports cannabis dispensaries as a source of tax revenue.

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RESOLUTION #422022

**COMMENCING THE LOCAL LAW ADOPTION PROCESS RESCINDING
LOCAL LAW NO. 2 OF THE YEAR 2021 WHICH WAS ENTITLED: “A
LOCAL LAW OPTING OUT OF ALLOWING CANNABIS RETAIL
DISPENSARIES AS AUTHORIZED UNDER NEW YORK STATE CANNABIS
LAW ARTICLE 4”**

WHEREAS, on March 31, 2021, Governor Andrew Cuomo signed the Marijuana Regulation & Taxation Act legalizing adult-use cannabis (as known as marijuana, or recreational marijuana) in New York State. The legislation creates a new Office of Cannabis Management (OCM) governed by a Cannabis Control Board to oversee and implement the law (collectively referred to as “OCM”). The OCM will issue licenses and develop regulations outlining how and when business can participate in the new industry. The OCM will also oversee the State’s existing Medical Marijuana Program and Cannabinoid Hemp Program, previously regulated by the Department of Health; and

WHEREAS, the New York State law provides that towns can opt-out of allowing adult-use cannabis retail dispensaries and/or on-site consumption facilities from locating within their jurisdiction, but to do so, the municipality must pass a local law by December 31, 2021, and if the town fails to do so, the town will be unable to opt-out at a future date; and

WHEREAS, the Town of North East Town Board determined that it was in the best interest of the Town to opt out of the on-site retail dispensaries within its jurisdiction; and

WHEREAS, the Town Board duly adopted Local Law No. 2 of the Year 2021 which was entitled: “A Local Law Opting Out of Allowing Cannabis Retail Dispensaries as Authorized Under New York State Cannabis Law Article 4”; and

WHEREAS, said Local Law was duly filed with the office of the Secretary of State on November 5, 2021; and

WHEREAS, the said Local Law was also duly filed with the Office of Cannabis Management, as required by law; and

WHEREAS, the Marijuana Regulation and Taxation Act provides, in relevant part, that a municipality that has opted out of allowing town retail dispensaries, as authorized under New York State Cannabis Law Article 4, may reverse that decision by enacting a local law rescinding the local law opting out under the cannabis retail dispensary law; and

WHEREAS, the Town Board has determined that it would be in the best interests of the Town and its citizens to allow for cannabis retail dispensaries as authorized under New York State Cannabis Law Article 4; and

WHEREAS, the Attorney to the Town has prepared a local law rescinding Local Law No. 2 of the Year 2021, which has been reviewed and approved by the Town Board for purposes of commencing the local law adoption process.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts proposed Local Law No. 1 of the Year 2022 entitled: “A Local Law Rescinding Local Law No. 2 of the Year 2021” which was entitled: “A Local law Opting Out of Allowing Cannabis Retail Dispensaries

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as Authorized under New York State Cannabis Law Article 4” for purposes of commencing the local law adoption process; and be it further

RESOLVED, that the Town Board hereby schedules a public hearing on the adoption of said Local Law for August 11, 2022 at 7:20 p.m. at the Town of North East Town Hall; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish, and give notice, of said public hearing, as required by law, and make a copy of the local law available for review by the public on the Town’s website and at the Town Hall.

MOTION: Councilman Midwood
SECOND: Councilman Fedele

SUPERVISOR KENNAN	Voted Aye
COUNCILMAN COOPER	Voted Aye
COUNCILMAN FEDELE	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 July 14, 2022.

Approval of minutes of Town Board meeting of June 9, 2022

A motion to approve the minutes from June 9, 2022, was made by Councilwoman Morrison and seconded by Councilman Cooper

AYES- 5 (Kennan, Morrison, Fedele, Midwood, Cooper)
NAYS- 0
The minutes were approved.

Public Comments Period

Andrew Stayman- Thanked Bob Stephens and the Town Highway for road improvement.
Bill Kish- Asked about State requirements for candidates looking to license a dispensary.
Dan Sternberg- Spoke of urgency with respect to figuring out zoning regulations.
Supervisor Kennan- Asked Attorney Replansky what other municipalities have done.
Attorney Replansky- Pine Plains is in the process of putting a cannabis zoning amendment for public vetting in consideration of retail Opt-in. Hyde Park is soon Opting-in.
Supervisor Kennan- Said he will reach out to Association of Towns for guidance.
Brian Wahl- Pointed out the liability concerns with a Police force versus that of a cannabis business.
Attorney Replansky – The Town has a certain amount of immunity, but always a certain amount of liability. Same as if we permitted a liquor store in town. Reason we have insurance.
Israel Fitch- Spent a lot of time in Great Barrington. The traffic increase around dispensaries is an issue to consider since Millerton already has traffic congestion. Also stated that he is not against the Police department. We need increased oversight allowed to the Mayor.
Bill Kish- Points regarding Police oversight and liability. A clause in the previous contract for an oversight committee is missing. Seems the Village has been unable to have effective oversight. Commented on liability and lawsuits between Town and Village over the Police department, and a future dispensary.
No zoom comments.

Supervisor’s Report

RESOLUTION #432022
Approval of Budget Adjustment #4 of 2022 for A Fund

RESOLVED, TO APPROVE Budget adjustment #4 of 2022 as follows:
A Fund- General Town-wide with an increase in expenses at \$4900, less a revenue increase of \$4900, resulting in a net \$0.
Motion to Approve given by Councilman Fedele, seconded by Councilwoman Morrison

AYE- 5 (Kennan, Morrison, Fedele, Midwood, Cooper)
NAY- 0

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The Budget adjustment was approved by a vote of 5-0 on July 14, 2022.

RESOLUTION #442022
Budget Adjustment #4 of 2022 for DB Fund

RESOLVED, TO APPROVE Budget Adjustment for DB Fund, for Highway Town Outside the village with an expense increase of \$326,051. Less an expense decrease of \$80,000 and less a revenue increase of \$246, 05, resulting in a net of \$0.
Motion to approve the budget adjustment given by Councilwoman Morrison, seconded by Councilman Cooper.

AYE- 5 (Kennan, Morrison, Fedele, Midwood, Cooper)
NAY- 0
The Budget adjustment was approved by a vote of 5-0 on July 14, 2022.

RESOLUTION #452022
Resolution to approve Special Abstract

RESOLVED, TO APPROVE the Special Abstract dated June 22, 2022 totaling \$17,184.96 broken down as follows:

A Fund	\$ 3,730.28
B Fund	\$ 354.75
DB Fund	\$13,099.93

Motion to accept the Special Abstract made by Councilman Fedele, seconded by Councilwoman Morrison.

AYE- 5 (Kennan, Morrison, Fedele, Midwood, Cooper)
NAY- 0
The Special Abstract was approved by a vote of 5-0 on July 14, 2022.

RESOLUTION #462022
Resolution to accept Abstract dated July 14, 2022

RESOLVED, TO APPROVE Abstract dated July 14, 2022 totaling \$337,412.81 broken down as follows:

A Fund	\$50,022.24
B Fund	\$1,534.83
DB Fund	\$55,841.10
Capital Projects H1	\$228,436.05
T&A2 Escrow	\$1,330.00
Payroll T&A	\$248.59

Motion to accept the Abstract made by Councilman Midwood, seconded by Councilman Fedele.

AYE- 5 (Kennan, Morrison, Fedele, Midwood, Cooper)
NAY- 0
The Abstract was approved by a vote of 5-0 on July 14, 2022.

Voucher Committee for August: L. Morrison & J. Midwood

Meeting with Counsel: not needed.

Adjournment
Motion made to adjourn by Councilman Midwood, and seconded by Councilwoman Morrison

AYE- 5 (Kennan, Morrison, Fedele, Midwood, Cooper)
NAY- 0
The meeting was adjourned at 8:45pm.

Respectfully submitted,

/s/: Elizabeth Strauss, Town Clerk
Approved: 8/11/2022