

TOWN OF NORTH EAST
TOWN BOARD
REGULAR MEETING
August 11, 2022
7 pm

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

A motion was made to accept the Agenda by Councilman Fedele, seconded by Councilwoman Morrison.

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

NAYS- 0

The Agenda was accepted

Supervisor Comments

Officer Veeder was invited to summarize the Village of Millerton Police Monthly report. He gave copies of the July report to the Board and the Clerk. A copy will be posted on the Town website.

Covid-19 rates, using the County dashboard, cases per 100,000 residents are stable. The Town Hall has an ample supply of free Covid Test kits, courtesy of the County. Stay informed and use good judgment.

Affordable housing. The Town is one of three projects in Millerton that have received a Mini-Grant from Hudson River Housing and the Foundation for Community Health. We are using the money to develop information, a Housing Toolbox, on what tools a Municipality has to create affordable housing. It is a small committee comprised of Councilman Cooper, Meg Winkler, Christine Sergent and Paul Bengtson from the NECC and the Town Supervisor. On Saturday September 17, from 9-11, they will be inviting Board members from neighboring towns and villages to the Library Annex. The presentation is aimed at municipal officials. Public is invited as well.

There is a food truck set up in the Town. How they get regulated is not very clear. There are concerns. They are welcome, but we need to know who they are, and confirm that health concerns are inspected by the County. We are researching this now.

Progress is being made on the Rudd Pond Road parking lot for the Rail Trail. After meeting with the property owner, it seems they are willing to consider a sale. The Rail Trail Association is working with us to acquire it. Ultimately the State can own it, the County will prepare it, and the Town will maintain it. The County DPW came out to see it and felt it was doable. The project is moving forward. It is important for us because parking has been a problem.

Also on Rudd Pond Road there is a 0.6 acre of vacant land owned by the Town. The Board has authorized the Town to sell the parcel. We have been approached by Habitat for Humanity of Dutchess County. They are interested in building a house on that site. They had me look at building of theirs in the Village of Wappinger. Looking for feedback from the board if this is an option to consider. The land is assessed at \$45,000. We have been offered \$25,000 from Habitat.

The Town has received a proposal from a solar company interested in helping us develop a solar array on the 15 acre Town Landfill. It is feasible. It could provide the Town with income and potentially provide a percentage reduction in energy bills for residents of the Town.

Department and Committee Reports

Highway- Bob Stevens, Highway Superintendent, said things were going well. They are currently working on oil and stone projects, paving and drainage. The concrete for the foundation of the New Highway garage project is being poured today. CPL engineers and ex-Supervisor Kaye is on the site. The actual building delivery has been delayed until March 2023. The concern about potential damage to the slab if it sits all winter has resulted in a decision to wait before pouring the slab. Supervisor Kennan shared that a County MIG grant was awarded to the Town to complete the fencing around the site. And there is another grant program, through the State, called "Restore NY", for demolishing buildings no longer in use. The old Highway garage qualifies, once the department moves into the new building. We have submitted an intent to apply for this grant.

Public Hearing on Local Law #1 of 2022, to rescind "Opt-out" of cannabis dispensaries (7:20pm)

Local Law #1 of 2022 to rescind Opting out of Cannabis Retail Dispensaries.

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Motion was made to open the Public Hearing by Councilman Midwood, and seconded by Councilman Cooper.

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

No Public comments

Motion made to close the Public Hearing made by Councilwoman Morrison and seconded by Councilman Midwood

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

The Public Hearing was closed at 7:23 PM

Town Department Reports continued-

Assessor- Katherine Johnson, Assessor, shared a written report with the Board members covering Grievance Day, the Final Assessment Roll, the Equalization rate and current litigation. Total of 35 complaints from 30 owners. The Board of Assessment Review granted assessment reductions to 4 of the property owners. Previous years we have had similar numbers.

Final assessment roll has been published online.

A Special Change in Level Factor that confirms our 2022 revaluation work increased the overall assessment roll 10.01%. This will increase our Enhanced STAR and Basic STAR values to 20.5% and 13.8%.

One new certiorari filing joins the two continued from last year.

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

Comment on Agenda items only- no comments

Resolution to approve Local Law # 1, to rescind Local Law #2 of 2021 opting out of cannabis dispensaries.

RESOLUTION #472022

**RESOLUTION ADOPTING LOCAL LAW NO. 1 OF THE YEAR 2022
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 had to pass a local law by December 31, 2021, and if the town failed to do so, the town would be unable to opt-out at a future date; and

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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 now determined that it would be in the best interests of the Town and its citizens to allow for cannabis retail dispensaries to be located within the Town of North East, subject to reasonable zoning regulations as authorized under New York State Cannabis Law Article 4; and

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

WHEREAS, the Town Board accepted 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 as Authorized under New York State Cannabis Law Article 4” for purposes of commencing the local law adoption process; and

WHEREAS, the Town Board scheduled 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

WHEREAS, that the Town Clerk published, and gave notice of, said public hearing, as required by law, and made a copy of the local law available for review by the public on the Town’s website; and

WHEREAS, the Town Board conducted an environmental review in conjunction with the adoption of Local Law No. 2 of the Year 2021 and determined that the said Local Law would not result in any adverse impacts on the environment and that a Draft Environmental Impact Statement need not be prepared; and

WHEREAS, the Town Board has determined that the rescission of said Local Law will not result in any additional significant environmental impacts, which require the reopening of the SEQRA review for this Local Law, but notes that when the Town adopts this Local Law, and adopts amendments to its zoning code to allow for cannabis retail dispensaries, with the Town subject to regulation, that a further SEQRA review will be required; and

WHEREAS, the Town Board closed the public hearing on August 11, 2022; and

WHEREAS, the Town Board has determined that the adoption of this Local Law would be in the best interest of the Town of North East and its citizens.

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NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby adopts Local Law No. 1 of the Year 2022 rescinding Local Law No. 2 of the Year 2021; and be it further

RESOLVED, that the Town Clerk is hereby directed to file a copy of this Local Law with the Department of State, as required by law and with the New York State Cannabis Control Board, as also required by New York State laws, rules and regulations.

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 August 11, 2022.

Report on Broadband availability

Rich Stalzer, Claire Goodman, and Andrew Stayman presented on this issue to the Town Board last January. They have since collected more information. Stalzer shared handouts with color coded maps with the Board Members. Fifty nine parcels in four clusters (Pulvers Road, Routes 99 & 83, and Coleman Station area) have no service. Stalzer asked CCI and Optimum for quotes on the cost to reach these residents. Altice/Optimum has not responded even after many attempts to reach customer service. In response to Board member queries in January about Fiber Optics, Stalzer shared the cost from the neighboring Town of Sharon. The next steps recommended are to share our data with the PSC to make the County map more accurate. Supervisor Kennan responded that we are very happy with the map because it shows exactly where the unserved are. Councilman Midwood expressed his gratitude for all the hard work, and the hope to continue and pursue Altice/Optimum for a quote.

Presentation by County Legislator Gregg Pulver

The American Rescue Plan has given the County money to go towards Broadband surveys. The County should have additional information soon and hopes to create some sort of partnership with the Towns and the Utility Companies to cover the uncovered areas.

Happy that the MIG grants have gone to the Eddie Collins Park Swimming Pool (\$150K) and the Fire Company (\$100K), as well as the Highway department's fencing project.

Affordable housing is essential. The County is adding 13 million dollars to the Housing trust fund. The money is there to help provide funds for infrastructure and other projects that can address this shortage. People can't find places to live in Dutchess, especially northern Dutchess County where every business needs help. The County is trying to help with infrastructure in small towns by reviewing the allowing of accessory dwellings, increasing densities in Villages, and subdividing larger lots.

Dutchess County is now the 988 suicide Hotline center pilot program. Mass infrastructure changes to 911 center at no cost to the taxpayer. Town hall asked to disperse information. Suicide has been a huge issue and we need to change the curve. The Route 22 corridor will have a mobile crisis intervention van so residents do not have to travel to Poughkeepsie for help. To bring mental health programs out to the residents. It's a tool that could be converted for public health use, if, for example, another outbreak happens, for injection sites, etc.

He has represented his district now for nine years. Good relationship with great line of communication with the Supervisors here now and in the past. County wants to be responsive to the rural town needs. Interested in sharing the wealth.

Contact him through his email or cell phone number. It's on his website.

Supervisor Kennan said he appreciated Pulver visiting. Feels Pine Plains is our sister community. We have had issues with shared ambulance services and being spread too thin for the wide coverage needed. Had some complaints by those who have found themselves without service because the ambulance was responding elsewhere in the County.

Pulver responded that years ago he saw this as a problem and tried to address it by getting Town Supervisors, Fire Commissioners, Chief Officers, and Captains of the Rescue Squads together to discuss a plan. Still a problem today in the Hudson valley. Got to be a more regionalized approach. Perhaps the study from years ago can be resurrected and old solutions

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revisited. Paid companies are the future for DC- volunteer numbers are dwindling. The State can help make paid squad companies more affordable.

Supervisor Kennan said he hopes that the County provides leadership on this issue. No board comments or questions followed.

Town Board Committee Activity- the Recreation Committee- Councilwoman Morrison shared that Phase 1 at the Park was to be completed at end of this month and the hope is to open the second week in September with a community celebration October 1st. Supervisor Kennan commented on the parking lot being poured and added that the Park was to be a great resource for the town and the Village of Millerton. It will allow the recreation program to get in “full swing next year”.

Resolution to accept a local law permitting the Town of North East to exceed the NY State tax cap, and to set a public hearing for the September Town Board meeting.

RESOLUTION #482022

ACCEPTING A PROPOSED LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT FOR FISCAL YEAR 2023 PURSUANT TO GENERAL MUNICIPAL LAW §3-c FOR COMMENCEMENT OF THE LOCAL LAW ADOPTION PROCESS

WHEREAS, the Town Board has 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 2023; and

BE IT FURTHER RESOLVED, the Town Attorney has prepared a proposed local law to override the tax levy limit for fiscal year 2023 pursuant to General Municipal Law §3-c, and the same has been reviewed and approved by the Town Board members.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the proposed local law for the year 2022 entitled “Local Law to Override the Tax Levy Limit for Fiscal Year 2023 pursuant to General Municipal Law §3-c” for commencement of the local law adoption process; and

BE IT FURTHER RESOLVED, that the Town Board hereby schedules a public hearing on said local law to be held on September 8, 2022 at the Town of North East Town Hall, at 7:20 p.m. and that the public hearing be duly noticed by the Town Clerk as required by law.

MOTION: Councilman Cooper
SECOND: Councilwoman Morrison

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

This resolution was declared duly adopted on August 11, 2022

Presentation of DRAFT Town & Village Joint Climate Action Report

The Town has been working for number of years as a Climate Smart Community. A ton of work followed initial registration to achieve certification. The Climate Smart Task Force, chaired by Kathy Chow, has led us to Bronze certification. It is a great achievement. The Village of Millerton may be certified next year. Each municipality has to apply on its own, but they will benefit from our work. One of the things we have done together is adopt a Climate Action Plan. A joint meeting of Village Trustees and Town Board members is scheduled for the 30th of August at 6pm at the Library Annex. Each Board member has been sent an electronic copy of the plan. It will also be put on the website.

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Motion to approve renewal of BAN for Highway Garage

This year is the third year of our Bond Anticipatory Note for the Highway Garage. Each year we make a principal payment and when our Ban expires, we solicit bids from three different banks. Supervisor Kennan stated that the resolution from 2019 authorizes the Supervisor to negotiate and agree on a new BAN renewal every year. The documents have been received for the new BAN.

Salisbury bank has offered the lowest interest rate at 2.5%.

A motion was made to renew the BAN with Salisbury Bank by Councilman Fedele, and seconded by Councilman Midwood.

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

NAYS- 0

The motion passed 5-0 authorizing the Supervisor to renew the BAN with Salisbury Bank.

Approval of new mileage rates for Code Enforcement Officers, Dog Control Officer, Assessor, Real Property Data Lister for town business within the Town, and for all officers or employees with Town business outside the Town.

The Federal Government has increased the mileage rate for the remainder of 2022 the new mileage rate of 62.5 cents per mile, effective July 1.

A motion was made to accept the new mileage rate by Councilman Midwood, and seconded by Councilwoman Morrison

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

NAYS- 0

Appointment of new members to CAC

We will revisit this in September. Grateful to Rich Stalzer for chairing the Committee and looking for people to serve.

Public Comments Period

Andrew Staymen, Town resident, commented on the successful Habitat for Humanity Canaan home. He is recommending the Board reach out for information.

No other comments

Supervisor's Report

- Budget Adjustment #5 of 2022

RESOLUTION #492022

A Fund, General Town-wide, had an Expense increase of \$709 and less Revenue increase of \$709 for a net of \$0.

A motion was made to approve the Budget adjustment by Councilman Cooper and seconded by Councilwoman Morrison

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

NAYS- 0

- Special Abstract

RESOLUTION # 502022

A special Abstract dated July 28, 2022 totaling \$474.13 broken down as follows:

A Fund \$474.13

A motion was made to approve the Special Abstract by Councilman Midwood, seconded by Councilwoman Morrison

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

NAYS- 0

- Abstract

RESOLUTION #512022

Abstract dated August 11, 2022 totaling \$512,022.27 broken down as follows:

A Fund \$52,038.41

B Fund \$1,139.21

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DB Fund	\$130,078.62
Capital Projects H1	\$328,412.44
T&A2 Escrow	\$105.00
Payroll T&A	\$248.59

A Motion to accept the Abstract was made by Councilman Fedele, and seconded by Councilman Cooper

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

Voucher Committee for September: G. Cooper & R. Fedele

Approval of Minutes from Meeting of 7/14/2022

A motion was made to accept the minutes by Councilman Midwood, seconded by Councilwoman Morrison

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

Meeting with Counsel- not needed

Adjournment

Motion made to adjourn by Councilman Midwood and seconded by Councilman Cooper

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

The meeting was adjourned at 8:21pm

Humbly submitted by

/s/: Elizabeth "Tilly" Strauss
Approved: 9/8/22