

**Town of North East
Town Board Regular Meeting
Town Hall
October 13, 2022, 7pm**

<DRAFT MINUTES>

Call to Order, Pledge of Allegiance

Roll call

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

Acceptance of Agenda

Motion made by Councilwoman Morrison. Seconded by Councilman Fedele

AYES 4 (KENNAN, MORRISON, FEDELE, COOPER)
NAYS 0

Supervisor Comments

There will be an executive session at the end of the meeting to discuss the acquisition, sale or lease of real property when publicity could substantially affect its value.

Covid-19 is at a low level, but still around and a threat. Recommend that North east Residents get the vaccine and boosters.

Bulk Trash Day resulted in collecting \$454 and, pending current charges, being billed \$1250. This has historically been a Village initiative. We need to take a look at how we provide this service. Feedback is welcome.

A visit was made with Kathy Chow, head of the Climate Smart Task Force to Patterson NY's closed landfill with a solar array.

The Village hosted an opening day at Eddie Collins Park. It was a wonderful day with big crowds. It is exciting for the Village and Town to have the park open again.

The Town seal with the old iron mine is being cleaned up and a graphic designer is doing a redesign at no cost to the Town.

The Town has been digitizing as many records as possible. Chris Virtuoso has been instrumental and is making lots of progress.

The Assessors report on Property Tax Senior Citizen Exemptions has been reviewed and will be discussed at our November meeting with a Public hearing, if necessary, at our December meeting.

The September Village Police report is on our website.

Department and Committee Reports

Highway- The Highway Garage project moves forward. Pipes for drainage have been delivered to the site to be installed soon.

Bob Stevens, Highway Superintendent, shared the auction results for surplus plow truck. The Town paid \$5,000 for this truck ten years ago. The offer at auction is \$11,300. He recommended that the Board accept the auction total.

RESOLUTION # 612022

To Authorize Highway Superintendent to Accept Offer on Surplus Truck

RESOLVED, to accept the auction offer for the surplus plow truck. A Motion was made by Councilman Fedele to accept the offer. Seconded by Councilman Cooper.

AYES 4 (KENNAN, MORRISON, FEDELE, COOPER)
NAYS 0

The Motion passed.

Superintendent Stevens presented the 2023 Material Bids with his recommendations. He wants to rebid the Diesel Gas and Heating Oil because the one bid received was incomplete.

RESOLUTION #622022

Acceptance of 2023 Highway Material Bids

RESOLVED, to accept the bids as presented by Superintendent Stevens.

A motion was made by Councilman Cooper, and seconded by Councilwoman Morrison.

AYES 4 (Kennan, Morrison, Fedele, Cooper)
NAYS 0

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The motion was accepted.

RESOLUTION #632022

Authorize the Highway Superintendent to Rebid the Fuel and Oil for 2023

RESOLVED, to allow for a new bid procedure for the Highway Department's 2023 Fuel and Oil needs. A motion was made by Councilwoman Morrison and seconded by Councilman Cooper.

AYES 4 (Kennan, Morrison, Fedele, Cooper)

NAYS 0

The motion was accepted.

Assessor- Katherine Johnson, attending through Zoom, had no report to share

Town Clerk, Planning, Zoning, Building Department, Animal Control-
Reports sent to the Board prior to the meeting

Town Board Committee Activity

Cemetery- Councilman Fedele and Friends of Spencer's Corner Burying Ground are still scrubbing the headstones. Supervisor Kennan spoke of the dramatic difference it was making and it being a testimony to the volunteers.

Public Comment on Agenda items only: no comments

Public Hearing on Water District Upgrade (7:15pm)

Motion to Open the Public Meeting was made by Councilman Cooper, and seconded by Councilman Fedele

AYES 4 (Kennan, Morrison, Fedele, Cooper)

NAYS 0

At 7:14 p.m. the Supervisor stated that a public hearing had been called for this meeting at this time and place to consider the improvement of facilities of Water District No. 1, in the Town of North East consisting of a recommended work plan as described in the Engineer's Report prepared by T&B Engineering, P.C. dated as of November 2021, as amended June 17, 2022, as further amended September 6, 2022, and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law. Such improvements include the replacement of water mains, replacement and improvement of equipment at the water treatment plant, including certain distribution lines located in the District, and including original furnishings, equipment, machinery and apparatus required therefor. The Town Clerk read, in full, the order calling said public hearing and presented affidavits showing that certified copies of said order had been duly published and posted pursuant to the provisions of Section 202-b of the Town Law.

The Town Supervisor stated that the public hearing in the said matter was now open and asked if there were any interested persons present who desired to be heard.

The following persons appeared in favor of the proposed increase and improvement of facilities of said Water District No. 1:

Christine Chale of Rodenhausen Chale and Polidoro, LLP explained that NY State is offering WIIA (Water Infrastructure Improvement & Intermunicipal) Grants for wastewater and drinking water projects that protect or improve water quality and/or protect public health. The Village of Millerton has already funded and completed meter, hydrant, and tank replacements.

Dan Valentine of Tighe & Bond Engineering explained the need for upgrades to the system in distribution items, treatment facility and the water supply source. The treatment facility needs to be brought up to efficiency and electrical standards to extend the life of the building and protect the community asset.

Bill Kish, North East Resident, expressed concern about the cybersecurity aspects of water supply and internet exposed equipment. He asked for an audit for the system that is online or disconnection from the internet for public safety.

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Rich Stolzer, North East resident, asked if the Village planned to expand their distribution system. Valentine responded that this plan does not expand the system, it just loops the dead ends. It would be a different procedure to extend. There is projected growth to facility supply storage, not allocated to the pipes.

The Town Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Town Supervisor declared the public hearing closed. Motion to close the hearing was made by Councilwoman Morrison and seconded by Councilman Fedele.

AYES 4 (Kennan, Morrison, Fedele, Cooper)
NAYS 0

The Public Hearing was closed.

RESOLUTION #642022

**RESOLUTION AND ORDER AFTER PUBLIC HEARING
APPROVING AN INCREASE AND IMPROVEMENT OF WATER
DISTRICT FACILITIES IN THE TOWN OF NORTH EAST
WATER DISTRICT NO. 1, IN THE COUNTY OF DUTCHESS,
STATE OF NEW YORK, PURSUANT TO SECTION 202-b OF THE
TOWN LAW**

WHEREAS, the Town Board of the Town of North East (herein called "Town Board" and "Town"), respectively, in the County of Dutchess, New York, has created the Town of North East Water District No. 1 (the "District"), in the Town by resolution adopted December 28, 1995; and

WHEREAS, the improvements within the District were installed and connected to the Village of Millerton Water System, and a Contract for the Supply of Water dated as of December 28, 1995 ("Water Supply Contract") was entered into between the Town of North East and the Village of Millerton providing for the supply of water to the District and operation of the District water improvements by the Village; and

WHEREAS, Village and Town entered into an Intermunicipal Agreement dated as of November 17, 2021 ("Water System IMA") pursuant to which the parties authorized a joint application for funding from the State of New York for improvements to the facilities of the Village Water System and the District water infrastructure; and

WHEREAS, pursuant to the Water System IMA, the Board of Trustees of the Village on behalf of the Village Water System and the District, requested T&B engineering, P.C., engineers duly licensed by the State of New York (herein called "Engineer") to prepare an engineer's report for the improvement of facilities of the Village Water System and the District, consisting of the replacement of water mains, replacement and improvement of equipment at the water treatment plant, including certain distribution lines located in the District, and including original furnishings, equipment, machinery and apparatus required therefor, and pursuant to the direction of the Town Board, the Engineer has completed and filed with the Town Board such engineer's report for the increase and improvement of facilities of the District; and the Engineer has estimated the total cost thereof not to exceed \$6,000,000; and

WHEREAS, the Engineer completed such engineer's report and filed the same with the Town Board, and the Town Board thereafter adopted an order describing in general terms the proposed improvement of facilities, specifying the estimated total cost thereof and stating that the Town Board would meet to hear all persons interested in said improvement of facilities on October 13, 2022 at 7:15 o'clock p.m. (Prevailing Time) at the Town Hall in the Town; and

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WHEREAS, notice of such order, was published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on this 13th day of October, 2022 at 7:15 o'clock p.m. (Prevailing Time) via Zoom, and considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said improvement of the facilities; and

WHEREAS, it has been determined that the aforesaid purpose constitutes a Type II Action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQR not to have a significant impact on the environment; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of North East as follows:

1. On the basis of the information given at such hearing, it is hereby determined that it is in the public interest to improve the facilities of the Village Water System and the District as hereinabove described and referred to at the estimated total cost of \$6,000,000;
2. It is hereby ordered that the facilities of the District shall be so improved;
3. Definite plans, specifications, and a careful estimate of the expense of the improvement are hereby directed to be prepared and the Attorneys for the Town are hereby directed to assist in the preparation of a proposed contract and to submit the same to this Town Board for examination and approval;
4. Costs of the improvements are to be allocated as provided in the Water Supply Contract and the Water System IMA; and
5. This Resolution shall take effect immediately.

A Motion was made by Councilwoman Morrison. And seconded by Councilman Cooper

Vote

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

The resolution was adopted by the Town board on October 13, 2022

Public Hearing on Water District Benefit Assessment Roll (7:35pm)

Open the Public Hearing on the Water District Benefit Assessment Roll

A Motion was made by Councilman Cooper, and seconded by Councilwoman Morrison to open the Public Hearing.

AYES 4 (Kennan, Morrison, Fedele, Cooper)
NAYS 0

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There were no public comments

A Motion was made by Councilwoman Morrison, and seconded by Councilman Fedele to close the Public Hearing.

AYES 4 (Kennan, Morrison, Fedele, Cooper)
NAYS 0

**RESOLUTION #652022
Approve Water District Benefit Assessment Roll**

Motion to accept the Benefit Assessment Roll made by Councilman Fedele, seconded by Councilman Cooper

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

Presentation of the Town's Tentative 2023 Budget, and set time for a Public Hearing on Nov. 10th

The Budget Committee of Councilwoman Morrison and Supervisor Kennan presented a tentative budget for 2023 that projected a rise in interest and earnings. It reflects rising fees to the library, rising insurance liability costs for automobiles, equipment and buildings, a rise in AUD fees, a 2% rise in the Ambulance contract, a rise in NYS Retirement, a 5% rise in salaries and wages, a rise in BAN interest costs, a rise in principal money due on BANs, an increase in records maintenance labor, and a rise in Highway expenses. There were no board questions.

**RESOLUTION #662022
Accept Tentative Budget and set Public Hearing Date**

RESOLVED, to accept the Tentative Budget and set the Public Hearing date on November 10, 2022 at 7:15pm.

Motion made by Councilman Fedele, and seconded by Councilman Cooper

AYE 4 (Kennan, Morrison, Fedele, Cooper)
NAY 0

The Tentative Budget was accepted and a Public Hearing was set for next Board meeting.

Discussion of Habitat for Humanity proposal

The Town has surplus land, 6/10 acre, that the Board previously approved to list for sale. Habitat for Humanity of Dutchess County would like to build a house on it, which would return the land to the Tax roll. Attorney Replansky spoke to the Habitat for Humanity attorney. They are offering 25K with contingencies. The sale would be subject to a permissive referendum. Replansky agreed to have further discussion with the Habitat attorney and return with details in November.

Discussion of Landfill solar installation

The idea of a solar array on the landfill was last looked into in 2015. Since then there has been a substantial increase in incentives. Two different companies have approached the Town with interest. We are going to explore other operators and brokers. An attractive solar community feature is the reduction in utility fees for residents. This week the supervisor visited Patterson where there are two arrays. It is a long process that could take years to construct and would be subject to Public hearings. Attorney Replansky stated that we will need to do due diligence and negotiate the terms so that there is no cost to the Town.

Public Comments

Sam Busselle, resident of North East, pointed out that just today the County announced a proposal for Housing Creation/ Preservation that touted 9 million dollars available. In the interest

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of Affordable Housing initiatives, is the Town or the Village able to scope/plan a location? He feels a visual display of options would help move any new project forward. We would need a solid proposal before the 30th of November.

Supervisor's Report

**RESOLUTION #672022
Budget Adjustment #7 of 2022**

A Fund- General Town-wide, had an account expense increase of \$8126, with a decrease of \$823 and \$7303 for a net change of \$0.

Motion made by Councilwoman Morrison and seconded by Councilman Cooper
AYES 4 (Kennan, Morrison, Fedele, Cooper)
NAYS 0

The Budget Adjustment was accepted by the Board.

**RESOLUTION #682022
Special Abstract dated September 27, 2022**

A Special abstract dated September 27, 2022 totaling \$11,029.36 broken down as follows:

A Fund	\$2,423.32
DB Fund	\$8,606.04

Motion to accept the Special Abstract made by Councilman Fedele, and seconded by Councilwoman Morrison
AYES 4 (Kennan, Morrison, Fedele, Cooper)
NAYS 0

The Special Abstract was accepted by the Board.

**RESOLUTION #692022
Abstract dated October 13, 2022**

An Abstract dated October 13, 2022 totaling \$410,788.37 broken down as follows:

A Fund	\$62,603.52
B Fund	\$7,920.90
DB Fund	\$219,882.56
Capital Projects H1	\$119,455.30
T&A2 Escrow	\$677.50
Payroll T&A	\$248.59

Motion to accept the Abstract made by Councilman Cooper, and seconded by Councilman Fedele
AYES 4 (Kennan, Morrison, Fedele, Cooper)
NAYS 0

The Abstract was accepted by the Board.

Voucher Committee for November: Fedele, Cooper

Approval of Minutes from Meeting of 9/08/22

A motion was made by Councilman Fedele and seconded by Councilwoman Morrison
AYES 4 (Kennan, Morrison, Fedele, Cooper)
NAYS 0

The Minutes of September 8, 2022 were accepted.

Executive Session

A motion was made to enter the Executive session made by Councilman Cooper and seconded by Councilwoman Morrison

AYES 4 (Kennan, Morrison, Fedele, Cooper)
NAYS 0

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Adjournment

A motion was made to exit the Executive Session and adjourn the meeting was made by Councilman Fedele and seconded by Councilwoman Morrison
AYES 4 (Kennan, Morrison, Fedele, Cooper)
NAYS 0

**Submitted by Elizabeth Strauss
Town Clerk**

Draft: 10/19/22