

**Town of North East**  
**Town Board**  
**Regular Meeting**  
**September 8, 2022**  
**7pm**

**Call to Order, Pledge of Allegiance**

**Roll call**

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

**Acceptance of Agenda**

The Village is investing in updating the water system. A motion was made to insert into the Agenda the additional item of approving a Water District Improvement proposal sent by the Village of Millerton and to set a Public Hearing for the October meeting by Councilwoman Morrison and seconded by Councilman Cooper

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

**Supervisor Comments**

The Town Board had an Attorney-Client session before the meeting to review two potential legal actions against the Town, and there will be an executive session at the end of the meeting to review a Tax Certiorari.

The number of Covid cases is stable. Please use common sense to protect yourself.

The Budget Committee of Councilwoman Morrison and the Supervisor are working on the numbers for 2023. It is a challenging year to budget, with inflation factors up 7% and a Tax Cap of 2%.

There is progress at the Town Highway Garage construction site! They’ve started to pour concrete for the building. Last month the Highway crew realigned the stream. They did a very good job and we appreciate that they were able to do it themselves.

Community Bulk Trash Day is this Saturday. Residents are invited to participate. The fees for various items are listed on a link on the Town website. We will also collect electronics for delivery to the following week’s County collection.

We will host a workshop on tools to address the housing crisis on September 17<sup>th</sup> at the Library Annex. We were able to research what municipal officials have the ability to do, as a result of being awarded a mini-grant. There are limits to what a rural town can do. It is important to know what we can do. Nan Stolzenberg consulted and helped us. We are sharing the information with Amenia, Stanfordville, Pine Plains and the Village of Millerton, and the meeting is open to the public.

The Town continues to receive complaints regarding the Millerton Gun Club. Specifically, the concern is that the use of the gun club has changed: regarding numbers of members, size and caliber of the weapons. The gun club preceded our zoning laws and there is a limit to what the Town of North East can do.

Eddie Collins Park is being rebuilt. It is a resource for the community and there will be an October 1 Village & Town-wide party to celebrate the reopening. Information will be on the website.

We have been approached by at least one solar developer interested in exploring the landfill site. If the Town were to permit action, it could receive economic benefits. Supervisor Kennan is going to look into it.

We are also going to look into pop-up vendors and look into appropriate Peddler’s permits for the Town.

Habitat for Humanity is interested in the ½ acre lot but has not submitted a formal proposal yet.

**Public Comment on Agenda Items Only:** none

The Village of Millerton is proposing to have the water lines replaced or repaired. They are looking for grant money. They need our approval for that to move forward. Town needs to hold a public Hearing on whether or not to support the Village renovating its water lines. The water district is located in the Village but we have an inter-municipal agreement with the Village to service some residents in the Town. Attorney for the Village requests we conduct a Public hearing October 13 at 7:15 pm. The Village Mayor plans to be at the October meeting to review the hearing.

**RESOLUTION NO. 522022**

**RESOLUTION AND ORDER CALLING PUBLIC  
HEARING REGARDING INCREASE AND  
IMPROVEMENT OF WATER DISTRICT  
FACILITIES FOR TOWN OF NORTH EAST  
WATER DISTRICT NO. 1, IN THE TOWN OF  
NORTH EAST, 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, established the Town of North East Water District No. 1, in the Town (herein called "District") pursuant to a Resolution and Order dated as of December 28, 1995 and caused the installation of water improvements pursuant thereto; and

**WHEREAS**, the Town and the Village of Millerton (the "Village") entered into a Contract for the Supply of Water dated as of December 28, 1995, pursuant to which the Village agreed to provide a supply of water to the District as provided therein; and

**WHEREAS**, the Village Board of Trustees of the Village, on behalf of Village Water System and the District No. 1, requested that T&B Engineering, P.C., engineers duly licensed by the State of New York (herein called "Engineer"), prepare a report assessing alternatives for the improvement of facilities of the water system including replacement of distribution facilities within the District; and

**WHEREAS** the Engineer has prepared a Preliminary Engineering Report dated as of November 2021, as amended June 17, 2022, as further amended September 6, 2022, describing certain water system improvements to 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, at an estimated maximum cost therefor not to exceed \$6,000,000; and

**WHEREAS**, the project cost is proposed to be financed by the Village pursuant to the Local Finance Law to be repaid by fees of the system users, and the Village and Town propose to jointly apply for a Water Infrastructure Improvement Grant to pay or reimburse a portion of such costs as provided in an Intermunicipal Agreement dated as of November 17, 2021; and

**WHEREAS**, the aforesaid purpose constitutes replacement in kind, which constitutes a Type II action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617;

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. A public hearing of the Town Board of the Town shall be held at the Town Hall in the Town on October 13, 2022 at 7:15 o'clock p.m. (Prevailing Time) pursuant to Section 202-b of the Town Law to consider said proposed improvement and modification of facilities of the District 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.
2. The Town Clerk shall publish at least once in the Millerton News and the Poughkeepsie Journal, newspapers having a general circulation in the Town and hereby designated as the official newspapers of the Town for such publication, and post on the signboard of the Town maintained

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pursuant to subdivision 6 of Section 30 of the Town Law, a notice in substantially the form attached hereto, the first publication thereof and posting to be not less than ten (10) days or more than twenty (20) days before the date of such public hearing.

3. This Resolution shall take effect immediately.

A Motion was offered by Councilman Midwood, seconded by Councilman Fedele.

Votes Taken:

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

The foregoing resolution was thereupon declared duly adopted on September 8, 2022.

**Public Hearing on Local Law #2 of 2022, permitting the Town to exceed the NY State tax cap (7:20pm)**

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

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

No public comment

Motion to close the Public Hearing on Local law #2 of 2022 at 7:24

Motion made by Councilman Fedele and seconded by Councilwoman Morrison

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

**To approve Local Law # 2, permitting the Town to exceed the NY State tax cap**

**RESOLUTION #532022**

**ADOPTING A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT FOR FISCAL YEAR 2023 PURSUANT TO GENERAL MUNICIPAL LAW §3-c AS LOCAL LAW NO. 2 OF THE YEAR 2022**

**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 2023; and

**WHEREAS**, the Town Board by Resolution dated August 11, 2022 accepted a proposed Local Law to override the tax levy limits for fiscal year 2023 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 September 8, 2022 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 September 8, 2022; 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. 2 of 2022 entitled “A Local Law to Override the Tax Levy Limit for the Fiscal Year 2023 Pursuant to General Municipal Law §3-c”; and it is further

**RESOLVED**, that the 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 Ralph Fedele, and was seconded by Town Board member Lana Morrison and the vote was as follows:

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

This Resolution to approve the Local Law was declared duly adopted on 9-8-22

**Department and Committee Reports**

- **Highway:** Bob Stevens, Highway Superintendent, asked the board to allow him to solicit bids for 2023 materials. He would like to open sealed bids on October 7<sup>th</sup> at 9:30. Councilman Midwood made a motion to authorize the request, seconded by Councilman Cooper

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

Stevens is authorized to solicit bids for Highway materials

Stevens asked the board for approval to advertise the old 1995 surplus plow truck for sale. A new truck will be arriving soon.  
A motion to advertise the old truck for sale was made by Councilman Fedele and seconded by Councilwoman Morrison.

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

Stevens is allowed to advertise and sell the surplus plow truck.

- **Assessor:** Katherine Johnson, Town Assessor, reported that Residents who are paying school taxes for the Pine Plains and Taconic School districts had their taxes decrease this year. Webutuck School taxes went up 5% because of their budget, not because of their property assessment.

Changes in the Law announced by the State Legislation affects our senior exemption. Johnson shared a report with the Board members that covered NYS Real Property Tax Law section 467- Senior Citizen Exemption. Currently it helps seniors earning lower than \$29K, as a discount across the board on all their taxes. The State has proposed allowing an increase in the base level of qualification from 29K to 50K. Municipalities have to decide what level is right for their area. Feeling that it is time for a change, Johnson proposes a 34K level for our senior resident qualification by looking at two factors: the median household income of Dutchess County and Social Security increases over the last 10 years. She reminds us that for every exemption offered the money has to be made up somewhere else. Forty eight senior residents are in this program at 29K. Johnson asks that we create a local law or resolution with a public hearing early this fall so that any increased level of exemption can be applied to 2023 tax roll. She clarified that this is in addition to the Senior STAR exemption. Supervisor Kennan said that we would discuss this at the October meeting.

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Supervisor Kennan asked if a revaluation was scheduled in the near future. Last year entailed a broad revaluation for the assessment increases. It's been since 2011 when the Assessor last did full individual assessments. Johnson is waiting for the real-estate boom to slow down.

The State is looking at a possible 9% increase in property valuations next year. She will be looking more closely at individual properties but nothing is scheduled at this point.

**- Town Clerk: Planning, Zoning, & Building Department:** Town Clerk, Tilly Strauss, provided the board members with Department reports before the meeting. The Animal Control officer's report for August was not submitted.

The Police report will be put on the Town website and sent to the Town Board

**- Town Board Committee Activities**

**Recreation Committee-** Councilwoman Morrison reminded that there is a re-opening party for Eddie Collins Field on October 1.

**Highway Committee-** The Town Board made a site visit to the New Highway project just before the meeting

**Cemetery Committee-** The Friends of SCBG are cleaning monuments- it's a long process. Volunteers took "before photos" of 5 individual monuments and will return in 5 weeks to take "after photos", hoping the visual difference will help with fundraising. They are working on a site plan and spreadsheet of the 500 graves. The oldest grave dates back to 1701.

**Motion to approve NECC Contract approval**

We support the work that NECC does- which is critical to our community. Kennan stated that we are lucky to have them in our midst. They fill the role of social services in a big way" The contract amount hasn't changed in 10 years.

**RESOLUTION #542022**

**Approve NECC Contract**

**RESOLVED**, to approve the Town of North East and North East Community Council Recreation Hall and Social Services Contract in the amount of \$5,500.

Motion made by Councilman Fedele and seconded by Councilman Midwood

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

NAYS- 0

The Resolution was adopted on September 8, 2022.

**Motion to approve a contract with Webutuck Valley Youth Soccer league.**

We have had a contract with them for 15 years at \$750 per year. This is renewal of our support.

**RESOLUTION #552022**

**Webutuck Valley Youth Soccer League Contract**

**RESOLVED**, to approve the Town of North East and the Webutuck Valley Youth Soccer League, Inc. Contract in the amount of \$750.

Motion made by Councilman Midwood and seconded by Councilman Cooper

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

NAYS- 0

The Resolution was adopted on September 8, 2022.

**Motion to accept the Water District Benefit Assessment Roll and set a date for the Public Hearing.**

Katherine Johnson said this was part of the Inter Municipal Agreement with the Village. The charges are to people on the line, whose properties benefit from accessibility to the Water District to pay for work done years ago. This year there are only two properties with charge change.

**RESOLUTION #562022**  
**Acceptance of Water District Benefit Assessment Roll and date for Public Hearing**

**RESOLVED**, to accept the Water District Benefit Assessment Roll of 2022-2023 and set a public hearing on October 13<sup>th</sup> at 7:25 pm at the North East Town Hall in order to approve the Water District Benefit Assessment Roll.

Motion made by Councilwoman Morrison and seconded by Councilman Midwood

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

The Resolution was adopted on September 8, with a Public Hearing set for October 13<sup>th</sup>, 2022.

**Appointment to Board of Assessment Review**

The Board of Assessment Review is a 5- member board and Daniel Briggs has agreed to stay on. A motion to approve his reappointment was made by Councilman Cooper and seconded by Councilwoman Morrison.

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

Daniel Briggs has been reappointed to the BAR.

**Public Comments Period- 7:56- 8:02**

**Bill Kish** commented on the Climate Smart Committee presentation at the Library Annex.

**Supervisor’s Report**

**RESOLUTION # 572022**  
**Budget Adjustment #6 of 2022**

**A Fund-** expense increase of \$1000, less an expense decrease of \$1000 for a net difference of \$0.  
**DB Fund-** expense increase of \$45,360., less an expense decrease of \$45,360. For a net of \$0.

A Motion was made by Councilman Midwood and seconded by Councilman Fedele to accept the budget adjustment #6 of 2022.

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

The Budget adjustment was accepted.

**RESOLUTION # 582022**  
**Special Abstract 8/19/2022**

A Special Abstract dated August 19, 2022 totaling \$866,050.16 broken down as follows:

**A Fund** \$52,083.16  
**Capital Projects H1** \$813,967.00

Motion to accept the Special Abstract was offered by Councilman Cooper and seconded by Councilwoman Morrison.

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

The Special Abstract was accepted.

**RESOLUTION # 592022**  
**Special Abstract 8/29/2022**

A Special Abstract dated August 29, 2022 totaling \$407.95 broken down as follows:

**A Fund** \$407.95

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Motion to accept the Special Abstract was offered by Councilman Midwood and seconded by Councilman Cooper.

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

The Special Abstract was accepted.

**RESOLUTION # 602022**  
**Abstract 9/8/2022**

An Abstract dated September 8, 2022 totaling \$515,360.33 broken down as follows:

<b>A Fund</b>	\$45,710.57
<b>B Fund</b>	\$513.25
<b>DB Fund</b>	\$150,487.78
<b>Capital Projects H1</b>	\$311,386.37
<b>ARPA</b>	\$3,136.00
<b>T&amp;A2 Escrow</b>	\$3,877.77
<b>Payroll T&amp;A</b>	\$248.59

Motion to accept the Special Abstract was offered by Councilman Fedele and seconded by Councilman Midwood.

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

The Special Abstract was accepted.

**- Voucher Committee for October: Morrison and Midwood**

**Approval of Minutes from Meeting of 7/14/2022**

Motion made by Councilman Fedele, seconded by Councilman Cooper

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

The Minutes were approved.

**Executive Session with the Assessor.**

Motion made by Councilman Midwood and seconded by Councilman Cooper to enter Executive session. The motion was approved.

Motion made by Councilwoman Morrison and seconded by Councilman Fedele to leave Executive Session. The motion was approved.

**Adjournment.**

Motion made by Councilman Fedele and seconded by Councilwoman Morrison to adjourn, the motion was approved.

Submitted by

/s/: Elizabeth “Tilly” Strauss  
Approved: September 8, 2022