

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

**Call to Order and Pledge of Allegiance**

**Roll call**

<b>SUPERVISOR KENNAN</b>	<b>HERE</b>
<b>COUNCILWOMAN MORRISON</b>	<b>HERE</b>
<b>COUNCILMAN FEDELE</b>	<b>HERE</b>
<b>COUNCILMAN MIDWOOD</b>	<b>HERE</b>
<b>COUNCILMAN COOPER</b>	<b>HERE</b>

**Acceptance of Agenda**

Supervisor Kennan asked the Board accept three additions to the Agenda.

1. Resolution to appoint of special prosecutor
2. Setting Calendar date for 2023 Re-Organizational meeting: Jan 3, 5pm
3. Sam Busselle asked for time to talk about the Housing Tool-Kit report.

In addition the Supervisor requested the removal of Agenda Item #10, which is the Resolution for approval of a Solar Array Contract.

A motion made by Councilwoman Morrison and seconded by Councilman Fedele to approve the amended Agenda

Votes taken

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

Nay- 0

The amended Agenda for the meeting was approved.

**Supervisor Comments**

The Covid-19 Update- Supervisor Kennan asked that Town residents continue to be careful.

The Highway Department report in Superintendent Bob Stevens’s absence. There is a lot going on at the site on Route 22. Drainage work continues as they build a subterranean retention basin, which should be completed in the next couple of weeks. We have been lucky with the mild weather.

**Department and Committee Reports**

**Assessor-** Katherine Johnson said she had two items of litigation to discuss with the Board in Executive session.

**Town Clerk: Planning, Zoning, & Building Department-** Reports previously sent to the Board members.

**Police Report-** Chief Veeder shared copies with the Board of last month’s activity. The case numbers are down from last year. The MPD anticipates arrests relating to the recent criminal mischief in Eddie Collins Park.

**Town Board Committee Activity**

**Recreation-** Councilwoman Morrison shared that Phase I of the renovation of Eddie Collins Park has been completed- and now Phase II will be to focus on the pool and expand the existing bathhouse.

**Public Comment on Agenda items only-** none.

**Resolution to authorize the Town Supervisor to sign a contract with Habitat for Humanity of Dutchess County for the sale of surplus Town real estate.**

Vacant land on .64 acre that used to have a structure on it. The Board previously approved a resolution to offer the land for sale. Habitat for Humanity has since gotten in touch with us. Supervisor Kennan visited some projects in the county of Habitat for Humanity of Dutchess County. Town Attorney Warren Replansky has met with the Habitat attorney and received a clean title search. The attorney General of the State of NY has stated several opinions that a Town can, in fact, sell a piece of property that is little use to the Town, to a non- profit at below its Fair Market Value. The contract has been approved by Habitat and a check is in hand. It is now subject to a Permissive referendum, and if there is no petition, the resolution becomes final.

**RESOLUTION# 782022**

**AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE AN AGREEMENT  
FOR THE SALE OF A .64 ACRE PARCEL HAVING TAX GRID NUMBER  
133889-7271-00-600612-0000 TO HABITAT FOR HUMANITY OF DUTCHESS  
COUNTY**

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**WHEREAS**, the Town of North East is the owner of a .64 acre parcel of land located at Rudd Pond Road, having tax id number 133889-7271-00-600612-0000; and

**WHEREAS**, Habitat for Humanity of Dutchess County has proposed to purchase the said property from the Town for \$25,000; and

**WHEREAS**, the proposed sale contract will contain certain covenants and restrictions and a reversionary clause, in relevant part, guaranteeing that the property will be utilized in the future solely for the purpose of construction and sale and/or lease of an affordable housing unit in accordance with the requirements of Habitat for Humanity; and

**WHEREAS**, the Attorney to the Town has advised the Board that the sales price for the property may be less than the fair market value of the property if sold upon the open market, but the Office of the Attorney General of the State of New York has issued several opinions advising that the sale of property owned by the Town having no current or contemplated future use for municipal purposes may be made for the sale to a not-for-profit corporation such as Habitat for Humanity to provide needed low income or workforce housing and would not be a violation of Article IX of the New York State Constitution; and

**WHEREAS**, the Attorney to the Town has prepared a Contract for Sale which has been reviewed by Habitat for Humanity and accepted by their Board of Directors.

**NOW, THEREFORE**, be it

**RESOLVED**, that the Town Supervisor is hereby authorized to enter into the proposed Contract for the subject property on the conditions of the Contract provided to the Town and to execute such other and further documents that may be necessary to consummate the said sale; and be it further

**RESOLVED**, that this Resolution is subject to a permissive referendum as required by Town Law §64(2).

MOTION: Councilwoman Morrison  
SECOND: Councilman Cooper

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 December 8, 2022.

**7:15 pm Public Hearing on proposed Local Law of the Town of North East, Dutchess County, NY, amending Chapter 155 of the Code of the Town of North East, “Taxation” Article 1 Thereof, Entitled “Senior Citizens’ Tax Exemption”**

A motion made by Councilman Fedele and seconded by Councilwoman Morrison to open the Public Hearing

Votes taken  
Aye- 5 (Kennan, Morrison, Fedele, Midwood, Cooper)  
Nay- 0

**The meeting opened at 7:17 pm**

There were no public comments

A motion made by Councilwoman Morrison and seconded by Councilman Cooper to close the Public Hearing

Votes  
Aye- 5 (Kennan, Morrison, Fedele, Midwood, Cooper)  
Nay- 0

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The meeting closed at 7:18 pm

Resolution to approve and adopt Local Law #3

**RESOLUTION#792022**

**Resolution to Approve Local Law #3 of the Town of North East, Dutchess County, NY,  
amending Chapter 155 of the Code of the Town of North East, “Taxation” Article 1  
Thereof, Entitled “Senior Citizens’ Tax Exemption”**

**RESOLUTION ADOPTING THE LOCAL LAW NO. 3 OF THE YEAR 2022**

**WHEREAS**, Real Property Tax Law §467 has recently been amended to allow municipalities by local law, ordinance or resolution to increase the income level to qualify for the senior citizens’ exemption; and

**WHEREAS**, the Town Assessor has, in consultation with the members of the Town Board, determined that it is in the best interests of the Town and its citizens to provide for an increase in the exemption within the parameters specified by the New York State amendment to Real Property Tax Law §467; and

**WHEREAS**, the Town Assessor has made a recommendation, based upon the input from the Town Board members, for an increase in the grant of the exemption contained in the Town Code; and

**WHEREAS**, the Attorney to the Town has drafted a Local Law providing for the increase in the income levels allowed to qualify for the exemption; and

**WHEREAS**, the Local Law was presented to the Town Board on November 10, 2022 and the Town Board determined that the Local Law was acceptable for purposes of commencing the local law adoption process; and

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

**WHEREAS**, the Town Board scheduled a public hearing on the adoption of Local Law No. 3 of the Year 2022 entitled: “A Local Law Amending the Senior Citizens’ Tax Exemption Income Level” on December 8, 2022 at 7:05 p.m. at the Town of North East Town Hall; and

**WHEREAS**, the public hearing was opened on December 8, 2022 and closed on that same date; and

**WHEREAS**, the Town Board has determined that the passage of this Local Law is in the best interest of the Town and its citizens.

**NOW, THEREFORE**, be it

**RESOLVED**, that the Town Board hereby adopts Local Law No. 3 of the Year 2022 entitled: “A Local Law Amending the Senior Citizens’ Tax Exemption Income Level”; and be it further

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

MOTION: Councilman Fedele

SECOND: Councilwoman Morrison

SUPERVISOR KENNAN  
COUNCILMAN COOPER  
COUNCILMAN FEDELE  
COUNCILMAN MIDWOOD  
COUNCILWOMAN MORRISON

Voted AYE  
Voted AYE  
Voted AYE  
Voted AYE  
Voted AYE

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The Resolution was carried by a 5-0 vote of the Town Board members on December 8, 2022.

**Discussion of Map, Plan & Report of proposed Town of North East Wastewater District with Tighe & Bond Engineering**

The Board was given the Map, Plan and Report for the Town's proposed Wastewater District. This document was presented and walked through with Erin Moore from Tighe and Bond Engineering.

Supervisor Kennan noted that the establishment of a wastewater system is the number one priority of the Comprehensive Plan. The system will be owned and operated by the Village of Millerton. The concept is to create a wastewater district of the Village and a separate one for the Town, essentially the Boulevard, and the two will eventually be joined. There are many steps, but the biggest job will be to financially prepare for this. Erin Moore, a wastewater engineer for 22 years, distributed the Map Plan Report to the Board. In a process that has been going on for a couple years, she briefed the Board on the steps of the work done so far. In 2018 Tighe & Bond applied for a grant and were able to do a feasibility study that went through many different iterations and create a preliminary engineers report. They finalized the serviceable area in April 2022. This includes 28 parcels in the Town. The Preliminary Engineer report covered the flow and collection, treatment layout, and how much it will all cost. The treatment location will be a sub-surface unit using manmade enclosed fiberglass containers placed on Village property at corner of South Center and Mill Street. It will discharge to the Webutuck Creek. The water disinfected using UV Light.

Councilman Fedele asked about the outflow into Webutuck Creek. Moore spoke confidently that the planned treatment was of the highest quality and of her confidence in Arenco systems, which are very popular in the County. By the time the waste is processed, the outflow is called "water return". Typically the Arenco systems are operated by contract for hire, who handle maintenance and pumping. The DEC has input into the level of cleanliness in concern for existing fish habitat. The cost is 13 million plus. Operation and maintenance typically goes out to bid.

Supervisor Kennan said that we need to have a district formed and an Inter-Municipal Agreement before we apply for financial grants. Those need to be our priorities in the next 5-6 months. We also have to draft a sewer law.

Moore states that if we start in January and fundraise aggressively, we could be operational in 2025 at the earliest.

Supervisor agreed that it was enormously ambitious.

Attorney Replansky referenced Town Law Section Article 12 (a) and that there is a petition method (with vote of the majority (51%) of parcel owners) versus a non-petition with mandatory referendum. We would need to conduct a public hearing to sell the Public on the feasibility of the project. There needs to be a vote for the formation among those who are served (not Town-wide) and the approval of the NY State Comptroller.

Councilman Midwood asked about breaking down the capital construction and operational cost and potential for reduction in cost down the line. Moore cautioned that there may be replacement or extending the district costs at that time. Replansky answered that, unfortunately, the voting to form a Wastewater district would have to take place before the grants to reduce the cost would be in place. The Town needs to convince people that money is available in the federal and state government for this kind of system. It's a real commercial benefit.

Councilman Fedele asked if the sewer was essential to closing sale of the supermarket property on the Boulevard. Kennan said it was hard to say, but it is essential to any developer's plans to have a sewer.

**RESOLUTION # 802022**

**Approval of contract with Pine Plains Veterinary**

A copy of the contract- which bears no changes from the current contract, was sent to the Town Board members prior to the meeting.

**RESOLVED**, to approve the contract with Pine Plains Veterinary

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A motion made by Councilman Fedele and seconded by Councilman Midwood to approve signing contract with Pine Plains Veterinary Associates

Votes taken

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

Nay- 0

**RESOLUTION #812022**

**Approval of Building Department Fee Schedule as of 1-1-23**

A letter from Ken McLaughlin and copy of the Building fee schedule was sent to the Town Board Members prior to the meeting. There are no changes other than the addition of a line for Fireworks Sales permits

**RESOLVED**, to approve the Building Department Fee schedule as of 2023

A motion made by Councilman Fedele and seconded by Councilwoman Morrison to approve the additional permit fee.

Votes taken

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

Nay- 0

**The Re-Org meeting will be Tuesday the 3<sup>rd</sup> of January at 5pm, at the Town Hall.**

**Resolution** – Attorney Replansky explained to the Board that a NY State decision not to let police negotiate plea bargains has municipalities appointing a special prosecutor for traffic cases. It is a revenue as well as a safety issue. This resolution is similar to what we have done in the past, but improved to cover certain areas that were not in the older resolution.

**RESOLUTION #822022**

**CREATING THE POSITION OF TOWN SPECIAL  
PROSECUTOR AND APPOINTING SPECIAL PROSECUTOR**

**WHEREAS**, the Town of North East Justice Court has advised the Town Board that it would be in the best interest of the Town and the Justice Court to create the position of Town Special Prosecutor to handle traffic violations, violations of the Town of North East and Village of Millerton Code for Penal Law and other matters in the Town Justice Court for which the District Attorney's office does not provide prosecution services; and

**WHEREAS**, the Town Board by Resolution dated February 11, 2016 created the position of Town Special Prosecutor for the Town of North East and Village of Millerton, effective immediately, to prosecute violations of the Town Code, Vehicle and Traffic Law and violations of the New York State law other than misdemeanors and felonies, and such other matters as the Town Board may assign from time to time in the Town of North East Justice Court; and

**WHEREAS**, the Town Board has retained the services of Todd W. Carpenter, Esq. as Special Prosecutor.

**NOW, THEREFORE**, be it

**RESOLVED**, that the position of Town Special Prosecutor shall continue to be filled by the Town Board by appointment; and be it further

**RESOLVED**, that any person serving as Town Special Prosecutor shall continue to be an attorney duly admitted to practice law in the courts of the State of New York and shall be required to take an oath of office set forth in the New York Constitution, Article 13, Section 1, as if he or she were a Town officer; and be it further

**RESOLVED**, that the person serving as Town Special Prosecutor shall be paid the amount of \$500 by the Town of North East for each court session, which are currently scheduled on one day per month throughout the year; and be it further

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**RESOLVED**, that the Town Board hereby reappoints Todd W. Carpenter, Esq., 40 Liberty Street, Poughkeepsie, New York 12601, as the Town Special Prosecutor; and be it further

**RESOLVED**, that this appointment is subject to the receipt from the District Attorney of Dutchess County of authorization for the Town Special Prosecutor to prosecute these assigned cases in the Town of North East Justice Court; and be it further

**RESOLVED**, that the category of prosecution which the Special Prosecutor shall handle, both for the Village of Millerton and Town of North East, are as follows:

- Violations, including Penal Law violations, with the exception of violations that involve incidents of domestic violence and those involving incidents occurring on school property. The District Attorney's office will prosecute these types of cases;
- Town of North East and Village of Millerton Codes, Ordinances and Building Code violations;
- Vehicle and Traffic Law infractions issued by the New York State Police, Dutchess County Sheriff's Office, New York State Park Police, Department of Environmental Conservation and Metropolitan Transportation Authority Police;
- Agriculture & Markets Law violations;
- Violations of Tax Law §1815; and
- Parking violations.

**MOTION: Councilman Midwood**

SECOND: Councilman Cooper

SUPERVISOR KENNAN  
COUNCILMAN COOPER  
COUNCILMAN FEDELE  
COUNCILMAN MIDWOOD  
COUNCILWOMAN MORRISON

Voted AYE  
Voted AYE  
Voted AYE  
Voted AYE  
Voted AYE

The Resolution was carried by a 5-0 vote of the Town Board members on December 8, 2022

Attorney Replansky asked Clerk Strauss to send the resolution to the District Attorney's office.

## Sam Busselle Housing Toolbox Presentation:

As a result of the mini-grant program from the Foundation for Community Health in coordination with Hudson River Housing, we have been able to get an understanding of the tools that the Town of North East has to attract affordable housing. A 28 page report “Unpacking the Housing Toolbox: Understanding Municipal Capabilities to Address Housing Insufficiency” was given to the Board members. Busselle, a member of the Tri-Town Coalition, explained that the Tri-Town Coalition had been awarded a grant to put on an Expo in 2023 to inform the community of what is available, the types of efficient locations, and cost available solutions. There are many resources to tap into and lots of information to assimilate. Busselle asks for the Town and the Village to create a small volunteer group be formed to gather information in order to submit grant requests. He estimates it would take a week’s time- or 4-5 volunteer hours. He also recommended that the Board read the AARP “Making Room” article.

**Public Comments- none**

## Supervisor's Report

**RESOLUTION #832022**

### Budget Adjustment #9 of 2022

**A FUND- General Town-wide** An expense increase of \$3772, less a Revenue increase of \$3772 for a net change of \$0.

**DB FUND- Highway Town Outside** An expense decrease of \$38,508 less a revenue decrease of \$38,508 for a net change of \$0.



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RESOLVED, to accept the Budget Adjustment #9 of 2022  
Motion was made by Councilman Fedele and seconded by Councilwoman Morrison  
AYES- 5 (Kennan, Morrison, Midwood, Fedele, Griffin)  
NAYS- 0  
The Budget Adjustment was accepted

RESOLUTION #842022

Special Abstract dated November 28<sup>th</sup>, 2022

A Fund- \$609.43

RESOLVED to approved the Special Abstract dated November 28, totaling \$609.43  
Motion made by Councilwoman Morrison and seconded by Councilman Midwood  
AYES- 5 (Kennan, Morrison, Midwood, Fedele, Griffin)  
NAY- 0  
The Special Abstract was approved.

RESOLUTION #852022

Special Abstract dated December 1, 2022

A Fund- \$20,672.48  
B Fund \$ 4,838.24  
DB Fund \$18,473.28

RESOLVED to approved the Special Abstract dated December 1, totaling \$43,984.00  
Motion made by Councilwoman Morrison and seconded by Councilman Cooper  
AYES- 5 (Kennan, Morrison, Midwood, Fedele, Griffin)  
NAY- 0  
The Special Abstract was approved.

RESOLUTION #862022

Abstract dated December 8, 2022

A Fund- \$48,008.47  
B Fund- \$18,454.48  
DB Fund- \$43,382.48  
Capital Projects H1 \$ 2057.44  
ARPA \$ 3,136.00  
Payroll T&A \$ 248.59

RESOLVED to approved the Abstract dated December 8, totaling \$115,287.46  
Motion made by Councilwoman Morrison and seconded by Councilman Midwood  
AYES- 5 (Kennan, Morrison, Midwood, Fedele, Griffin)  
NAY- 0  
The Abstract was approved.

Voucher Committee for January 2023: Fedele & Cooper

Approval of Minutes from Meeting of 11-10-2022

A motion made by Councilman Fedele and seconded by Councilman Cooper to accept the Minutes  
Votes taken  
Aye- 5 (Kennan, Morrison, Fedele, Midwood, Cooper)  
Nay- 0

Meeting with Counsel

Executive session with the Assessor  
Motion made by Councilwoman Morrison and seconded by Councilman Midwood

Roll call  
SUPERVISOR KENNAN AYE  
COUNCILWOMAN MORRISON AYE

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COUNCILMAN FEDELE	AYE
COUNCILMAN MIDWOOD	AYE
COUNCILMAN COOPER	AYE

Motion to exit from executive session made by Councilwoman Morrison and seconded by Councilman Cooper.

Votes taken  
Aye- 5 (Kennan, Morrison, Fedele, Midwood, Cooper)  
Nay- 0

**Adjournment**

A motion made by Councilman Fedele and seconded by Councilwoman Morrison to close the meeting

Votes taken  
Aye- 5 (Kennan, Morrison, Fedele, Midwood, Cooper)  
Nay- 0

Meeting adjourned.

Draft:12/22/2022  
Approved: 1/12/2023  
/s/: Elizabeth Strauss, Town Clerk