

Town of North East
Town Board Regular Meeting
Town Hall
January 12, 2023, 7pm

Call to Order and Pledge of Allegiance

Roll call

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

Acceptance of Agenda

Agenda #8, Appointment of the Planning Board Member, is tabled for another meeting. Motion to accept the Agenda as amended was made by Councilwoman Morrison and seconded by Councilman Fedele.

Vote taken

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

NAYS- 0

The Agenda is accepted.

Public Comment on Agenda items only- none.

Supervisor Comments

This is the first meeting of 2023. The State of the Town reflects that we are moving forward with the Village to improve the quality of life for all our residents. We need a food store, and it is a priority of the Town. Another priority is addressing the lack of Affordable Housing. The [Unpacking the Housing Toolbox: Understanding the Capabilities to Address Housing Insufficiency](#) report is on the Town website. Another concern is jobs. A wastewater system will help address all of the above and that is why it is the #1 focus in the Comprehensive Plan.

The speed reduction from 55 to 45 on Winchell Mountain has been approved. We asked for a reduction on Route 22 between the Village and Sawchuck Road.

The Rules and Procedure for Town Board Meetings has been distributed to Board Members for approval at the next meeting.

Department and Committee Reports

Highway- Bob Stevens reported that the Highway Department was brush hogging, patching and stockpiling sand and salt. They are ready for snow removal. The new truck has been lettered and is working well.

Town Clerk- Reports previously sent to the Board members.

Assessor- no report

Planning, Zoning, & Building Department- Reports previously sent to the Board members.

Town Board Committee Activity

Zoning Review Committee- Edie Greenwood, Chairwoman, volunteered that they were “making progress”

Appointment of David Everett of the firm Whiteman Osterman & Hanna as Attorney to Zoning Review Committee

A motion made by Councilman Fedele and seconded by Councilwoman Morrison to appoint Mr. Everett as Attorney to the ZRC

Votes taken

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

Nay- 0

Approval of Inter-Municipal Agreement with Dutchess County for Rail Trail Maintenance

Supervisor Kennan explained that we haven’t had an agreement in some time. This agreement refers to the parking lot at Coleman Station. We do not maintain the rail trail. We have no real obligations except plowing and maintaining the parking lot.

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Councilman Fedele brought up a question about Intermunicipal Agreements and the December 2019 Irondale Schoolhouse Agreement that may be subject to renewal. Attorney Warren Replansky will look into it.

RESOLUTION#052023

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN INTERMUNICIPAL AGREEMENT WITH THE COUNTY OF DUTCHESS AND HARLEM VALLEY RAIL TRAIL ASSOCIATION, INC. PROVIDING FOR ASSISTANCE TO THE COUNTY OF DUTCHESS FOR THE REPAIR AND MAINTENANCE OF THE HARLEM VALLEY RAIL TRAIL

WHEREAS, the County of Dutchess has submitted a proposed Intermunicipal Agreement among the Town of North East, County Dutchess and the Harlem Valley Rail Trail Association, Inc. providing for the assistance by the Town of North East and the Harlem Valley Rail Trail Association, Inc. in the repair and maintenance of the Harlem Valley Rail Trail as set forth in the Scope of Services annexed to the Agreement as Exhibit “A”; and

WHEREAS, the Agreement shall be effective for three (3) years commencing on January 1, 2023 and terminating on December 31, 2025; and

WHEREAS, the Town Board has determined that the participation in this Intermunicipal Agreement will be in the best interests of the Town and its citizens and the Town has the necessary resources and manpower to provide the services as set forth in the Scope of Services; 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 proposed Intermunicipal Agreement has been approved by the Attorney to the Town.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to execute the Intermunicipal Agreement between the County of Dutchess, the Town of North East and the Harlem Valley Rail Trail in the same, or substantially the same, form as submitted to the Town Board.

MOTION: Councilman Midwood

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 January 12, 2023.

Approval of Contract of Sale for Town Property to Habitat for Humanity of Dutchess County

The property owned by the Town on Rudd Pond Road is less than one acre. Attorney Replansky has two copies in hand of a contract for sale. Habitat for Humanity of Dutchess County has given a down payment and the permissive referendum period has passed. Now we enter the “Due diligence period” where Habitat for Humanity of Dutchess County has 60 days to see if the property is feasible for their construction. If not, we get the property back.

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There was no discussion by the Board.

Appointment to Planning Board of Town of North East-

This is appointment was delayed to next month or special meeting.

Supervisor Kennan announced that Councilman Cooper is moving to Connecticut and has submitted his resignation to the Board. We are sorry to see him leave and appreciated everything he contributed. The opening of a Town Board position will be posted and the Town will appoint someone for the remaining year. Then, if they choose, they would have the option to run for the remaining two years of the existing term.

Councilman Cooper said it had been an honor to serve the public and with this Town Board. He especially wants to see something happen with Affordable Housing, which is a personal issue for him. Unable to find anything affordable in the Town, he and his wife had to look elsewhere. He hopes to continue to help the town in other ways.

Councilman Midwood said it was a pleasure to serve with him and was sad to see him go. Councilman Fedele said he would see him around town.

Councilwoman Morrison thanked Councilman Cooper.

Public Comment:

Scott Culbreth, resident of North East, asked for clarification about the Rail Trail maintenance. Supervisor Kennan explained that NYS owns the trail and the County maintains it. The Rail Trail Association is a private entity. The liability is carried between the County and the State. None of it rests on the Town.

Sam Busselle, resident of North East, would like to see someone promoted who is aligned with Governor Huchol's Affordable Housing aims. He is still looking for a housing committee with a working group of Town of North East and Village of Millerton members. He is scheduling an Affordable Housing Expo at the end of February. He asked for the Board to respond to his comments.

Councilman Fedele said that the sale of the Rudd Pond parcel of land to Habitat is an indication that the Board is trying to address the need.

Supervisor Kennan questioned the aspirational statement of Governor Huchol and how the proposal would address a small rural community. He would like to focus on the wastewater system. We are not "asleep at the wheel", said the Supervisor. "We can create a committee with the Village. We have discussed this with the Village, but the Village does not feel prepared at this time to do that. Any efforts we make should be aimed at producing tangible results, including in Housing".

Sam Busselle said the solution lies with zoning and that we should incentivize through zoning. He offered ideas, including a special tax on larger homes. Attorney Replansky countered that that might be illegal. Replansky worked on Rhinebeck's 2009 zoning laws and offered those as an example of possibilities.

Bill Kish, resident of North East, thanked Councilman Cooper for his service.

Edie Greenwood, resident of North East and ZRC Chair, said that with the new Attorney appointed tonight they will be able to progress and look into more options.

Supervisor's Report

**RESOLUTION # 062023
Special Abstract dated December 21, 2022**

A Special Abstract dated December 21, 2022 totaling \$1000.00 broken down as follows:
A Fund \$1,000.00

RESOLVED to approve the Special Abstract dated December 21, 2022.

Motion was made by Councilman Midwood and seconded by Councilwoman Morrison.

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

NAY- 0

The Special Abstract was approved.

**RESOLUTION # 072023
Special Abstract dated December 22, 2022**

A Special Abstract dated December 22, 2022 totaling \$11,432.38 broken down as follows:

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A Fund	\$2,359.00
DB Fund	\$9,073.38

RESOLVED to approved the Special Abstract dated December 22, 2022

Motion made by Councilman Fedele and seconded by Councilman Cooper
AYES- 5 (Kennan, Morrison, Midwood, Fedele, Griffin)
NAYS- 0

The Special Abstract was approved.

**RESOLUTION # 082023
Abstract dated December 31, 2022**

Abstract dated December 31, 2022 totaling \$78,407.30 broken down as follows:

A Fund	\$17,446.77
B Fund	\$ 715.43
DB Fund	\$53,072.89
Capital Projects H1	\$ 6,814.01
T&A2 Escrow	\$ 210.00
Payroll T&A	\$ 148.20

RESOLVED to approved the Abstract dated December 31, 2022 totaling \$ 78,407.30

Motion made by Councilman Cooper and seconded by Councilwoman Morrison
AYES- 5 (Kennan, Morrison, Midwood, Fedele, Griffin)
NAYS- 0

The Abstract was approved.

**RESOLUTION # 092023
Abstract dated January 12, 2023**

Abstract dated January 12, 2023 totaling \$49,347.11 broken down as follows:

A Fund	\$37,040.58
B Fund	\$ 295.00
DB Fund	\$11,755.30
Payroll T&A	\$ 256.23

RESOLVED to approved the Abstract dated January 12, 2023 totaling \$ 49,347.11

Motion made by Councilwoman Morrison and seconded by Councilman Cooper
AYES- 5 (Kennan, Morrison, Midwood, Fedele, Griffin)
NAYS- 0

The Abstract was approved.

**RESOLUTION #102023
Budget Adjustment #10 of 2022**

A FUND- General town-wide: An expense increase of \$14,635.00, less an expense decrease of \$14,635.00, for a net change of \$0

B FUND- General Town-wide: An expense increase of \$1,124.00, less an expense decrease of \$1,124.00, for a net change of \$0.

DB FUND- Highway Town Outside: An expense increase of \$19,000.00, less an expense decrease of \$19,000.00, for a net change of \$0.

RESOLVED to accept Budget Adjustment #10 of 2022

Motion made by Councilman Fedele and seconded by Councilwoman Morrison.
AYES- 5 (Kennan, Morrison, Midwood, Fedele, Griffin)
NAYS- 0

The Budget Adjustment was approved.

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Voucher Committee for February 2023: Midwood & Morrison

Approval of Minutes from Meeting of 12-8-2022 and from the Organizational Meeting of 1-3-2023

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

Both sets of Minutes are approved.

Meeting with Counsel

A motion was made by Councilman Midwood and seconded by Councilman Fedele to enter into Executive session at 7:55PM

Roll call

SUPERVISOR KENNAN AYE

COUNCILWOMAN MORRISON AYE

COUNCILMAN FEDELE AYE

COUNCILMAN MIDWOOD AYE

COUNCILMAN COOPER AYE

A motion to exit from executive session at 8:35 PM was made by Councilman Midwood and seconded by Councilwoman Morrison.

Votes taken

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

Nay- 0

Adjournment at 8:36 PM

A motion was made by Councilman Cooper and seconded by Councilman Midwood to close the meeting

Votes taken

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

Nay- 0

Meeting adjourned.

DRAFT: 1/30/23

APPROVED: 2/9/23

/s/: Tilly Strauss
Town Clerk