

Town of North East
Town Board Regular Meeting
Town Hall
March 9, 2023, 7pm

Call to Order, Pledge of Allegiance

Roll Call

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

Acceptance of Agenda

Added list of Board Committees

Motion to accept the amended agenda was made by Councilwoman Morrison and seconded by Councilman Fedele. Votes Taken.

AYES- 4 (Kennan, Morrison, Fedele, Winkler)

NAYS- 0

Public Comment on Agenda Items Only – no comments

Supervisor Comments

Welcome to the third regular Board meeting of the year.

A hearing was organized by a Connecticut Hospital entity regarding the proposed closing of the Maternity and ICU wards of Sharon Hospital. The hospital was visited, concern was expressed, and he was able to testify for the hearing. It is a complicated situation. We care about having a local hospital with all the units available to us.

A burn ban goes into effect in this county March 16 and extends to May 14. The winter vegetation is very dry and can catch fire very easily.

The Winchell Mountain speed limit sign is a long story that Councilwoman Winkler is familiar with. The State did approve, after several years of deliberation, a reduction in speed. The county now has to get around to putting the signs up this summer.

Tonight we will vote on a contract for the purchase of a building for a new Town Hall. A few words about our current building, which has many drawbacks. It is no longer appropriate, effective, or an efficient building for the Town Hall. The building is groaning with files, and with the weight and cramping of spaces for which the building was never designed to carry. Despite all those negatives, we have mixed feelings. It has been a cozy, friendly place.

Department and Committee Reports

Highway Department- Bob Stevens, Superintendent, reported on cutting brush and working on equipment. There’s a possible storm coming of 3-6 inches, but we are in good shape with sand and salt.

Assessor – Katherine Johnson, Assessor, reported that the exemption deadline just passed. Next month she will report on an overview. Right now, with the resignation of John Crawford, we have a vacancy on the BAR (Board of Assessment Review). It needs to be filled quickly. The ideal candidate needs to fill his term until 9/20/2025. They need to be knowledgeable of property values, be a US citizen, over 18 years of age, and a Town resident. They need an open mind and be able to listen, like a judge in court, and find a solution. Please advertise the opening as soon as possible. Grievance Day is in May, but the training starts mid-April, so we need a candidate to approve by the next Town Board meeting.

March 1st was also our taxable status and inventory deadline. Encourage everyone to look at the Assessment roll. Make an appointment with the Assessor’s office

It’s time for another assessment inventory. Last year we saw huge increases in value. Hoping this year for things to quiet down. Still seeing significant numbers. Last year we went up 12%. The State had recommended 14%. Now they provided analysis charts with new projected increases recommended. The State has put our residential properties at the trend of 11% increase. Their analysis of our vacant land is at 12% increase. Commercial land is also estimated at an increase of 8%. After reviewing their analysis and holding conversations with the State, the Assessor is looking at an 8% increase across the board on commercial, agricultural, and residential properties.

Councilwoman Winkler asked about breaking down percentages by property valuations. Johnson explained that the State does break it down several ways. Councilman

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Fedele asked if it would be the same for every price point. Johnson said in the last couple years everyone has been trending the same.

Planning, Zoning, & Building Department- reports were provided by the Town Clerk to the Board ahead of the meeting.

Town Clerk and Tax Collector- reports were provided by the Town Clerk to the Board ahead of the meeting.

Zoning Review Committee- Edie Greenwood, Chair, passed a report to the Board members and then read through it. The Zoning Review Committee continues to work on updating the code for our three commercial districts. The current focus is on the Boulevard District along Route 44 between the Village and the Connecticut border. The plan is to divide this commercial zone into two parts: Boulevard District West, (closer to Village), and Boulevard District East, (closer to CT), using the Kelsey Brook as the dividing line.

As requested by the Planning Board, the ZRC has spent a great deal of time on definitions for the allowed uses. They are currently working on the bulk standards for the Boulevard. Examples of bulk standards would be setbacks from the road, number of parking spaces per allowed use, the maximum size and height of buildings.

To move the process forward, the committee has created subgroups to work on lighting standards, sign regulations, landscaping, and design standards. Consultant Will Agresta is working on parking regulations and the procedures sections of the updated code.

The Town has retained Dave Everett of Whiteman, Osterman & Hanna to be attorney to the ZRC.

The ZRC meets the first and third Mondays of each month and the meetings are open to the public and allow for public comment.

It is the goal of the committee to have a package of regulations ready to present to the Town Board by the summer of 2023. The Town will then authorize the preparation of an Environmental Assessment Form (EAF). After the completion of the EAF, the Town will set a Public Hearing date and make referrals to local agencies and Dutchess County Planning for comment.

The remaining sections for the ZRC to update are: All residential districts in North East, The Land Conservation District, Chapter 150 of the current code which covers the Subdivision of Land.

Approval of Contract for the purchase of Jehovah's Witnesses property on Route 22, for the purpose of use as a new North East Town Hall

Supervisor Kennan reviewed the background on need for a better Town Hall. He spoke about the Jehovah Witness building going up in a single day in 1990 with the force of community participants. The original price of \$499,000 has been reduced to \$430,000. It will require interior modifications and Jeanne Vanecko, a local architect, has been obtained for the interior design.

Attorney Replansky confirmed he had a contract but, because the building is located in an R3 district, a Monroe Balancing Test needs to be performed to determine that the balance of equities and factors that we will present at the Public Hearing favors overriding the zoning.

Replansky read eleven questions from an Environmental review of the project, which is the purchase and renovation of the building, for the Board to approve regarding the impact of permitting the Town Hall in the R3 district.

Replansky asked if it was acceptable to the Board to have a resolution that the Town Board has determined, based on analysis and questions answered, that the purchase and renovations will not result in any adverse environmental impacts such as a draft environmental impact statement would need to be prepared.

RESOLUTION #162023

DETERMINING THAT THE PURCHASE AND RENOVATION OF THE BUILDING FOR TOWN HALL PURPOSES WILL NOT RESULT IN ANY ADVERSE ENVIRONMENTAL IMPACTS AND A DRAFT ENVIRONMENTAL STATEMENT WILL NOT HAVE TO BE PREPARED.

A Motion was made by Supervisor Kennan and seconded by Councilwoman Winkler.
SUPERVISOR KENNAN Voted AYE

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COUNCILMAN FEDELE	Voted	AYE
COUNCILWOMAN MORRISON	Voted	AYE
COUNCILWOMAN WINKLER	Voted	AYE

The resolution was accepted by a vote of 4-0.

RESOLUTION #172023

**AUTHORIZING THE PURCHASE OF THE PROPERTY LOCATED AT 5603
ROUTE 22, TOWN OF NORTH EAST FROM THE RHINEBECK
CONGREGATION OF JEHOVAH’S WITNESSES, NEW YORK**

WHEREAS, the North East Town Board has determined that the existing Town Hall is obsolete in many respects, including the lack of handicap access to the second floor, and that it is necessary for the Town to construct a new Town Hall or to acquire property with an existing structure which may be retrofitted for use as a Town Hall; and

WHEREAS, the Town Board has determined that the parcel of property located at 5603 Route 22, in the Town of North East, owned by the Rhinebeck Congregation of Jehovah’s Witnesses, consisting of approximate 3.01 acres and identified as tax map no: 7170-00-633229, is suitable for a new Town Hall; and

WHEREAS, Jehovah’s Witnesses has agreed to sell the subject property to the Town for a purchase price of \$430,000, which the Town Board has determined is a fair and reasonable price for the property; and

WHEREAS, the Town Board has preliminarily estimated the cost of renovating the said property at \$150,000; and

WHEREAS, the Attorney to the Town has negotiated a real estate contract for the purchase of said property from the Jehovah’s Witnesses and has presented a copy of that contract to the Town Board for its review and approval; and

WHEREAS, the Town Board has determined that the proposed contract is acceptable in form and content; and

WHEREAS, the Town Board has determined that the cost of purchasing and retrofitting for Town Hall use will be financed from surplus funds and, therefore, this purchase is not subject to a permissive referendum pursuant to the provisions of Town Law, §220 of the Town Law; and

WHEREAS, the Town Board has determined that this is an Unlisted action under SEQRA and that the Town is the only involved agency in this acquisition process, has reviewed a Short Form Environmental Assessment Form and has determined that the acquisition of this property will not have a significant adverse effect on the environment and that an Environmental Impact Statement shall not be required; and

WHEREAS, as the subject property is located within the Town’s R-3 zoning district in which a Town Hall is not a permitted use.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor of the Town of North East to enter into a contract for the purchase of the said property from the Jehovah’s Witnesses for a price of \$430,000 under the terms and conditions as set forth in the proposed contract; contingent upon availability of satisfactory funding; the conduct of a Monroe Balance Test pursuant to the requirements of *Mtr. of County of Monroe*, 72 NY2d 338 public hearing on April 13, 2023, at 7:10 p.m. and determination by the Town Board that the use of the property for a Town Hall purchase shall not be subject to the provisions of the Town’s Zoning Code and all other contingencies deemed necessary by the Attorney to the Town.

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MOTION: Supervisor Kennan
SECOND: Councilman Fedele

SUPERVISOR KENNAN	Voted AYE
COUNCILMAN FEDELE	Voted AYE
COUNCILMAN MIDWOOD	absent
COUNCILWOMAN MORRISON	Voted AYE
COUNCILWOMAN WINKLER	Voted AYE

The Resolution was carried by a 4-0 vote of the Town Board members on March 9, 2023.

Attorney Replansky followed up the vote with three points. First, the fact that if we use surplus funds and a portion of fund balance with ARPA money, the purchase is not subject to a permissive referendum. Second that the Jehovah Witnesses need to attain approval from the Dutchess County Supreme Court as well as the Attorney General. This is a contingency, and Replansky does not expect a problem. Third, a public hearing must be held in order to override the district R3 zoning. The Contract for purchase can be signed after this meeting and Replansky will perform a Title search and the standard responsibilities required for closing.

Discussion of agriculture assessments in Town of North East, with special guest, Jennifer Fimbel, County Ag Navigator, from Cornell Cooperative Extension

Guest speaker Jennifer Fimbel, Agricultural Educator & Agricultural Navigator at Dutchess County Cornell Cooperative Extension, provided some information about Agricultural Districts and the state of farming in Dutchess County. She been working in the Agricultural field for 37 years. Our county is diverse with an abundance of Hops, Apples, Hay, and Equine farming. There is an increase in farmers renting farms and the Boutique Dairy. All this information can be found at ccedutchess.org

An Ag district is a geographic location that consists predominately of viable agricultural land. They were first developed in 1971-73 to help keep farm land in agricultural production. This includes idle, active and forested lands. Every year between April 15 and May 14, residents have 30 days to apply to be included into an agricultural district. There is no financial gain to being in a district. The NYS and DC *Right to Farm Law* supports agriculture in Ag Districts and provides protection for commercial entities. The purpose is to encourage the continued use of farmland for agricultural use. The soil type, (600 types in NYS), determines the actual value of the land. That is determined by the State.

Ag value assessments, “Ag exemptions”, are limited to land in agricultural production. Generally, to qualify for an agricultural assessment, land must include at least 7 acres in agricultural production with a minimum of \$10,000 in gross agricultural sales. You do not have to be in an Ag district to get an Ag value assessment.

Discussion of Town of North East Bicycling and Walking Master Plan

The Plan is located on the Climate Smart Millerton website.

Supervisor Kennan appreciates the spirit and goal of the plan, but expressed concerns regarding the White House Crossing Parking, *any* crossing of Route 22 for kids, and the inclusion of Route 22, with the abundance of extra-wide vehicle traffic.

Councilwoman Winkler wondered about amendments to the Plan to focus on walkers, especially families with strollers. She would like to emphasize the importance of sidewalks being maintained and extended. What about along the Boulevard in Town? Could there be “on and off” spots from the Rail trail, like the one behind Four Brothers? In addition, Winkler sees some over-arching statements in the plan that should be edited out.

Kennan brought up the Complete Streets Program. There will be a zoom on the 15th of March. There is a lot to look at. Beilke Road has become a major thoroughfare with GPS rerouting traffic away from the center of town.

Approval of Rules of Procedure for Town Board meetings

A motion was made by Councilman Fedele and seconded by Councilwoman Morrison
A vote taken

AYES- 4 (Kennan, Morrison, Fedele, Winkler)
NAYS- 0

The Rules and Procedures for Town Board meetings was adopted.

RESOLUTION #182023

Resolution to approve the proposal for Town insurance coverage from NYMIR, to commence 3/15/2023

Supervisor Kennan explained that the quote is basically the same as it has been except that this new policy does not include Cyber coverage. We are looking for additional Cyber security coverage and training for Town Hall employees.

NOW THEREFOR, be it

RESOLVED, that the Town Board approve the Insurance coverage provided by NYMIR for the Town Hall

A motion was made by Councilwoman Morrison, and seconded by Councilwoman Winkler to approve the proposed insurance coverage.

A vote was taken

SUPERVISOR KENNAN	Voted	AYE
COUNCILMAN FEDELE	Voted	AYE
COUNCILWOMAN MORRISON	Voted	AYE
COUNCILWOMAN WINKLER	Voted	AYE

The Town insurance coverage by NYMIR was approved with a vote of 4-0 on March 9.

Town of North East Board Committees 2023

Supervisor Kennan read the list of Board committees into the minutes

Budget	Chris Kennan & Lana Morrison
Buildings and Grounds & Facilities	Meg Winkler & John Midwood
Cemetery	Ralph Fedele & John Midwood
Communications	Meg Winkler & John Midwood
Emergency Services	John Midwood & Chris Kennan
Hazard Mitigation	Chris Kennan, Ralph Fedele, Bob Stevens, Ken McLaughlin
Highway	Chris Kennan & Ralph Fedele
Personnel	Ralph Fedele & Lana Morrison
Recreation	John Midwood & Lana Morrison
Wastewater District Committee	Lana Morrison & Chris Kennan
Zoning Review Committee	Chris Kennan, Lana Morrison, Meg Winkler

Public comment period

Scott Culbreth, town resident of 40 years, spoke about Affordable Housing and shared a document with the Board regarding a “Real-estate Transfer Fund” used in Massachusetts.

Sam Busselle, town resident, hopes to accelerate the process of creating affordable housing and forming a committee of Village and Town members, to do so.

Supervisor’s Report

RESOLUTION #192023

Budget Adjustment #1 of 2023

A Fund- expense increase of \$860, less a revenue increase of \$860, for a net difference of \$0.

DB Fund- expense increase of \$11,300, less a revenue increase of \$11,300, for a net difference of \$0.

A motion was made by Councilman Fedele and seconded by Councilwoman Morrison to accept the budget adjustment #1 of 2023.

AYES- 4 (Kennan, Morrison, Fedele, Winkler)

NAYS- 0

The budget adjustment was accepted.

RESOLUTION #202023

Special Abstract 2/22/2023

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A Special Abstract dated February 22, 2023 totaling \$11,399.64 broken down as follows:

A Fund	\$2,326.26
DB Fund	\$9,073.38

A motion to accept the Special Abstract was made by Councilwoman Winkler and seconded by Councilwoman Morrison.

AYES- 4 (Kennan, Morrison, Fedele, Winkler)
NAYS- 0

The Special Abstract was accepted.

RESOLUTION #212023
Abstract 3/9/2023

An Abstract dated March 9, 2023 totaling \$174,792.50 broken down as follows:

A Fund	\$ 43,647.50
B Fund	\$100,033.50
DB Fund	\$ 23,974.58
Capital Projects H1	\$ 6,810.69
T&A2 Escrow	\$ 70.00
Payroll T&A	\$ 256.23

A motion to accept the Abstract was made by Councilman Fedele and seconded by Councilwoman Winkler.

AYES- 4 (Kennan, Morrison, Fedele, Winkler)
NAYS- 0

The Abstract was accepted.

Voucher Committee for April 2023: L. Morrison & J. Midwood

Approval of Minutes from meeting of 2/9/2023

A motion was made by Councilwoman Winkler and seconded by Councilwoman Morrison.

AYES- 4 (Kennan, Morrison, Fedele, Winkler)
NAYS- 0

The Minutes were accepted.

Meeting with Counsel to discuss additional matters pertaining to purchase of land and potential legal item

A motion was made to enter into Executive session by Councilwoman Morrison and seconded by Councilman Fedele at 8:42 PM

A motion was made to exit the Executive session by Councilwoman Morrison and seconded by Councilman Fedele at 9:00 PM

To approve a Consent Judgement for the certiorari case of Heathcote Farm LLC vs. Town of North East and to authorize Ian MacDonald to sign it on behalf of the Town

A motion was made by Councilman Fedele and seconded by Councilwoman Morrison.

AYES- 4 (Kennan, Morrison, Fedele, Winkler)
NAYS- 0

The Consent Judgement and authorization were approved.

Adjournment

A motion was made by Councilman Fedele and seconded by Councilwoman Morrison to adjourn the meeting.

AYES- 4 (Kennan, Morrison, Fedele, Winkler)
NAYS- 0

The meeting was adjourned at 9:10 PM.

APPROVED 4/13/2023

/s/: Tilly Strauss, Town Clerk