

**Town of North East
Town Hall
Town Board Meeting
June 8, 2023 at 7:00PM**

Call to Order, Pledge of Allegiance

Roll call

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

We have a Quorum.

Acceptance of Agenda

Remove item #8 and #10 from the Agenda, and add an Executive Session with the Town Assessor in order to discuss litigation.

Motion made by Councilwoman Morrison and seconded by Councilman Fedele.

Votes taken.

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

NAYS- 0

Supervisor Comments

There currently a lot of air pollution and a health warning due to fires from up north. The smoke is predicted to be less in a few days.

The Village of Millerton is holding a Candidates Forum June 14th at 7pm at the Library Annex. Village elections will be held the following Tuesday, June 20th, with polls open from 12pm-9pm. There will be a Town Board meeting and public hearing on June 20th at 4pm, here at the Town Hall.

We are still waiting to close on the purchase of the Jehovah's Witnesses building on Route 22 for our new Town Hall which is pending approval from the Attorney General.

Habitat for Humanity has asked to do perk tests on the site of the Town property on Rudd Pond road that is being bought by them. We have given them permission.

The Zoning Review Committee (ZRC) has been working on the Boulevard district, (Rte. 44 from the Village line to Ct line), and needs help understanding the setbacks, heights, and Department of Transportation's right of way. Kennan plans to speak with the consultant to the ZRC as to the suggestion of firms that might be able to provide the Town with help. It needs to be something that could be completed relatively quickly. It's our main commercial district for the Town.

The New Highway Garage sides are up and the roof should be finished tomorrow. The work will start on the inside now. Each day looks different which is exciting and encouraging.

The Dutchess County Senior Picnic is planned for July 19th at the Pine Plains High School. All seniors are invited to attend.

Bulk Trash day this spring we took in \$1430 and were billed from Welsh \$1315. We took in 23 mattresses at \$10 per, yet we found it cost us \$30 to get rid of each! We learn every time.

Department and Committee Reports

- **Highway** (Bob Stephens) The department has been spending time grading roads the last 2-3 weeks. In July they will be using the shared paver/roller. The Weed Harvester at Rudd Pond needs repairs.

- **Assessor** (Katherine Johnson) The assessor shared a report with the Board members about the May 24th Grievance Day. There was a total of 17 complaints. Assessment reductions were granted on 3 of the applications and approved on 7 stipulations. The letters of determination from the Board are being prepared and will be mailed out next week. Corrections to the assessment roll from the BAR determinations will be made and the 2023 Assessment Roll will be finalized. We have received our Final State Equalization Rate of 100%. Supervisor Kennan asked if most Towns were at the 100% equalization rate.

The NYS Department of Taxation and Finance are removing STAR exemptions from properties where owners never registered per the 2014 change to the STAR exemption law. They are cleaning up the program. Notifications have been sent in the mail

- **Planning, Zoning, & Building Department**- reports previously sent to the Board

- **Town Clerk and Tax Collector**- reports previously sent to the Board

- **Town Board Committee Activity**

- **Communications Committee**- Councilwoman Winkler reported that

the committee met with our IT person, James Thompson of ZenPoint Media, and made some small format changes to the website to make it more user friendly. We have updated links and added a "Save the Date" block. Suggestions are welcome. Send them to either Councilwoman Winkler or Councilman Midwood.

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Zoning Review Committee Re-appointments: Edith Greenwood, Dave Sherman
Motion made by Councilman Fedele and seconded by Councilwoman Winkler to reappoint Edith Greenwood and Dave Sherman to the ZRC for a term ending June 11, 2026. Votes taken.
AYES- 4 (Kennan, Morrison, Fedele, Winkler)
NAYS- 0

Contract with Village of Millerton for Court Officer
Renewal of contract that is identical to last year and the year before. Attorney Replansky has reviewed it. Motion made by Councilwoman Morrison and seconded by Councilwoman Winkler to approve the contract. Votes taken.
AYES- 4 (Kennan, Morrison, Fedele, Winkler)
NAYS- 0

Town of North East Wastewater District Bonding Resolution
In order to move forward and get approval from the State Comptroller so we can apply for grants for the proposed Wastewater district, we need to have this Bond in place.

RESOLUTION #372023

**A RESOLUTION AUTHORIZING THE ISSUANCE OF \$2,955,000
SERIAL BONDS OF THE TOWN OF NORTH EAST, DUTCHESS
COUNTY, NEW YORK, TO PAY THE COST OF THE
ESTABLISHMENT OF SEWER DISTRICT NO. 1, IN AND FOR
SAID TOWN.**

WHEREAS, pursuant to proceedings to be had and taken in accordance with the provisions of Article 12 of the Town Law, the Town Board of the Town of North East, Dutchess County, New York, has determined to proceed with the establishment of Sewer District No. 1, in the Town of North East (the “Sewer District”); and

WHEREAS, the improvements for said Sewer District shall consist of the construction of a sanitary sewer collection system with related infrastructure, including original furnishings, equipment, machinery, apparatus, appurtenances, land or rights-in-land, and incidental improvements and expenses in connection therewith for connection to a Village of Millerton wastewater treatment/water resources recovery system pursuant to an Intermunicipal Agreement therewith; and

WHEREAS, the maximum amount proposed to be expended by the Town for said improvements is \$2,955,000; and

WHEREAS, said capital project has been determined to be a Type I Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which has heretofore been determined will not result in any significant adverse environmental impact; and

WHEREAS, it is now desired to authorize the financing of the cost of said improvements; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of North East, Dutchess County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the establishment of the Sewer District No. 1 in the Town of North East, Dutchess County, New York, and the improvements therefor, consisting of the construction of a sanitary sewer collection system with related infrastructure, including original furnishings, equipment, machinery, apparatus, appurtenances, land or rights-in-land, and incidental improvements and expenses in connection therewith, as described in the preambles hereof, at a maximum estimated cost of \$2,955,000, which specific object or purpose is hereby authorized at said maximum estimated cost, there are hereby authorized to be issued \$2,955,000 serial bonds of the Town of North East, Dutchess County, New York pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the plan for the financing of said specific object or purpose shall consist of the issuance of \$2,955,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution; **PROVIDED, HOWEVER,** that to the extent that any grants-in-aid are received for such specific object

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or purpose, the amount of bonds to be issued pursuant to this resolution shall be reduced dollar for dollar.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 40 years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of North East, Dutchess County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall be annually assessed upon the taxable real property in said Sewer District which the Town Board shall apportion and assess upon the several lots and parcels of land in the manner provided by law, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town, including, but not limited to, the power to sell said serial bonds to the New York State Environmental Facilities Corporation, provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 8. The Supervisor is hereby further authorized, at the Supervisor's sole discretion, to execute a project financing and/or loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, and, or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

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Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds and, or notes without resorting to further action of this Town Board.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 13. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law; provided, however, that no bond anticipation notes or bonds shall be issued prior to the completion of the proceedings for the establishment of the Sewer District No. 1 in the Town and the subsequent ratification and confirmation of this bond resolution by re-adoption thereafter by the Town Board.

Motion made to vote was made by Councilwoman Winkler and seconded by Councilwoman Morrison.

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

The bond resolution was thereupon declared duly adopted by a vote of 4-0.

Town of North East – Village of Millerton Wastewater IMA

This item was removed from the Agenda. Attorney Warren Replansky is reviewing a document prepared by the Village attorney. There are provisions that need to be amended. We can anticipate a resolution to be discussed at our regular July 13 Town Board meeting.

Acceptance of Audits of Town Clerk Office, Tax Collector

Motion made by Councilman Fedele and seconded by Councilwoman Morrison.

Votes taken.

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

Approval of Standard Workday Reporting Resolution

This is part of the Town’s pension system documents and it is kept on file in the business office.

Motion made by Councilwoman Winkler and seconded by Councilwoman Morrison.

Votes taken.

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

Public Comment Period- no comments

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Supervisor’s Report

Budget Adjustment

RESOLUTION #382023

Budget Adjustment #4 of 2023

A Fund- General Town-wide had an expense increase of \$10,500, less a Revenue increase of \$10,500 for a net of \$0

Motion made by Councilman Fedele and seconded by Councilwoman Morrison to accept the Budget Adjustment. Votes taken.

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

RESOLUTION # 392023

Special Abstract dated May 23, 2023

Special Abstract dated May 23, 2023 totaling \$572.21 broken down as follows:

A Fund- \$572.21

Motion made by Councilwoman Winkler and seconded by Councilwoman Morrison to accept the Special Abstract. Votes taken.

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

RESOLUTION # 402023

Abstract dated 6-8-2023 totaling \$1,039,460.52

A Fund-	\$ 52,711.19
B Fund-	\$ 5,264.51
DB Fund-	\$ 18,837.49
Capital Projects H1-	\$962,391.10
Payroll T&A-	\$ 256.23

Motion made by Councilman Fedele and seconded by Councilwoman Winkler to accept the Abstract. Votes taken.

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

Voucher Committee for July: M. Winkler & R. Fedele

Approval of Minutes from Meeting of 5-11-23

Motion made by Councilwoman Morrison and seconded by Councilman Fedele to approve the Minutes. Votes taken.

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

Executive Session

Motion made by Councilwoman Winkler and seconded by Councilwoman Morrison to go into Executive Session at 7:38pm. Votes taken.

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

Motion made by Councilman Fedele and seconded by Councilwoman Morrison to exit the Executive Session at 7:50pm. Votes taken.

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

Adjournment

Motion made by Councilwoman Winkler and seconded by Councilwoman Morrison. Votes taken.

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

Meeting was adjourned at 7:53pm.

/s/: Elizabeth “Tilly” Strauss, Town Clerk

Approved: July 13, 2023