

Town of North East
Town Board Special Meeting
June 20, 2023
4:00PM

Call to Order

Pledge of Allegiance

Roll call

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

Supervisor Comments

Supervisor Kennan gave a brief summary of the Wastewater project, which has been a decade’s long discussion. Since the last undertaking, circa 2008, the technology has changed and many of the constraints have lessened. For example, there will be no need to dig up Route 44 and we can utilize existing septic systems. The Village and Town have completed individual Map, Plan & Reports through Tighe & Bond Engineering. We have collected petitions by parcel owners representing over 70% of the assessed value of parcels in the proposed District.

Public Hearing: Town of North East –Wastewater District

Motion to open the public hearing was made by Councilman Midwood and seconded by Councilman Fedele. Votes Taken.

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

By a vote of 4-0 the Public Hearing opened at 4:35pm

Town Attorney Warren Replansky commented on the process referring to Article 12 of Town law. This district includes 28 parcels. There has been a Map Plan & Report that the Town approved and adopted in December 2022. The next step after the Public Hearing is to Order the Establishment of Sewer District #1. We anticipate adopting the Order at the July 13, 2023 regular meeting of the Town Board. We also can anticipate adopting an Intermunicipal Agreement with the Village of Millerton at that time. There will be two resolutions for the Town to adopt. The first, directing the application to the State Comptroller’s office for approval. We currently exceed acceptable costs without the anticipated grants. The Comptrollers review process can take several months. In that time we can apply for grants. The second resolution will be to authorize the Town Board to apply for grant applications. Replansky will have a list of those grants for the July 13th meeting. Some grant application deadlines that Tighe & Bond will be submitting on our behalf are due July 28th, 2023.

Warren Replansky reads the order calling for the Public Hearing in its entirety.

AMENDED ORDER CALLING PUBLIC HEARING
Establishment of Sewer District No. 1 in the Town of North East,
in the County of Dutchess, New York

WHEREAS, a written Petition dated May 11, 2023 has been submitted in due form by the owners of taxable real property situate in the proposed Sewer District No. 1 for the Town of North East, owning in the aggregate more than one-half (1/2) of the assessed valuation of the taxable real property in said proposed Sewer District as shown on the latest Assessment Roll of the Town of North East, County of Dutchess, State of New York, to establish Sewer District No. 1, which shall comprise that portion of the said Town outside of any incorporated village or city and wholly within the Town, which consists of twenty-eight (28) tax parcels as depicted on a Sewer District Map annexed to the Map, Plan and Report prepared by Tighe & Bond Engineering and Landscape Architecture P.C. dated December 2022 as Appendix A, a copy of which had been annexed to the written Petition, and is on file and available for inspection at the Town Clerk’s office, and which is incorporated herein by reference and made a part hereof. Annexed hereto as Exhibit “A” are the tax parcel numbers of the twenty-eight (28) properties which comprise the said proposed District; and

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WHEREAS, the improvements proposed within the said Sewer District are to consist of a sanitary sewer collection system and related infrastructure, including original furnishings, equipment, machinery, apparatus, pipes, appurtenances, lands or rights in land and incidental improvements and expenses in connection therewith to serve said District, as more fully described in §2.3 of the Map, Plan and Report prepared by Tighe & Bond Engineering and Landscape Architecture, PC, dated December 2022, a copy of which is on file in the office of the Town of North East Clerk, and is incorporated by reference herein; and

WHEREAS, the sewer collection system will connect to and be operated in conjunction with a water resource recovery system which will be constructed within the Village of Millerton as described in §2.4 of said Map, Plan and Report; and

WHEREAS, said systems will be operated together as described in the said Map, Plan and Report pursuant to an Intermunicipal Agreement between the Village of Millerton and the Town of North East; and

WHEREAS, the maximum amount proposed to be expended for the improvements for Sewer District No. 1 is \$2,955,000 as set forth in §3.1 of the said Map, Plan and Report and the plan of financing includes the issuance of \$2,955,000 serial bonds of the Town to finance said cost and the assessment, levy and collection of special assessments from the parcels within the District which the Town Board shall determine and specify to be benefited thereby in just proportion in the amount of benefit conferred upon the same to pay the principal and interest on said bonds when the same shall become due and payable provided, however, that to the extent any grants-aid are received for said project, the amount of bonds to be issued shall be reduced dollar for dollar; and

WHEREAS, a hook-up fee will be required to hook-up to the system within the District but will be waived for parcels that connect during the initial construction period established by the Village and the Town, and future hook-up costs and charges will be charged for connections to the system that occur after the initial construction period, as set forth in §3.4 of the Map, Plan and Report; and

WHEREAS, the properties within the proposed District consist of commercial properties only. The estimated costs to a typical property within the District are as follows: Annual Capital Cost \$2,965.00; Annual Operating and Maintenance Cost \$788.00; Total Annual Cost \$3,753.00; and Total Monthly Cost \$316.50. A detailed explanation as how such estimates have been computed is set forth in §4.1 of the said Map, Plan and Report.

NOW, THEREFORE, BE IT

ORDERED that a special meeting and public hearing of the Town Board of the Town of North East shall be held on June 20, 2023 at the North East Town Hall, located at 19 North Maple Avenue, Millerton, New York, at 4:00 p.m., to consider said Petition and to hear all persons interested in the subject thereof, and for such other and further action on the part of the Town Board, with relation to the premises; and be it further

ORDERED, that the Town Clerk is hereby directed to publish this Amended Order and the exhibit annexed thereto in the Town's official newspaper at least once no less than ten (10) and no more than twenty (20) days before the date set for the said public hearing; and be it further

ORDERED, that the Town Clerk shall cause a copy of this Amended Order and the exhibit annexed thereto to be posted on the sign board of the Town of North East not less than ten (10) nor more than twenty (20) days before the designated date for the public hearing; and be it further

ORDERED, that the Town Clerk is hereby directed to post notice of this Amended Order and the exhibit annexed hereto on the Town's official website not less

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than ten (10) nor more than twenty (20) days before the designated date for the public hearing; and be it further

ORDERED, that the Town Clerk is also directed to send a notice of this Amended Order to the owner of each parcel within the proposed District by first class mail no less than ten (10) or more than twenty (20) days before the designated date for the public hearing; and be it further

ORDERED, that a copy of this Resolution and the said Map, Plan and Report shall be made available for inspection at the office of the Town Clerk during regular business hours, be it further

ORDERED, that this Order Calling Public Hearing is intended to supersede the Order Calling Public Hearing adopted by the Town Board of the Town of North East dated May 11, 2023.

After reading the Order into the record, Replansky added that numbers in the Map, Plan & Report are the numbers to build the system without any anticipated extra grant funding. We have to file with the State Comptroller the full cost without grants. Only then can we go out and apply for grants.

Supervisor Kennan said it is a difficult and daunting task with many steps ahead.

Rob Cooper, Town Resident and property owner in the proposed wastewater district, asked if the system would run independent of the existing Water District infrastructure. He also inquired as to where the electric power running the pumps would run and about the Benefit Assessment Unit of a vacant but livable lot.

Scott Culbreth, Town Resident, asked about the responsibility and cost of moving solid waste and if there would be any cost to Town-wide tax payers. Supervisor Kennan explained that the funding for the system would be the responsibility of the users of the system. It will not involve other tax payers.

Ralph Fedele, Town Councilman, inquired as to the one residential property along the boulevard that elected not to be a part of the district. Supervisor Kennan explained that right now the process must focus exclusively on districting the commercial properties.

Culbreth asked about DEC involvement and responsibility for effluent into Kelsy Brook. Kennan affirmed that both the DEC and NYSDOH would be involved. After processing it, the effluent will be potable water.

Kennan went on to explain that Tighe & Bond has been very involved with both the Town and the Village. We form our districts separately until the end, when the system becomes operational. Then we tie together. The Town and the Village are independently applying for grants to cover capital costs. The Village has received a Congressional Earmark Grant of Two Million dollars. He and the Village Mayor met with Congressman Pat Ryan Friday of last week and Ryan reaffirmed the nomination of the Village of Millerton to receive the two million dollars, which will bring down their capital cost. We are gathering multiple grants from County, State, federal and local level sources.

Replansky pointed out that even if formation of district is approved, the Town won't go to bid for construction until we have received money to cover the capital costs from grants. Therefore we can control of the cost of the project.

Erin Moore, Tighe & Bond engineer, spoke about Water Infrastructure Improvement Act (WIIA) having a couple different grant applications due by the end of July and the USDA Rural Development rolling grant application. She spoke of several other funds and project grant possibilities. Returning to an earlier question, she noted that electrical costs to commercial owners to run the pump are estimated at \$13 per quarter.

Culbreth asked about processing heavy metals.

Moore described how the Village and Town systems will work together, and the low visual impact of the filtration system.

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Culbreth wanted to know the track record of such systems and Moore invited him to look closely at the system in Hillsdale, NY, and others in Massachusetts, and Connecticut.
No further comments or questions were forthcoming.

A Motion made to close the public hearing was made by Councilwoman Morrison and seconded by Councilman Midwood. Votes Taken.

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

The Public hearing was closed at 5:30 PM

Supervisor Kennan announced that the next meeting would be July 13. He also shared an update regarding the Jehovah Witness sale of the building for the New Town Hall. The Jehovah witnesses have resubmitted their paperwork to the Attorney General to move towards the closing. Once we close we can start renovations the next day.

Motion to adjourn the special meeting was made by Councilman Midwood and seconded by Councilman Fedele. Votes Taken.

AYE- 4 (Kennan, Morrison, Midwood, Fedele)
NAY- 0

Meeting was adjourned 5:38 PM

/s/: Elizabeth “Tilly” Strauss
Town Clerk

Draft: 06/22/2023
Approved: 7/13/2023