Call to Order, Pledge of Allegiance

Roll call

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

Acceptance of Agenda

Motion made by Councilwoman Morrison and Councilman Fedele

Ayes- 5 (Kennan, Morrison, Fedele, Midwood, Winkler)

Nays- 0

Agenda accepted.

Supervisor Comments

Regarding the recent rainstorms: Dutchess County has received an enormous amount of rain this past Sunday and Monday, and some parts of the north east of our country had very extensive and very destructive flooding. Our hearts go out to all those communities.

The Village of Millerton has the Webutuck Creek that runs through it. While there was some localized flooding, especially on Sawchuck and Mill Roads, the Webutuck Creek didn't overflow its banks to any significant degree. One reason for this is the enormous sponge that lies to the north of the Village in the form of the swampy marshy wetland. It functioned as wetlands do, which is that they are capable of absorbing large amounts of water and retaining it for a time, allowing it to drain out at a slower rate. As we prepare for more and more damaging weather events resulting from Global warming, we will come to appreciate the value of our North East wetlands.

We have begun working on updating our Town and Village Emergency Operations Plan, in collaboration with the Millerton Fire Company and the Village of Millerton.

There will be a Dutchess County sponsored Senior Picnic held Wednesday July 19th in Pine Plains on the grounds of the Pine Plains High School.

The real estate closing on the New Town Hall is scheduled for Monday July 17th! We are grateful to Jeannne Vanecko who has been helping us plan how to convert a former Kingdom Hall of Jehovahs Witnesses into an efficient and appropriate Town Hall. We will be presenting a plan to the Town Board in the near future as to how we plan to effect this transformation. The Supervisor has also requested funding from NY State to help in this work.

We have been working with the Harlem Valley Rail Trail Association to acquire property on Mt. Riga Station Road, near the Rail Trail, for a parking lot that could fit 10-15 cars. We are in the process of having the land surveyed. The County will prepare the lot.

Congratulations to Mayor Jenn Najdek on her re-election as Mayor of the Village of Millerton. The Supervisor and Mayor work closely on a number of issues, especially the formation of a wastewater system. It is great to have such a capable and dedicated partner on this ambitious and vital project. Congratulations also to former Town Supervisor and re-elected Village Trustee Dave Sherman, and to Lisa Erdner, for her election as a new Village Trustee.

Department and Committee Reports

Highway- Bob Stevens reports that they were working with the shared paver/roller and doing drainage work along Merwin and Mill Roads. They continue to do roadside mowing. The plow truck is having the radiator replaced and an older truck is having oil leaks repaired. The New Highway Garage construction workers have been very respectful about enabling access into and out of the site for his crew.

Assessor- no report at this time

Planning, Zoning, & Building Department- Reports were sent previously to the Board Town Clerk, Dog Control, Tax collection- Reports were sent previously to the Board

Town Board Committee Activity

Recreation Committee- Councilwoman Lana Morrison reports that unfortunately the Summer Camp Director has left and 2023 Summer Camp has been cancelled. The Party in the Park celebration last Saturday went well. The rain held off. The project enters phase II, which focuses on a new bathhouse and swimming pool. There will be a chance for community input at a future date TBA at the Library Annex.

Buildings & Grounds- Plans for renovation of the New Town Hall will be brought to the Town Board. We will need to install an illuminated flag pole, as well as a new Town Hall sign. When we move to the new Town Hall site, the Town Board will be examining options for the sale of the old Town Hall.

Highway Committee- Supervisor Kennan reports that the structure for the Highway Garage is complete. The next step is to install the hydraulic lift which was purchased ahead of time and has been in storage. The Town was able to save money by purchasing it much earlier and storing it. The concrete slab will be poured after the installation. He believes that the facility will be in use for the Highway Department by this winter. The Town has not yet determined what to do with the old Garage site on South Center Street.

Communications Committee- Nothing to report

Cemetery Committee- Councilman Fedele said progress was happening slowly with the Friends of Spencer's Corners Burying Ground. A solicitation letter has been sent out and they hope to raise the Dakin obelisk next year. It is the tallest monument in the burial grounds.

Update on 2022 Audit of Town Justice Court

The final audits have been completed and received by the Town Board for the Town Clerk's office and the Tax Collector. We are waiting for the Justice Court's final audit in order for the Board to approve it.

Resolution Authorizing Town Supervisor to sign IMA with Village of Millerton regarding Wastewater District

Town Board members were emailed an Inter-Municipal Agreement (IMA) for review ahead of the meeting. Town Attorney, Warren Replansky, summarized each paragraph of the 17-page IMA document.

A resolution is needed to authorize the Town Supervisor to sign the agreement. Replansky read the proposed resolution. Supervisor Kennan thanked Replansky for the extensive work into the initial rules for how we will work with the Village. He reiterated that the wastewater system will be owned and operated by the Village. Councilwoman Winkler asked about adding to the document a timeline to break ground. Her concern is for the costs being based on 2024-25 and possibly increasing before groundbreaking. Replansky explained that there cannot be a timeline because the project cannot proceed without approval by the State Comptroller's office. Supervisor Kennan reiterated that the costs projected in the MP&R are "worst case" amounts. We have already obtained a two million dollar grant to reduce the cost. Any grants will benefit both the Town and the Village.

Attorney Replansky spoke about the application to the State Comptroller, which would include, among other documents: the petitions, Map, Plan & Report, and the Bond resolution that was passed on June 8th. He has consulted with financial advisors, and the Town Assessor. The financial advisors have indicated, based upon review of all documentation, that the proposed financing is reasonable under current market conditions.

RESOLUTION #412023

AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE AN INTERMUNICIPAL SEWER AGREEMENT BETWEEN THE VILLAGE OF MILLERTON AND TOWN OF NORTH EAST WITH REGARD TO THE CREATION OF A VILLAGE SEWER SYSTEM AND TOWN SEWER DISTRICT NO. 1

WHEREAS, the Village of Millerton and Town of North East have, over the past years, studied the desirability and ability to provide sewer services to the inhabitants of a portion of said municipalities; and

WHEREAS, Tighe & Bond Engineering and Landscape Architecture, P.C. ("Tighe & Bond"), a professional engineering firm licensed in the State of New York, has prepared a Map, Plan and Report entitled: "Village of Millerton Wasterwater Map, Plan and Report" dated November 2022 ("Village MP&R") regarding the proposed creation of a sewer system and has further prepared a MP&R entitled: "Town of North East Map, Plan and Report" dated December 2022 ("Town MP&R") regarding the proposed creation of a Town sewer district within the Boulevard District of the Town; and

WHEREAS, the Village and the Town are authorized by Village Law Article 14, Town Law Article 12 and Article 5G of the General Municipal Law to provide for the joint construction, operation, maintenance and financing of sewage collection and treatment systems as set forth in the foregoing MP&Rs; and

WHEREAS, certain components of the collection and treatment system required for the Village sewer system are proposed to be designed with a capacity to accept effluent from the Town's Sewer District No. 1 as provided in the Town's MP&R, at a cost to be allocated between the Town Sewer District No. 1 and the Village Sewer

System, and operation of certain components of the collection system of the Town Sewer District No. 1 are proposed to be operated by the Village at a cost thereof borne by the Town Sewer District No. 1; and

WHEREAS, the Village of Millerton and the Town of North East, through their respective legal counsel, have prepared an Intermunicipal Sewer Agreement (IMA), which provides, in relevant part, for the ownership and dedicated capacity of the respective sewer systems; project costs; project planning; right-of-way acquisition; project engineering; the construction of the sewer systems; the budgeting of project costs for construction; financing of the project improvements, as well as funding cooperation; operation and maintenance of the system; costs of operation and maintenance and allocation of such costs; usage fees and charges; creation of sewer regulations; provision of sewer services; step collection and component installations; and maintenance; billing of users; and such other provisions relating to the construction, financing and operation and maintenance of the system and the joint apportionment of responsibilities and sharing of costs of the same; and

WHEREAS, the IMA in final form has been reviewed and approved by the Town of North East Supervisor, the North East Town Board and the Attorney to the Town and has been determined to be acceptable in form and content and fair and reasonable to the Town of North East and property owners within the proposed Sewer District No. 1.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to execute the said Intermunicipal Sewer Agreement in the same, or subtantially same, form as submitted to the Town Board for its review and approval.

This motion was offered by Town Board member Lana Morrison and was seconded by Town Board member John Midwood.

MOTION: Councilwoman Morrison SECOND: Councilman Midwood

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

The Resolution was carried by a 5-0 vote of the Town Board members on July 13, 2023.

Consideration of Adoption of Resolution Establishing Sewer District No. 1 Attorney Replansky reads through the resolution.

RESOLUTION #422023

ESTABLISHING SEWER DISTRICT NO. 1

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; and

WHEREAS, annexed hereto as Exhibit "A" are the tax parcel numbers of the twenty-eight (28) properties which comprise the said proposed District and its

boundaries; and

WHEREAS, a map of the proposed District is also shown in the Map, Plan and Report dated December 2022 as Appendix A; and

WHEREAS, a Resolution was duly adopted by this Town Board on June 5, 2023 reciting the filing of said map, plan and report, the improvements proposed, the boundaries of the proposed district, the proposed method of financing, the fact that the Map, Plan and Report describing the same were on file in the Town Clerk's office for public inspection, and stating all other matters required by law to be stated, and specifying that on June 20, 2023 at 4:00 in the afternoon at North East Town Hall, 19 North Maple Avenue, Millerton, New York this Town Board would meet and consider said Map, Plan and Report, and hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law; and

WHEREAS, such Resolution was duly published and posted as required by law; and

WHEREAS, a hearing on said matter was duly held by said Town Board on June 20, 2023 at 4:00 in the afternoon at North East Town Hall, 19 North Maple Avenue, Millerton, New York, and all persons desiring to speak were heard, including those in favor of, and those opposed to, the proposed District; and

WHEREAS, the improvements proposed within the said Sewer District are to consist of a sanitary sewer collection system and related structures, including, but not necessarily limited to, original furnishings, equipment, machinery, apparatus, pipes, appurtenances, lands or rights in lands and incidental improvements and expenses in connection therewith to serve the District as more fully described in the said Map, Plan and Report; and

WHEREAS, the sewer collection system in the Town of North East 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 the said Map, Plan and Report; and

WHEREAS, the said Village and Town 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 Town of North East; and

WHEREAS, the Village of Millerton has been designated as lead agency for this project in accordance with the requirements of the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Village of Millerton has conducted a coordinated review of the environmental impacts of said project and has determined by Resolution dated January 23, 2023 that the proposed project will not result in any significant adverse impacts and, as a result, a Negative SEQRA Declaration was declared by the Village of Millerton; and

WHEREAS, the North East Town Board concurs with the SEQRA determination of the lead agency; and

WHEREAS, an application for permission to establish said Sewer District No. 1 with the office of the State Department of Audit and Control at Albany, New York, in accordance with Section 194 of the Town Law is required based upon the typical cost to the typical property in the first year of operation; and

NOW, THEREFORE, upon the evidence adduced at the public hearing and after due deliberation, it is

RESOLVED AND DETERMINED AS FOLLOWS:

Section 1. It is hereby determined that:

- a. The Petition was signed, and acknowledged or proved, or authenticated, as required by law and is otherwise sufficient;
- b. That the notice of hearing was published and posted as required by law, and is otherwise sufficient;
- c. That all property and property owners within the proposed district are benefited thereby;
- d. That all property and property owners benefited are included within the limits of the proposed district; and
 - e. That it is in the public interest to establish said district

Section 2. The establishment of the proposed district as set forth in said Map, Plan and Report, is hereby approved, as hereinafter described, subject to the approval of the State Comptroller, and said District shall be designated and known as Sewer District No. 1 in the Town of North East, and shall contain the parcels listed in Exhibit A.

Section 3. The maximum amount to be expended for the construction of the improvements for Sewer District No. 1 is \$2,955,000, 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.

Section 4. The Town Clerk is hereby authorized and directed to cause a certified copy of this Resolution to be duly recorded in the office of the Clerk of Dutchess County and filed in the office of the State Department of Audit and Control at Albany, New York, in the manner and within the time prescribed by Section 195(1) of the Town Law, being within ten days of adoption of this Resolution, said resolution being submitted to the State Department of Audit and Control, together with an application by this Town Board in duplicate for permission to establish such District as provided by subdivision 3 of Section 194 of the Town Law of the State of New York; and such application shall be executed by and on behalf of the Town Board by the Supervisor of the Town.

Section 5. This Resolution shall take effect immediately.

MOTION: Councilwoman Winkler SECOND: Councilwoman Morrison

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

The Resolution was carried by a 5-0 vote of the Town Board members on July 13, 2023

EXHIBIT A: THE FOLLOWING ARE THE TAX PARCEL NUMBERS FOR EACH PARCEL WITHIN THE DISTRICT

7271-00-658247-0000

7271-00-701220-0000

7271-00-715223-0000

7271-00-739225-0000	7271-00-682247-0000	7271-00-622253-0000
7271-00-775238-0000	7271-00-790279-0000	7271-00-534237-0000
7271-00-715245-0000	7271-00-809228-0000	7271 -00-578242-0000
7271-00-585220-0000	7271-00-591180-0000	7271-00-612237-0000
7271-00-524328-0000	7271-00-790170-0000	7271-00-632250-0000
7271-00-552232-0000	7271-00-596259-0000	7271-00-610232-0000
7271-00-623228-0000	7271-00-664222-0000	7271-00-769284-0000
7271-00-564263-0000	7271-00-738177-0000	7271-00-646248-0000
7271-00-650200-0000		

Resolution Authorizing Application for Grant Funding for Sewer Project

RESOLUTION #432023

AUTHORIZING THE TOWN SUPERVISOR, TOWN BOARD, ENGINEERING FIRM OF TIGHE & BOND ENGINEERING AND LANDSCAPING ARCHITECTURE, THE ATTORNEY TO THE TOWN AND ALL OTHER CONSULTANTS OF THE TOWN OF NORTH EAST TO EXECUTE AND FILE CERTAIN GRANT APPLICATIONS IN CONJUNCTION WITH THE FORMATION OF THE TOWN OF NORTH EAST SEWER DISTRICT NO. 1

WHEREAS, the Town of North East and the Village of Millerton are in the process of forming a sewer system and sewer district in the Village of Millerton and the Town of North East pursuant to a Village of Millerton Wastewater Map, Plan and Report dated November 2022 prepared by the engineering firm of Tighe & Bond, and a Town of North East Map, Plan and Report dated December 2022 also prepared by the engineering firm of Tighe & Bond; and

WHEREAS, the Village sewer system and the Town Sewer System No. 1 will be operated in conjunction with each other as described in the respective Maps, Plans and Reports; and

WHEREAS, the project costs for the new systems as described in the Map, Plan and Report is \$13,830,000; and

WHEREAS, the project costs for the Town of North East, as set forth in the Map, Plan and Report, is projected to be \$2,955,000; and

WHEREAS, the proposed project financing for the North East Sewer District No. 1, as set forth in Section 1 of the MP&R contemplates defraying of such costs through various grants as set forth in Section 4 of the MP&R.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Supervisor, Town Board, engineering firm of Tighe & Bond, the Town Attorney and all other consultants employed by and/or working with the Town of North East in conjunction with this project are hereby authorized to make application for the following grants: (i) Infrastructure, Investment and Jobs Act of 2021; (ii) NYSSEFC Clean Water State Revolving Fund Water Infrastructure Improvement Act; (iii) NYCDEC Water Quality Improvement Program; (iv) USDA Rural Development Community Facilities Grant; (v) Empire State Development; (vi) New York State Intermunicipal Water Infrastructure Grants Program (IMG); and (vii) all other grants and aid which may be available to the Town of North East, individually, and in conjunction with the Village of Millerton, with regard to the joint water project and to execute any application forms and any other documents which may be required to be submitted in conjunction with said applications.

This motion was offered by Town Board member John Midwood and was seconded by Town Board member Ralph Fedele.

MOTION: Councilman Midwood SECOND: Councilman Fedele

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

The Resolution was carried by a 5-0 vote of the Town Board members on July 13, 2023.

Related Resolutions with Regard to Sewer District Form

The Town Board must approve the application submitted to form a wastewater district in the Town of North East with the NY State Comptroller. Replansky anticipates that we will have the final draft of the application for review by the Town Board and for the Supervisor to sign at a Special meeting within ten days. He will draft a Resolution indicating that the Town Board approves the application and authorizes the filing with the State Comptroller's office. Also Attorney Replansky will have an "attorney's opinion letter".

Councilman Fedele made a motion to schedule a Special Meeting of the Town Board for July 24th at 11am. Councilwoman Winkler seconded the motion. Vote taken.

Ayes- 5 (Kennan, Morrison, Fedele, Midwood, Winkler) Nays- 0

The Town Clerk was given posting instructions.

Announcement of Municipal Land Use Process Analysis Grant

The Town has been awarded a grant from Dutchess County Planning and Development in the form of consulting time by the Pace University Land Use Center to conduct an analysis of the Town of North East's land use procedures. Edie Greenwood, Chair of the ZRC, shared that the goal of this project is to streamline the land development process in our community which will improve the predictability, efficiency, timeliness and equality in the implementation of local land development regulations. The first task will be to conduct an initial evaluation and analysis of existing land development process by reviewing local laws, website, forms, administrative processes and procedures, staff, consultants and board procedures and roles. They will analyze and help us standardize how we do things. A steering committee will be formed. The result will be a strategy and implementation report. Supervisor Kennan thanked Greenwood and said it was a great opportunity to coordinate between committees and Boards to the benefit of the Town.

Appointment of Dr. Kathleen Weathers to Town of North East Conservation Advisory Committee

We have a highly recognized scientist at the Cary Institute of Ecosystem Studies who is also a Town resident. Her background and knowledge will be very helpful to the CAC. A motion was made to appoint Dr. Weathers to the CAC by Councilman Midwood and seconded by Councilwoman Morrison. Votes taken.

Ayes- 5 (Kennan, Morrison, Fedele, Midwood, Winkler) Nays- 0

Proposal from NECC regarding Affordable Housing

The Board members were given a draft of a North East and Millerton Housing Partnership that would be created between the Town and the North East Community Center to assess what can be done with the affordable housing crisis in our community. The draft was instructive of the initial steps to establish a Housing Committee, with the purpose to complete an addendum to the Comprehensive Plan that acts as a Housing Element Plan. Councilwoman Winkler spoke about her excitement and history with housing issues. She said the NECC has the skill set to apply for grants and hoped we could ideally involve the Village. Councilman Fedele hopes we can work quickly and adjust the current zoning requirements. Councilwoman Morrison agreed and hoped the building parcels could be smaller and more affordable. Paul Bengtson, Community Program director of the NECC, said he was happy to hear any feedback.

Status of Habitat for Humanity of Dutchess County, Millerton site

Attorney Replansky said he had received news that Habitat for Humanity is ready to proceed and we will be setting up a closing date soon.

Public Comment Period

Andrew Stayman, Town resident, worried that a General Dollar store planned for the Boulevard might have a negative impact on a possible future grocery store. He also reported nasty potholes on Route 22, (two in the north bound lane), and wanted the State to be contacted.

Rich Stalzer, Chair of the CAC, thanks the Town Board for approving the appointment of Dr. Weathers to the Committee.

Supervisor's Report

RESOLUTION #442023 Budget Adjustment #5 of 2023

A Fund- expense increase of \$1,355, less a revenue increase of \$1,355 for a net change of \$0.

A motion was made by Councilwoman Morrison and seconded by Councilman Fedele to accept the budget adjustment #5 of 2023.

Ayes- 5 (Kennan, Morrison, Fedele, Midwood, Winkler)

Navs-0

The Budget adjustment was accepted.

RESOLUTION #452023 Special Abstract 6/26/2023

A special Abstract dated June 26, 2023 totaling \$11,701.66 broken down as follows:

A Fund \$2628.28 **DB Fund** \$9073.38

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

Ayes- 5 (Kennan, Morrison, Fedele, Midwood, Winkler)

Nays-0

The Special Abstract was accepted.

RESOLUTION #462023 Abstract dated July 13, 2023

Abstract dated July 13, 2023 totaling \$552,004.60 broken down as follows:

A Fund\$ 66,189.90B Fund\$ 305.10DB Fund\$ 41,162.51Capital Projects H1\$442,218.36T&A2 Escrow\$ 1,872.50Payroll T&A\$ 256.23

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

Ayes- 5 (Kennan, Morrison, Fedele, Midwood, Winkler)

Nays-0

The Abstract was accepted.

Voucher Committee for August: J. Midwood, L. Morrison

The Town Board Meeting Minutes of 6-05-23

They were distributed to the Board prior to the meeting. A motion was made by Councilwoman Winkler and seconded by Councilman Fedele to accept the Minutes of the Special Meeting on June 5, 2023.

Ayes- 5 (Kennan, Morrison, Fedele, Midwood, Winkler)

Nays-0

The Minutes were accepted.

The Town Board Meeting Minutes of 6-08-23 and 6-20-23

These were distributed to the Board for review prior to the meeting. A motion was made by Councilwoman Morrison and seconded by Councilwoman Winkler to accept the Town Board Regular Meeting Minutes of June 8 and the Town Board Special Meeting Minutes of June 20th.

Ayes- 5 (Kennan, Morrison, Fedele, Midwood, Winkler)

Nays-0

The two sets of Minutes were accepted.

Adjournment

A motion was made by Councilman Midwood and seconded by Councilwoman Morrison to adjourn. A vote was taken.

Ayes- 5 (Kennan, Morrison, Fedele, Midwood, Winkler)

Nays- 0

The meeting was adjourned at 8:39PM.

/s/: Elizabeth Strauss Town Clerk

Draft: 7/19/2023 Approved: 8/10/2023