

**Town of North East
Town Board
Special Meeting
July 24, 2023, 11:00 A.M.**

Call to Order, Pledge of Allegiance

Roll call

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

Board members were present, along with Town Attorney, Warren Replansky. Also in attendance: Christine Bates, on behalf of the Millerton News.

Acceptance of Agenda

Supervisor Comments

Thanks Replansky for his work. Replansky asks for questions from the Board. No questions.

AN APPLICATION OF THE TOWN OF NORTH EAST FOR PERMISSION OF THE STATE COMPTROLLER TO ESTABLISH SEWER DISTRICT NO. 1 IN THE TOWN OF NORTH EAST, DUTCHESS COUNTY, NEW YORK PURSUANT TO SECTION 194 OF THE TOWN LAW

Board members were given the application to review both before and during the meeting.

RESOLUTION #472023

APPROVING APPLICATION TO THE STATE COMPTROLLER'S OFFICE IN CONNECTION WITH THE PROPOSED ESTABLISHMENT OF SEWER DISTRICT NO. 1 IN THE TOWN OF NORTH EAST, DUTCHESS COUNTY, NEW YORK PURSUANT TO §194 OF THE TOWN LAW

WHEREAS, the Town of North East, Dutchess County, New York, by Resolution dated July 13, 2023 authorized the establishment of its Sewer District No. 1, a copy of which is annexed hereto; and

WHEREAS, said Resolution authorized and directed that an application be prepared and submitted to the State Department of Audit and Control for permission to establish such District, as provided by Subdivision 3 of §194 of the Town Law and that such application be executed by, and on behalf, of the Town Board by the Supervisor of the Town; and

WHEREAS, an application to the State Comptroller's office at the State Department of Audit and Control has been prepared by the Attorney to the Town with the assistance of the Town Clerk, the Town Business Office, the Town's financial advisor and the Town Assessor in accordance with said direction; and

WHEREAS, the Town Board has reviewed the said application and believes the content of the application to be accurate; that the Town Board has determined that the proposed Sewer District No. 1, for which permission is sought, is in the public interest and will not constitute an undue burden on the properties which will bear the cost thereof; and the improvements are to be assessed in whole against the benefitted area as described in the said Map, Plan and Report and that all real property to be assessed will be benefitted by the proposed improvements and that no benefitted property has been excluded pursuant to §2 NYCRR 85.3(b)(1).

NOW, THEREFORE, be it

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RESOLVED, that the Town Board hereby directs that said application be filed with the State Comptroller's office, Department of Audit and Control and that this Resolution shall take effect immediately.

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

MOTION: COUNCILMAN MIDWOOD

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 24, 2023.

Public Comment

Christine Bates, Reporter for the Millerton News, asked why we had to submit the application to the State Comptroller, and what happens next. Supervisor Kennan explained that State law requires it to be submitted, as the Comptroller oversees if it is affordable for the Town. We now wait for the Comptroller to review and approve it. Once approved, we can order the creation of the district. This step also meets the requirement to permit us to apply for grants which will ultimately reduce the project costs.

Adjourn

Motion made by Councilman Fedele and seconded by Councilwoman Winkler to adjourn. Votes taken.

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

Nays- 0

The meeting was adjourned at: 11:15am.

Respectfully submitted,

/s/: Elizabeth Strauss
Town Clerk

Approved 8/10/2023

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At a regular meeting of the Town Board of the Town of North East, in the County of Dutchess, New York, held at Town of North East Town Hall, 19 North Maple Avenue, Millerton, New York, on July 13, 2023

_____X

In the Matter of

**RESOLUTION #422023
ESTABLISHING
SEWER DISTRICT NO. 1**

**Establishment of Sewer District No. 1 in the
Town of North East, in the County of Dutchess,
New York**

_____X

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

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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

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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		