

Town of North East
Town Board
Regular Meeting
September 14, 2023, 7PM

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 Councilman Fedele and seconded by Councilwoman Morrison

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

Nays- 0

Supervisor Comments

The Covid case numbers are rising. Be alert and prudent. The Town Hall test kits supplied by the State through the County have completely expired.

The new Town Hall is still in the planning phase. No construction has started, but plans are being prepared to send out to bid. We are looking at grant options to do something with updating the heating and AC systems.

Good news! The Sharon Hospital Maternity Unit will not close. Nuvance, (the owner of Sharon Hospital), has been told by the State that they have to stay open. Nuvance has the option to appeal, but we are hopeful nothing will change as it was a very well-constructed decision made by the State. Nuvance is also seeking to close the ICU unit and replace it with a lower level of care unit. This is an important asset for our community. The State has not yet given an opinion. The Ten Mile River Collaborative is a group of Towns, local organizations, and individuals along the Webatuck Creek and Ten Mile River. It's a very important watershed that flows into Housatonic. The Housatonic Valley Association has been working on a "Ten Mile River Watershed Plan" for years. The Supervisor went to his first meeting years ago as a guest of George Kaye, then Supervisor, who had been attending those meetings. It's a thick document. Copies will be distributed to the Town Board members and hopefully at the next meeting we can adopt that plan. Dover has adopted it, and it is in front of the Amenia Town Board.

The Climate Smart Task Force has also presented a "Community Greenhouse Inventory and Climate Action Plan" that builds on what we have done with our Climate Smart work that led us to Bronze level certification. The proposed plan is a community one. The last one we did was municipal- that took into account our buildings, trucks, etc.

The community one will try to access what our community greenhouse gas emissions are. It will not be knocking on doors, but more a survey of questions pertaining to driving commuter times, the size of houses, etc. There is a series of steps we can do to improve efficiency, but nothing will be mandated. Only suggestions.

The New NBT bank will be hosting a community Shred Day on Saturday the 23rd.

On Tuesday September 19, Congressman Pat Ryan's mobile C.A.R.E.S. van with his staff will be at the Town Hall to help any constituent with government issues.

Tomorrow Friday September 15th there is a free Bluegrass in the Park event for the community from 5-7pm.

Department and Committee Reports

Highway- (Bob Stevens) The Department is working on drainage projects and helping pave oil and stone in other Towns. They will have the shared bucket in October. There is lots of activity at the New Highway garage facility. The HVAC and Electricians are inside. A lot is accomplished every day.

Assessor (Katherine Johnson)- No Report.

Town Clerk: Planning, Zoning, Building and Dog Control- Reports previously provided to the Board members.

Town Board Committee Activity

Councilwoman Winkler and Supervisor Kennan have been meeting with staff of the NECC to discuss building on the Housing Toolbox. The Supervisor asked for a motion to create a Town Board Housing Committee.

A Motion was made by Councilwoman Morrison and seconded by Councilman Midwood. Vote taken.

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

Nays- 0

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A Town Board Housing Committee is established with members Supervisor Kennan and Councilwoman Winkler.

The Cemetery Committee (Ralph Fedele) Between October 10 and 14th, the Dakin Obelisk at the Spencer's Corners Burying Grounds will be raised. People are invited to watch from the road. It will be the largest and most visible monument from the road. The SCBG Association is hoping to use the Dakin monument as inspiration for more fundraising which will go towards cleaning up the rest of the cemetery.

The Communications Committee (Meg Winkler) We have been updating the website and hope to add new images of the Highway Garage and Town Hall soon. The Town Clerk will update the hunting season schedule as a resource in case concerned residents hear gunshots.

Comment on Agenda items only

Sam Busselle, Town resident, thinks the Moratorium of the ZRC is a good idea. It will provide opportunity to get all the organizations, the Village and the Review Committee on the same page.

Public Hearing on Local Law #1 of 2023, permitting the Town to exceed the NY State tax cap (7:20pm)

Motion made by Councilwoman Winkler and seconded by Councilman Fedele to open the Public Hearing

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

Nays- 0

Public Hearing opens at 7:25

Bill Kish, Town of North East resident, would like it if the Local Law provided a number limit to what could be added above the Tax Levy limit.

Motion made by Councilman Fedele and seconded by Councilwoman Morrison to close the Public Hearing

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

Nays- 0

Public hearing closes at 7:28

Resolution to approve Local Law # 1, permitting the Town to exceed the NY State tax cap

RESOLUTION #542023

**ADOPTING A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT FOR
FISCAL YEAR 2024 PURSUANT TO GENERAL MUNICIPAL LAW §3-c AS
LOCAL LAW NO. 1 OF THE YEAR 2023**

WHEREAS, the Town Board determined that it may be necessary for the Town of North East to exceed the limit on the amount of real property taxes that may be levied by the Town of North East pursuant to General Municipal Law §3-c for fiscal year 2024; and

WHEREAS, the Town Board by Resolution dated August 10, 2023 accepted a proposed Local Law to override the tax levy limits for fiscal year 2024 pursuant to General Municipal Law §3-c for commencement of the Local Law adoption process; and

WHEREAS, the Town Board scheduled and duly noticed a public hearing on said Local Law to be held on September 14, 2023 at the Town of North East Town Hall; and

WHEREAS, the Town Board opened the public hearing and heard comments on said Local Law and closed the public hearing on September 14, 2023; and

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WHEREAS, the Town Board has determined that this action is a Type II action under SEQRA and does not require environmental reviews; and

WHEREAS, the Town Board has determined that it is in the best interests of the Town of North East to adopt this Local Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby adopts Local Law No. 1 of 2023 entitled “A Local Law to Override the Tax Levy Limit for the Fiscal Year 2024 Pursuant to General Municipal Law §3-c”; and it is further

RESOLVED, that the Town Clerk is hereby directed to file said Local Law in the Office of the Department of State, as required by law.

WHEREUPON, the above Resolution was offered by Town Board member Meg Winkler, and was seconded by Town Board member Lana Morrison and the vote was as follows:

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

This Resolution was declared duly adopted on 5-0, 2023.

Motion to fill a vacancy on Town of North East Zoning Board of Appeals

RESOLUTION #722023

RESOLVED, to appoint Jeffrey G. Stark to fill a vacancy on Town of North East Zoning Board of Appeals.

A Motion made by Councilwoman Morrison and seconded by Councilman Fedele to approve the appointment to the ZBA.

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

Nays- 0

Motion approved.

Motion to approve one day marriage officiant fee.

Request by the Town Clerk to approve the new Town fee for One-day Marriage Officiants

Motion made by Councilman Midwood and seconded by Councilwoman Winkler to approve the new fee.

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

Nays- 0

Request from Zoning Review Committee for a six-month moratorium on approval of new commercial projects on the Route 44 Boulevard

Town attorney Warren Replansky was asked to share his experience with moratoria. He said that to prohibit the processing of applications we would need a local law, a pre-advertised public hearing on the proposed local law. No SEQR needed. Not subject to a permissive referendum. Pine Plains recently enacted an 8 month moratorium to revisit a local law due to solar law contentiousness. The time frame is extendable and the moratorium can exempt projects that have been in the process to be approved.

If there is an application that is in front of the Planning board that seems the target of this initiative, the courts frown upon that and can challenge the moratorium. Replansky questioned how close the ZRC was to getting a law ready? How much more time do they need for committee work? After the Attorney codifies the results and drafts the local law, sends it to the Town Board, has it reviewed by Attorneys and SEQR and the Town Board holds a public hearing, is 6 months really appropriate?

Councilwoman Winkler asked where, outside the moratorium could the Town advise respective applicants that we are revising out zoning?

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Replansky said it would be wise to ask the ZRC for periodic updates at Town Board meetings. It would give the public at the meetings and in the minutes or coverage in the local newspaper enough to alert prospective developers.
Winkler asked if a statement at the top of the ZRC web page could be added.

Acceptance of Water District Benefit Assessment Roll and set date for Public Hearing

RESOLUTION #552023
ACCEPTANCE OF WATER DISTRICT BENEFIT ASSESSMENT ROLL AND
DATE SET FOR PUBLIC HEARING

RESOLVED, to accept the Water District Benefit Assessment Roll of 2023-2024 and set a public hearing on October 12 at 7:20 pm at the North East Town Hall in order to approve the Water District Benefit Assessment Roll.

Motion made by Councilwoman Morrison and seconded by Councilman Fedele

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

The Resolution was adopted on September 14th, with a Public Hearing set for October 12, 2023.

Resolution to approve contract with Dutchess County for removal of snow and ice on certain County roads

RESOLUTION #562023
RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE AN
INTERMUNICIPAL AGREEMENT FOR SNOW REMOVAL AND ICE
CONTROL SERVICES WITH THE COUNTY OF DUTCHESS

WHEREAS, Dutchess County has, for several years, contracted with the Town of North East for the control and removal of snow and ice from the County roads within the Town of North East; and

WHEREAS, the Town has appropriate snow and ice removal equipment and sufficient snow and ice control personnel and materials on hand to contract with the County for snow and ice removal control services of the County roads within the Town; and

WHEREAS, the Town Highway Superintendent has advised the Town Board that the contractual arrangements between the Town and County have been satisfactory; and

WHEREAS, the County has proposed an Intermunicipal Agreement for snow and ice removal for the period of one year commencing October 1, 2023 and expiring on September 30, 2024, which has been reviewed by the Town Highway Superintendent and the Attorney to the Town and has been found to be sufficient in form and content, except for the insertion of new indemnification provisions; and

WHEREAS, the County has agreed to modify the indemnification provisions so that the same are consistent with the indemnification provision provided in past contracts.

NOW, THEREFORE, be it

RESOLVED, that the Town Supervisor is hereby authorized to execute the Intermunicipal Agreement for Snow Removal and Ice Control Services between the Town and the County for the period of one year commencing on October 1, 2023 and ending on September 30, 2024 provided that the indemnification provisions are amended and reviewed and found to be satisfactory by the Attorney to the Town.

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This motion was offered by Town Board member Meg Winkler and was seconded by Town Board member Lana Morrison. Vote taken.

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 September 14, 2023.

Public Comments

Sam Busselle asked if there would be a vote on the moratorium. He was in favor of it.

Bill Kish spoke up to explain why the request for a moratorium was written. He said the ZRC had added more meetings to get the process done and he would like further discussion about adopting the moratorium as soon as possible.

Supervisor’s Report

RESOLUTION #572023
Budget Adjustment #7 of 2023

A Fund- General Town-wide an expense increase of \$3000 with an expense decrease of \$3000 for a net of \$0,
B Fund- General Town Outside an expense increase of \$3,335 less a revenue increase of \$3,335 for a net of \$0.

A motion was made to accept the Budget Adjustment by Councilwoman Morrison and seconded by Councilwoman Winkler. Vote taken.

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

The Budget adjustment was accepted.

RESOLUTION #582023
Special Abstract dated August 18, 2023 totaling \$834,316.18 broken down as follows:

A Fund	\$ 67,952.18
Capital Projects H1	\$766,364.00

Motion to accept the Special Abstract was made by Councilman Fedele and seconded by Councilman Midwood. Vote taken.

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

The Special Abstract was accepted.

RESOLUTION #592023
Special Abstract dated August 28, 2023, totaling \$11,717.19 broken down as follows:

A Fund	\$2,643.81
DB Fund	\$9,073.38

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

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

The Special Abstract was accepted.

RESOLUTION #602023
Abstract dated September 14, 2023

A Fund	\$ 56,640.75
B Fund	\$ 43,240.68

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DB Fund	\$199,933.28
Capital Projects H1	\$ 3,310.68
T&A2 Escrow	\$ 175.00
Payroll T&A	\$ 256.23

A motion was made to accept the Abstract by Councilwoman Morrison and seconded by Councilman Fedele. Vote taken.

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

Nays- 0

The Abstract was accepted.

Voucher Committee for October: Councilwoman Morrison and Councilman Midwood

Approval of Minutes from Meeting of 8/10/2023

Motion made by Councilman Midwood and seconded by Councilman Fedele to accept the minutes of the August 10 Town Board Meeting.

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

Nays- 0

The minutes were approved.

Adjournment

Motion made by Councilwoman Morrison and seconded by Councilwoman Winkler to adjourn the meeting

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

Nays- 0

Meeting adjourned at 8:06PM

/s/: Elizabeth Strauss, Town Clerk

APPROVED: 10/12/23

DRAFT: 09/21/2023