

Town of North East
Town Board Regular Meeting

The Town Hall
19 N. Maple Avenue, Millerton, New York
Thursday, September 12, 2024 at 7:00PM

Call to Order, Pledge of Allegiance

Roll call

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

Town Attorney Warren Replansky was seated at the table.

Acceptance of Agenda

Supervisor Kennan added a resolution to the Agenda requesting a water connection for Habitat for Humanity Dutchess County at 140 Rudd Pond Road, removing the Salt and Ice contract, and adding a Mortgage Satisfaction Resolution and an Executive session with legal counsel for purpose of discussing pending litigation.

Motion to accept the Agenda as amended made by Councilwoman Morrison and seconded by Councilman Mayville. Votes taken.

AYES- 5 (Kennan, Morrison, Fedele, Winkler, Mayville)
NAYS- 0

The Agenda, as amended, is accepted.

Supervisor Comments

We are in the Budget writing season, and so far the Supervisor has held two meetings with the Deputy Supervisor and the Budget Officer. There will be more meetings next week. One outstanding item is the EMS services contract that we hold with Amenia and Dover Plains. We are working to get an extension and will be meeting with all parties next week.

On Saturday from 10am-12pm there will be an Open House at the New Town Garage for members of the public. The facilities have been in use for a couple of months and this is an opportunity for the community to see the place for themselves.

The Millerton News is hosting an ice cream social September 27th at the Library Annex at 5:30 pm.

Habitat for Humanity of Dutchess County hosted a groundbreaking for the Town's pilot homebuilding project. The County Executive Serino, the County Comptroller Pulver, Assemblywoman Barrett and most of the Town Board were there. It was a good crowd. The Senate recently voted to approve \$3.2 million grant for wastewater treatment in the Town. This still has to be negotiated with the House of Representatives, but it is encouraging that it is in the Senate Budget. The Eddie Collins pool, with credit due to the Village Mayor, has been the other major news of promised finances.

The EPA has announced \$3 million that will be administered by Hudson Valley Regional Council for greenhouse gas reduction on landfills. As has been discussed at previous Town Board meetings, there is a significant amount of methane being emitted by our landfill. As a recipient of this grant, the newly developed technology in bio-filtration will mitigate these emissions. The Town of North East is recognized as being at the forefront of efforts to clean up and reduce greenhouse gas emissions.

Department and Committee Reports

- Highway: Bob Stevens, Highway Superintendent asks the Town Board to approve Section 2 (a) of the 284 Agreement. Section 1 was previously approved, so he asked for Section 2 (a).

AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS

AGREEMENT between the Town Superintendent of the Town of North East, Dutchess County, New York, and the undersigned members of the Town Board.

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

- 1. GENERAL REPAIRS.** The sum of \$240,000 shall be set aside to be expended for primary work and general repairs upon 34.23 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or renewals thereof.
- 2. PERMANENT IMPROVEMENTS.** The following sums shall be set aside to be expended for the permanent improvement of Town highways:
 - (a)** On the road commencing at Winchell Mt. Road and leading to Sawchuck Road, a distance of .7 mile, there shall be expended not over the sum of \$265,000. (Pulver Road)

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Type Hot Mix Asphalt
Width of traveled surface 20'
Thickness 3"
Subbase Gravel
Improve Drainage, Mill and Fill, T & L, Pave 2" Compacted, Install New Gravel Shoulders, Install Pavement Markings

Motion was made by Councilwoman Winkler and seconded by Councilman Mayville to accept the 284 Agreement. Roll Call.

SUPERVISOR KENNAN	Voted Aye
COUNCILWOMAN MORRISON	Voted Aye
COUNCILMAN FEDELE	Voted Aye
COUNCILWOMAN WINKLER	Voted Aye
COUNCILMAN MAYVILLE	Voted Aye

The Agreement was approved and signed by the Highway Superintendent, the Town Board Members, including the Town Supervisor. The Town Clerk will file a copy in her office and with the County Superintendent's Office.

A majority of the cost will be paid with NYS CHIPS money. The Highway crew hopes to start on the project next week.

The Highway Supervisor presented to the Town Board the results of **Material Bids for 2025** opened on August 29th at 10am. He asked the Town Board to accept the winning bids. Upon question by the Supervisor, Stevens stated that the Bids were actually very good. The stone products went up in cost but all else stayed the same.

RESOLUTION #552024

ACCEPTING HIGHWAY MATERIAL BIDS FOR 2025

A motion was made by Councilman Fedele and seconded by Councilman Mayville to accept the Material bids for 2025. Roll Call.

SUPERVISOR KENNAN	Voted Aye
COUNCILWOMAN MORRISON	Voted Aye
COUNCILMAN FEDELE	Voted Aye
COUNCILWOMAN WINKLER	Voted Aye
COUNCILMAN MAYVILLE	Voted Aye

- **Assessor:** No Report

- **Town Clerk: Planning, Zoning, Building and Dog Control-** Reports previously sent to the Town Board. The Town Clerk announced that NBT, the bank, is hosting a free shred day September 28 from 9am to noon. We currently have 19 boxes ready to be disposed of. With the usual limit of 4 boxes per car, the Town Clerk needs three more drivers that Saturday morning. Please her know, as soon as possible, in order to provide the release papers for each box.

Town Board Committee Activity

Cemetery- Councilman Fedele reported that Claire Goodman has sent an appeal letter and so far they have received \$5000 in donations. That is still under the amount needed by MCC. David Shapiro is working with George Beneke to create a Volunteer Day in October. They will soon be working on the front gates. There is a concern with liability and request that the Town look into it, since the Town is the legal owner.

Housing- Councilwoman Winkler reported that Habitat for Humanity of Dutchess County has started with a groundbreaking. They will need volunteers for October 3rd- inventory process. Information is on the Town website.

Comment on Agenda items only- none

Mortgage Satisfaction Resolution

The Supervisor explained that this was an old item pertaining to a Block Grant the Town received in 2005.

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RESOLUTION #562024

**AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE
A SATISFACTION OF MORTGAGE ENCUMBERING THE PROPERTY
LOCATED ON NORTH ELM AVENUE, MILLERTON, NEW YORK,
TAX NO. 133801-7271-18-277227-0000**

WHEREAS, the Town of North East in conjunction with a Grant Conditions Compliance Agreement by and among Millerton Overlook LP, Housing Resources Real Estate Holding Corp., the Town of North East and Housing Resources of Columbia County Inc. entered into Community Development Block Agreement dated May 11, 2004 between the Town of North East and Dutchess County; and

WHEREAS, in conjunction with that grant, the Town was provided with \$108,000 of funding to be provided to Housing Resources of Columbia County to be used in conjunction with an affordable housing project on the above-referenced property; and

WHEREAS, Housing Resources executed two mortgages in the amounts of \$100,000 and \$8,000 held by the Town of North East to secure the repayment of those funds in the event that Housing Resources defaulted in its obligation pursuant to the grant and the various agreements among the parties; and

WHEREAS, the two mortgages, pursuant to a Consolidation, Extension and Modification Agreement dated February 9, 2005 were consolidated to form a single lien in the amount of \$108,000; and

WHEREAS, the mortgages as consolidated were assigned to the Town of North East by Assignment of Mortgage dated February 9, 2005 and recorded in the Dutchess County Clerk's Office on December 14, 2005 as Document No. 01-2005-337A, all as described in the proposed Satisfaction of Mortgage annexed hereto; and

WHEREAS, the project was never completed by Housing Resources, but the Town was unable to foreclose on said mortgage because the said mortgages were subordinated to a larger first mortgage held by Enterprise Housing Financial Services in the amount of \$446,338; and

WHEREAS, Housing Resources is under contract to sell the property to North East Community Center Inc. and has agreed to satisfy the mortgage by payment of the said \$108,000 to Dutchess County, which will satisfy any obligation the Town has to Dutchess County pursuant to the said Grant Compliance Agreement and related documents; and

WHEREAS, arrangements have been made for the satisfaction of the \$108,000 lien at the time of closing of title by payment of \$108,000 directly to Dutchess County; and

WHEREAS, in order to facilitate the above-referenced transaction, the Town is required to execute a Satisfaction of Mortgage in the form annexed hereto; and

WHEREAS, the Town Board has determined that the Satisfaction of Mortgage and payment of the \$108,000 to Dutchess County will be in the best interests of the Town and its citizens.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to execute the Satisfaction of Mortgage in the same, or substantially similar, form as annexed hereto and to execute such other documentation which may be required to satisfy said mortgage as a matter of record..

This motion was offered by Town Board member Lana Morrison and was seconded by Town Board member Ralph Fedele.

MOTION: COUNCILWOMAN MORRISON
SECOND: COUNCILMAN FEDELE

SUPERVISOR KENNAN

Voted Aye

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COUNCILMAN FEDELE	Voted Aye
COUNCILMAN MAYVILLE	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 12, 2024.

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

RESOLUTION #572024

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

RESOLVED, to accept the Water District Benefit Assessment Roll of 2024-2025 and set a public hearing on October 10 at 7:20 pm at the North East Town Hall in order to approve the Water District Benefit Assessment Roll.

Motion made by Councilman Mayville and seconded by Councilwoman Morrison. Votes taken.

AYES- 5 (Kennan, Morrison, Fedele, Midwood, Winkler)
NAYS- 0

The Resolution was adopted on September 12th, with a Public Hearing set for October 10, 2024.

Resolution authorizing the connection for the property at 140 Rudd Pond Road/ Habitat for Humanity of Dutchess County to connect to Water District #1.

RESOLUTION #582024

AUTHORIZE CONNECTION TO WATER DISTRICT FOR 140 RUDD POND ROAD

RESOLVED, to authorize the connection for the property at 140 Rudd Pond Road to connect to the Water District #1.

A motion made by Councilwoman Winkler and seconded by Councilman Fedele. Votes taken.

AYES- 5 (KENNAN, MORRISON, FEDELE, WINKLER, MAYVILLE)
NAYS- 0

The Resolution was authorized by a 5-0 vote of the Town Board on September 12, 2024.

The Town Clerk will file the Resolution along with a letter of request to the Village of Millerton for their acceptance.

Public Hearing on Local Law #1 of 2024, permitting the Town to exceed the NY State tax cap (7:30pm): Motion was made by Councilwoman Winkler and seconded by Councilman Fedele to enter the Public Hearing. Votes taken.

AYES- 5 (Kennan, Morrison, Fedele, Winkler, Mayville)
NAYS- 0

The Public Hearing started at 7:35

No comments.

Motion was made by Councilman Mayville and seconded by Councilwoman Morrison to exit the Public Hearing. Votes taken.

AYES- 5 (Kennan, Morrison, Fedele, Winkler, Mayville)
NAYS- 0

The Public Hearing ended at 7:36

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Resolution to approve Local Law # 1, permitting the Town to exceed the NY State Tax Cap

RESOLUTION #592024

ADOPTING A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT FOR FISCAL YEAR 2025 PURSUANT TO GENERAL MUNICIPAL LAW §3-c AS LOCAL LAW NO. 1 OF THE YEAR 2024

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 2025; and

WHEREAS, the Town Board by Resolution dated August 8, 2024 accepted a proposed Local Law to override the tax levy limits for fiscal year 2025 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 12, 2024 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 12, 2024; and

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 2024 entitled “A Local Law to Override the Tax Levy Limit for the Fiscal Year 2025 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 Winkler, and was seconded by Town Board member Morrison and the vote was as follows:

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

This Resolution was declared duly adopted on September 12, 2024.

Resolution requesting NY State approval of speed reduction on Beilke and State Line Roads

The Supervisor reported that the Town is moving ahead with stencils for the Road, and the painting should take place next week. He passed around to Board members an example of signage for cautionary speed reduction and notification of pedestrians. Bob Stevens has been asked to look up the price and availability. A Resolution to reduce the speed is required to go to the State, after being sent to the County.

Councilman Mayville asked about the proposed striping from last month’s Board meeting discussions. The Supervisor said he was not sure about that anymore, after, many more discussions. One stand out argument against the striping is that a car could be closer in proximity to pedestrians at the side of the road.

Councilman Fedele said this was a real problem and that there have been at least 11 accidents. He approves stenciling the road but does not think striping is appropriate to the rural nature of the roadway.

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Supervisor Kennan said that most accidents in the Town are at that intersection. He has asked for a solar powered flashing sign, but the County only added a second sign. The cautionary signs and stenciled stop can be painted and installed without County approval. Councilwoman Winkler commended the Highway Department for clearing the sightlines at intersections by taking down vegetation.

RESOLUTION #602024

**REQUESTING THE NEW YORK STATE DEPARTMENT OF
TRANSPORTATION AND DUTCHESS COUNTY DEPARTMENT OF
PUBLIC WORKS TO LOWER THE SPEED LIMIT ON BEILKE ROAD
AND STATE LINE ROAD**

WHEREAS, Beilke Road is a Town road running from New York State Route 22 to Rudd Pond Road (CR 62); and

WHEREAS, State Line Road is a Town road running from Rudd Pond Road /CR62 to the New York/Connecticut border; and

WHEREAS, the Highway Superintendent and the Town Board have determined that the current speed limits on these roads (40 mph) are too high resulting in hazardous and dangerous conditions.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby requests that the New York State Department of Transportation lower the speed limit on Beilke Road and State Line Road from 40 mph to 30 mph; and be it further

RESOLVED, that the Town Clerk is hereby directed to send a copy of this Resolution, together with a TE-9a form to the Dutchess County Department of Public Works to initiate the process.

This motion was offered by Town Board member Fedele and was seconded by Town Board member Mayville.

MOTION: FEDELE
SECOND: MAYVILLE

SUPERVISOR KENNAN	Voted	AYE
COUNCILMAN FEDELE	Voted	AYE
COUNCILMAN MAYVILLE	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 12, 2024.

Presentation of Village Recreation Program

Crystal McCarthy, The Village of Millerton Recreation Director, shared a report with the Board about the Village's successful 2024 summer camp. She gave everybody credit that was involved in this process. Two of the biggest challenges were prepping the pavilion for the 48 campers, and not taking any debit or credit card payments. The cost for residents was \$100/ week per child, with the cost of field trips extra. There was a huge amount of support. The NECC provided lunches as well as eight scholarships for full time campers. Adopt-a-Family gave \$10,000 donation, of which half was used to help defray cost of the trips. Twelve kids from neighboring Towns participated. Campers participated on 12 field trips, two of which cost \$10 per child and the rest were either free or funded by the Village. There were three life guards hired throughout the camp season. The revenue from the program was over \$14,000. They had budgeted it to be \$12,500. Some payments are still outstanding. The Park continues to be used every day. Families come and end up eating at local restaurants. There are several early morning walkers and a group that does yoga under the pavilion. There are lunchtime picnics and often

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professionals with laptops can be seen enjoying the outdoors while at work. The Park is busy with private parties, community functions, sporting events, and concerts. There have been inquiries from the NECC for their Youth in Democracy event this fall. There is currently adult basketball, a youth basketball league, and a youth soccer league. There was a successful Latino Festival in May, and the Senior Center has brought people to watch the many sports games. People can also enjoy food trucks in the Park.

A question was asked about the potential of the new pool and McCarthy reported that 70% of the campers did not pass the swim test. They were not allowed in any water past their knees. They will “have to see” how next year’s program will work around the new pool construction. Councilman Mayville said it was amazing, and one of the most affordable camps in Dutchess County for those between 5-13 years of age.

Approval of a contract with Village of Millerton for Police Services in the Town

The Supervisor met with the Mayor and Deputy Mayor of the Village of Millerton concerning liabilities for the Village police officers when doing their job in the Town. The Town can provide coverage for the police.

On a motion by Councilman Mayville, seconded by Councilwoman Winkler, the request to postpone, pending additional information, was made. Mayville said he felt he needed more information.

APPROVED – AYES – 5 (Kennan, Morrison, Fedele, Winkler, Mayville)
NAYS – 0

The issue will be postponed until next month or a special scheduled meeting.

Public Comments

Supervisor Kennan read the guidelines for general comments and concerns, including the request for name and residence and limiting the comments to 5 minutes.

Tyler Graham, Town resident on Cooper Road, complained that the Town has not responded adequately to the unsafe conditions in his neighborhood. Referencing lawsuits from 2005-2018, his issue is with the Vitiello’s at 208 Cooper Road. He fears for his children’s safety because of their constant onslaught of rapid gun shooting, ATV trespassing, road digging, and more. He promised to show up at every Town meeting and event until something was done to evict the Vitiellos.

Milton Dean, also a Cooper Road resident, asked the Board for a response with some sort of plan. He thinks it a courtesy to let the neighborhood know. He noted that the 2018 NYS Supreme Court Decision was that no one is to inhabit that property. His wife is afraid to walk on the road because of gun shots.

Ed Covert, whose property the Vitiello’s trespass, said he has been shot at and has called the Sheriff. Just by their presence, the Vitiellos are breaking the law. He insists the Town Code Enforcer do his job.

Tyler Graham interjected that with this danger (to his kids), the Town could potentially be bankrupted under a wrongful death lawsuit.

Shelly Houis, resident of State Line Road, said she was grateful for efforts to make their road safer. The residents want to gather with further suggestions to share with the Board.

Wendy Hill, of Stateline Road asked about “No Thru Trucks signage” saying that those are posted on the CT end of the road.

Jim Cole, of State Line Rd, said he was disappointed in the delay of signing a contract with the Millerton Police. He thanked the Board for the resolution to reduce the speed limits but stressed that enforcement would be needed by the police. He asked if there was possibility of grant money to pay for a digital speed limit sign.

Jim DeNicolo, a State Line resident, suggested that Gay Road be added to the resolution passed by the Board to reduce speed limit.

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Supervisor's Report

RESOLUTION #612024

Budget Adjustment #7 of 2024

A Fund an expense increase of \$1,560 less and expense decrease of \$1,560 for a net of \$0. **B Fund** an expense increase of \$2000 less an expense decrease of \$2000 for a net of \$0. **DB Fund** an expense increase of \$215,000 less a revenue increase of \$215,000 (CHIP' Highway Aide) for a net change of \$0.

Motion made by Councilwoman Winkler and seconded by Councilman Fedele to approve the Budget Adjustment. Votes taken.

AYES- 5 (KENNAN, MORRISON, FEDELE, WINKLER, MAYVILLE)
NAYS- 0
The Budget Adjustment was approved

RESOLUTION #622024

Special Abstract dated August 26, 2024 totaling \$13,137.40

A Special abstract dated August 26, 2024 totaling \$13,137.40 broken down as follows:

A Fund	\$3,453.30
DB Fund	\$9,684.10

Motion to accept the Special Abstract was made by Councilwoman Morrison and seconded by Councilman Mayville. Votes taken.

AYES- 5 (KENNAN, MORRISON, FEDELE, WINKLER, MAYVILLE)
NAYS- 0

The Special Abstract was accepted.

RESOLUTION #632024

An Abstract dated September 12, 2024 totaling \$167,217.89

An Abstract dated September 12, 2024 totaling \$167,217.89 broken down as follows:

A Fund	\$ 44,956.55
B Fund	\$ 3,778.25
DB Fund	\$101,477.37
ARPA	\$ 16,432.25
T & A Escrow	\$ 315.00
Payroll T&A	\$ 258.47

Motion to accept the Abstract was made by Councilwoman Winkler and seconded by Councilwoman Morrison. Votes Taken.

AYES- 5 (KENNAN, MORRISON, FEDELE, WINKLER, MAYVILLE)
NAYS- 0

The Abstract was accepted.

Voucher Committee for October: Morrison, Mayville

Approval of Minutes from Meeting of 8/08/2024

Motion made to approve the minutes was made by Councilman Fedele and seconded by Councilwoman Winkler. Votes taken.

AYES- 5 (Kennan, Morrison, Fedele, Winkler, Mayville)
NAYS- 0

The Minutes of August 8th were approved.

Executive Session-Meeting with Counsel

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Motion made by Councilman Mayville and seconded by Councilman Fedele to enter Executive Session. Votes taken.

AYES- 5 (Kennan, Morrison, Fedele, Winkler, Mayville)

NAYS- 0

Motion made by Councilwoman Morrison and seconded by Councilman Fedele to exit Executive Session. Votes taken:

AYES- 5 (Kennan, Morrison, Fedele, Winkler, Mayville)

NAYS- 0

Adjournment

Motion made by Councilman Mayville and seconded by Councilwoman Morrison to adjourn. Votes taken.

AYES- 5 (Kennan, Morrison, Fedele, Winkler, Mayville)

NAYS- 0

Meeting was adjourned at 9:06pm

APPROVED: 10-10-24
Clerk

/s/: Elizabeth Strauss, Town