

**Town of North East
Millerton, New York
Town Board
November 14, 2024 at 7:00 P.M.**

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 requested the addition of three resolutions concerning a speed reduction on Route 22, a special meeting of the Board to finalize the 2025 Budget, and a letter regarding the Gun Club. He also asked for an Executive Session for the purpose of discuss pending litigation. Motion to accept the Agenda as amended made by Councilman Mayville and seconded by Councilwoman Morrison. Votes taken.

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

NAYS- 0

The Agenda, as amended, is accepted.

Supervisor Comments

The Zoning Review Committee (ZRC) has been meeting for four years to revise the zoning of the Boulevard. Edie Greenwood will give us an overview of the changes.

There is a public hearing tonight on the 2025 proposed Town budget.

Congratulations go to Chris Mayville on his election to the Town Board.

There is good news on a coming supermarket. A closing on the sale is scheduled for tomorrow on purchase of the property. The owner will need time to prepare and open, but this is great news for the Town.

A New York Statewide burn ban has been extended for the rest of November. Conditions are dry and windy.

Department and Committee Reports

- **Highway:** Bob Stevens, Highway Superintendent, reported that the crew has been working on trees, stump grinding, and enjoying the favorable weather. He had placed a surplus air compressor for sale at auction. \$1625 was the highest bid and he asked the Town Board to accept the bid.

RESOLUTION #742024

To accept the high bid on sale of 2018 NAPA 80 Gallon Industrial Air Compressor

Motion was made by Councilwoman Winkler to accept the bid thru International Auctions for the sale of the Town's 2018 NAPA 80 Gallon Industrial Air Compressor. Seconded by Councilman Fedele. Votes Taken.

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

NAYS- 0

The Motion was passed by a vote of 5-0 to accept the highest bid for sale.

- **Assessor:** Katherine Johnson, Town Assessor, reported that the 2024 roll has been filed, and there were no small claims or certiorari filed against it. Exemption applications are ready, and due March 1st. Johnson shared a report with the Board members regarding market analysis. Prices continue to rise steadily. Councilwoman Winkler asked about exemption application notifications. Johnson said the law was still in place and she expected the County to help us again with the postcards.

- **Town Clerk: Planning, Zoning, & Building Department-** Reports were previously sent to the Board. Hunting season officially opens this weekend. So far we have sold 134 licenses in the last 12 weeks. The Town Clerk also reported that she had filed an email complaint from David Decker from November 5th 11:22 am and 1:52 pm regarding gunfire at the Millerton Gun Club.

Town Board Committee Activity

- **Housing:** Councilwoman Winkler reported on the successful installation of the Habitat house last week. There are still volunteer opportunities on the website.

- **Buildings and Grounds:** Supervisor Kennan reported that the new Highway Garage is in full operation. The new Town Hall building, (the former Jehovah Witness building),

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has run into a little mold issue. We have sought contractors for remediation. Bids may be brought to the special Board meeting next week. There are ARPA funds available for this project.

- **Personnel:** No report

- **Cemetery:** Councilman Fedele reported that the Friends of Spencer's Corner's Burial Ground are working with Paul Beneke, Jim Campbell, and Dave Shapiro. Volunteers will be needed post-thaw next spring with the goal of straightening and raising 10 smaller headstones over two days. The Supervisor applauded the efforts.

Resolution regarding speed limit reduction on Rt 22.

Four years ago, the Town Board started this process for this site. Nothing happened. We raise this request again, especially with the new Highway Garage and heavy equipment turning in and exiting out off the state highway.

RESOLUTION #752024

**REQUESTING THE NEW YORK STATE DEPARTMENT OF
TRANSPORTATION AND DUTCHESS COUNTY DEPARTMENT OF
PUBLIC WORKS TO LOWER THE SPEED LIMIT ON ROUTE 22 FROM
SAWCHUCK ROAD TO THE VILLAGE OF MILLERTON LINE**

WHEREAS, NY State Route 22 is a State road going through the Town of North East, with a section from Sawchuck Road to the Village of Millerton that has seen increased traffic and dangerous intersections; and

WHEREAS, the Town of North East has recently constructed a new Town Highway Garage in this section of road, with heavy snowplows and other machinery entering onto and exiting from this section of Route 22; and

WHEREAS, the Highway Superintendent and the Town Board have determined that the current speed limit of 55mph on this portion of Route 22 is too high, resulting in hazardous and dangerous conditions; and

WHEREAS, on entering the Village of Millerton the speed limit suddenly drops to 30mph,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby requests that the New York State Department of Transportation lower the speed limit on NY State Route 22 between Sawchuck Road and the Village of Millerton from 55mph to 45mph; 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 Mayville and was seconded by Town Board Member Morrison.

MOTION: Councilman Mayville

SECOND: Councilwoman Morrison

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 November 14, 2024.

Resolution of Adoption of Pro-Housing Communities Pledge

This NY State initiative was discussed at the October Board meeting. It is meant to encourage communities to encourage the construction of more housing in their communities. By making this resolution the Town may have greater access to grants relevant to housing. We consulted Ms.

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Greenwood, chair of the ZRC, about this. She reported that it is completely congruent with the Zoning proposals.

**RESOLUTION #762024
ADOPTING THE PRO-HOUSING PLEDGE**

WHEREAS, the Town of North East (hereinafter “local government”) believes that the lack of housing for New York residents of all ages and income levels negatively impacts the future of New York State’s economic growth and community well-being; and

WHEREAS, the housing crisis has negative effects at regional and local levels, and whereas we believe that every community must do their part to contribute to housing growth and benefit from the positive impacts a healthy housing market brings to communities; and

WHEREAS, we believe that supporting housing production of all kinds in our community will bring multiple benefits, including increasing housing access and choices for current and future residents, providing integrated accessible housing options that meet the needs of people with sensory and mobility disabilities, bringing economic opportunities and vitality to our communities, and allowing workers at all levels to improve their quality of life through living closer to their employment opportunities; and

WHEREAS, we believe that evidence showing that infill development that reduces sprawl and supports walkable communities can have significant environmental and public health benefits; and

WHEREAS, we believe that affirmatively furthering fair housing and reducing segregation is not only required by law, but is essential for keeping our community strong and vibrant;

NOW, THEREFORE, IT IS HEREBY RESOLVED that Town of North East, in order to take positive steps to alleviate the housing crisis, adopts the Pro-Housing Communities pledge, which will have us endeavor to take the following important steps: 1. Streamlining permitting for multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing. 2. Adopting policies that affirmatively further fair housing. 3. Incorporating regional housing needs into planning decisions. 4. Increasing development capacity for residential uses. 5. Enacting policies that encourage a broad range of housing development, including multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing.

MOTION: Councilwoman Winkler

MOTION: Councilman Fedele

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

The Resolution was carried by a 5-0 vote of the Town Board members on November 14, 2024.

Presentation of 2023 Audit for Town Justice Court- This agenda item was moved to after the Public Hearing, and then, when the Supervisor stated that he had just this evening received papers from Judge Johnson, (nothing that changes the audit), the Board voted to postpone the topic to the Special meeting, scheduled November 19th, 5:30PM

Public Hearing on Town of North East 2024 Budget (7:30pm)

The Supervisor presented the proposed Budget at the October meeting and would like to propose the Town Board hold a Special meeting next week to discuss and adopt the 2025 Budget.

A motion was made by Councilwoman Morrison and seconded by Councilman Mayville to open the Public Hearing. Vote taken.

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

Nays- 0

Public Hearing opened at 7:35 PM.

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Public comment:

Sam Busselle, Town resident, asked if there were any additional funds in the Budget for housing. The Supervisor responded that, while there was no specific amount earmarked for housing, the ZRC's work is finished and the Town Board, with Council, will be looking to adopt new zoning changes to the Boulevard that do involve housing.

No other comments.

A motion was made by Councilman Mayville and seconded by Councilwoman Morrison to close the Public Hearing. Votes taken.

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

Nays- 0

Public Hearing closed at 7:37PM

Discussion followed:

While the Budget has already been presented to the Town, there has been ongoing negotiations with NDP to alleviate the large increase in the EMS service contract, of which the current contract is due to expire in December. With that in mind the Supervisor requested scheduling a Special meeting to give the Board time to review and adopt the 2025 Budget.

**RESOLUTION #772024
SET A SPECIAL MEETING TO ADOPT THE 2025 BUDGET**

Proposal to schedule a meeting for November 19 at 5:30PM at the Town Hall for the purpose of going through and adopting the 2025 Budget and any further matters that come before the Town Board. A motion was made by Councilwoman Morrison, and seconded by Councilwoman Winkler. Votes Taken.

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

Nays- 0

The motion was passed by a vote of 5-0. Town Clerk will post notices of the special Town Board Meeting.

Resolution of opposition to expansion of Iroquois Pipeline

The aim of this resolution is to urge the Governor not to permit the expansion of the Iroquois pipeline. Last month we had a presentation about it. Councilwoman Winkler said that the resolution doesn't actually stop anything, but it shows concern from our community. Supervisor Kennan added that it is consistent with our commitment to a healthier environment, especially as an awarded Bronze Climate Smart Community.

**RESOLUTION #782024
URGING THE GOVERNOR OF NEW YORK TO DENY
THE IROQUOIS PIPELINE EXPANSION**

WHEREAS, the proposed expansion of the 30-year old Iroquois natural gas pipeline will significantly increase the fracked gas volume, escalating environmental and health risks in the Hudson Valley; and

WHEREAS, emissions from compressor stations release pollutants like nitrogen oxide and the carcinogen benzene, proven to cause serious health threats, thus violating New Yorkers' right to a clean and healthy environment under the Green Amendment; and

WHEREAS, historical data documents that natural gas pipeline infrastructure, including compressor stations, pose significant safety hazards, evidenced by frequent incidents of leaks, explosions, and resultant fatalities and environmental damage; and

WHEREAS, the pipeline's expansion is in direct conflict with New York's Climate Leadership and Community Protection Act (CLCPA) statutory goals, fostering continued reliance on fossil fuels and undermining the state's statutorily required transition to a sustainable and renewable energy future; and

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WHEREAS, Governor Hochul has the responsibility and authority to protect New York’s environment and public health and to ensure the full implementation of the CLCPA, with the power to deny this expansion as it is in direct conflict with the state law and thus the state’s environmental and health priorities.

NOW, THEREFORE, be it

RESOLVED, that the Town of North East Town Board calls on Governor Hochul to immediately deny the permit for the Iroquois natural gas pipeline expansion, thereby upholding New York’s CLCPA and the state’s environmental standards and commitment to a sustainable future; and be it further

RESOLVED, that the Town Clerk is directed to send a copy of this Resolution to U.S. Senator Kirsten Gillibrand; U.S. Senator Charles Schumer, U.S. Congressman Pat Ryan, Governor Kathy Hochul, State Senator Michelle Hinchey, State Assemblymember Sarahana Shrestha, NYS Senate Majority Leader Andrea Stewart Cousins, NYS Assembly Speaker Carl Heastie, County Executive Jen Metzger, Ulster County Legislative Chair Peter Criswell, Ulster County Legislator Abe Uchitelle, Ulster County Legislator Greg McCullough and Ulster County Legislator Joseph Donaldson

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

MOTION: Councilman Mayville

SECOND: Councilwoman Morrison

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 November 14, 2024.

Gun Club Resolution

Supervisor Kennan shared a letter from the Village of Millerton with Town Board members, concerning complaints regarding the noise at the Gun Club, which is in the Town. He has met with the management on multiple occasions to ask for limited hours of gunfire. In addition, there is concern that shooting goes on without apparent supervision. The Village of Millerton has formally asked us to intercede with the Gun Club, which is an entity started before zoning was in place. The Supervisor has drafted a letter asking for a meeting to discuss the several requests. This proposed resolution outlines the requests and authorizes the Supervisor to send a letter from the Town Board.

Warren Replansky, Town Attorney, explained that even an entity that precedes zoning can be addressed if the “non-conforming use” has exceeded its original form. A municipality has legislative power to control “nonconforming entities,” especially if they have grown larger. There was a Gun Club in Rhinebeck he worked with, and they highlighted a provision that exists to prohibit a “nonconforming entity” to expand into a nuisance. The best option is to have the Gun Club voluntarily make changes to operate in a neighborly way.

RESOLUTION #792024

**AUTHORIZING THE SUPERVISOR TO SEND A LETTER TO THE
MILLERTON GUN CLUB REGARDING THE MITIGATION OF NOISE
STEMMING FROM THE GUN CLUB ACTIVITIES**

WHEREAS, the Millerton Gun Club, located at 12 Gun Club Road, in Millerton, New York, has been in operation for many years and claims the status of a “nonconforming use” under the Town’s Zoning Law; and

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WHEREAS, the Town Board has received numerous complaints from property owners and residents of both the Town and Village of Millerton concerning the increase in the volume and nature of the Gun Club’s activities, which have substantially increased from the time of the Gun Club’s establishment; and

WHEREAS, the Town Board has attempted, without success, to engage the Gun Club in a cooperative dialogue to address the complaints of the community regarding the noise and other disturbances from the Gun Club’s operation; and

WHEREAS, the Town Board has received a letter from the Village of Millerton imploring the Town to take action to address these noise issues by having the Gun Club voluntarily agree to certain limitations on the Gun Club’s operations and activities; and

WHEREAS, the Town Supervisor has drafted a letter that he proposes to send to the Millerton Gun Club, which has been reviewed and approved by the Town Board.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to send the annexed letter to the Millerton Gun Club in the same, or substantially similar, form as annexed hereto.

This motion was offered by Town Board member Winkler and was seconded by Town Board member Morrison.

MOTION: Councilwoman Winkler

SECOND: Councilwoman Morrison

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

The resolution passed with a 5-0 vote. The annexed letter will be included as a last page of the 11-14-2024 Meeting Minutes.

Zoning Review Committee (ZRC) presentation

The Supervisor invited ZRC chair, Edie Greenwood, to join the Town Board at the table. He applauded the staggering number of meetings held by the committee made entirely of volunteer members. They have met on 90 occasions to discuss the Commercial districts of the Town to update, modernize and revise the code. The Town appreciates the work and thanks members of the committee: Edie Greenwood, Dale Culver, Julie Schroeder, Ed Downey, Bill Kish, and Dave Sherman.

Ms. Greenwood shared a draft copy (154 pages), of the proposed draft code, a ledger of changes and how they correlate to the current zoning code, and a simplified report outlining significant recommendations and next steps in the approval process.

Greenwood reiterated that the Comprehensive Plan, adopted in 2019, is a visionary document of where the Town wants to go. The ZRC, with Will Agresta as professional consultant, worked to incorporate those concepts into the code. They focused on the Commercial districts and did not take a deep look into the Residential or Land Conservation districts, though they did address sections that affected all the districts. After distributing the draft copy of the code, Greenwood had the Board members look at the draft map pointing out there were no changes proposed to the outer boundaries of each commercial district.

The ZRC first met in the beginning of 2021 and started by crafting “purpose statements” that outlined the vision of each district. The Committee reviewed Permitted Uses, Bulk Standards, and put the narrative standards outlined in the current code into a chart format to make the code much more accessible to users. A priority was to bring housing into the Commercial areas due to current needs and interest. The Committee also spent months on definitions. There are 30 pages of additional and updated definitions. There were design standards developed for parking, landscaping, lighting, and signage that have been incorporated in the draft code. A significant change in this draft is to move the responsibility of issuing Special Permits from the Zoning Board to the Planning Board.

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Ms Greenwood ended her presentation by reminding the Board that there is still a lot of work to be done and that this zoning review is only 60% done. She offered to meet in person with the Board as they move to adopt the code, and pointed out that the document gives discretion to the Planning Board with vocabulary such as “may” vs. “shall”. She also noted that the Comprehensive Plan should be reviewed every 5-10 years and pointed out that it is time to think about revisiting the Plan.

Public Comments

Bob Trotta, Town resident, suggested that the current membership at the Gun Club might reflect major differences from the origins of the organization. He also commented that any building height restriction could hamper a proposed Tennis Court facility along Boulevard East. He thanks Edie Greenwood and her group for over 4 years of amazing work.

Sam Busselle, Town resident, offered that he thought the Town should engage a Planner to look at the ZRC draft document, particularly to address housing visions. He regrets delays.

Ed Covert, Town resident, thanked Highway Superintendent Bob Stevens for reading through some FOILED documents. He shared documents from 2015 with Town Board members.

Jim Cole, Town resident and representative of Friends of State Line Road, asked what steps are next for the requested speed limit reduction on State Line Road, hoping to keep it on the agenda. He also would like the Town to acquire a digital speed reduction sign.

Supervisor’s Report

- Budget Adjustment

**RESOLUTION #802024
Budget Adjustment #9 of 2024**

A Fund- An expense increase of \$4,210, less an expense decrease of \$4,210 for a net change of \$00

B Fund- An expense increase of \$5,102, less an expense decrease of \$5,102 for a net change of \$00

DB Fund- An expense increase of \$1,467, less a revenue increase of \$1,467 for a net change of \$00

Water District SW1- An expense increase of \$17, less an expense decrease of \$17 for a net change of \$00

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

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

NAYS- 0

The Budget Adjustment was approved

- Monthly Bills Special Abstracts

**RESOLUTION #812024
Special Abstract dated October 22 totaling \$13,084.05**

A Special abstract dated October 22, 2024 totaling \$13,084.05 broken down as follows:

A Fund- \$3,399.95

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.

- Monthly Bills Abstract

**RESOLUTION # 822024
An Abstract dated November 14, 2024 totaling \$342,338.55**

An Abstract dated November 14, 2024 totaling \$342,338.55 broken down as follows:

A Fund \$ 49,903.49

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B Fund	\$ 12,377.50
DB Fund	\$ 279,542.58
Water District SW1	\$ 64.01
T&A2 Escrow	\$ 192.50
Payroll T&A	\$ 258.47

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

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

The Abstract was accepted.

Voucher Committee for December: Morrison, Mayville

Approval of Minutes from Meeting of 10/10/24

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

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

The Minutes of October 10, 2024 were approved.

Executive Session

Motion made by Councilman Mayville and seconded by Councilman Fedele to enter Executive Session for the purpose of discussing pending litigation. Votes taken.

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

Entered Executive session at 8:45 PM

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

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

Meeting was adjourned at 9:21 PM

Respectfully submitted,

/s/: Elizabeth Strauss
Town Clerk

DRAFT: 11/18/2024
APPROVED: 12/12/2024