

May 12, 2015 Town Board Meeting

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Schultzville, NY

The Clinton Town Board held their Regular Town Board meeting on this day in the Town Hall. Present were Supervisor Ray Oberly and Council people Claudia Cooley, Dean Michael, and Mike Appolonia. Frank Venezia was absent. Also present was Town Clerk Carol-Jean Mackin. There were three people in the audience.

Supervisor Oberly called the meeting to order at 6:30 PM and led the Pledge of Allegiance.

### **APPROVE MINUTES**

MM Supervisor Oberly, 2nd Councilman Appolonia to approve the minutes of the April 14, 2015 Town Board meeting. All aye except Councilman Venezia who was absent. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the April 23, 2015 special Town Board meeting. All aye except Councilman Venezia who was absent. Motion carried.

### **PUBLIC DISCUSSION**

None.

### **SUPERVISOR'S COMMENTS**

The Town submitted their Government Efficiency Plan to Dutchess County for consolidation with the other County local governments. This plan is required by NYS as part of the 2% Tax Cap Law to allow the residents to get a rebate check for any tax increases. The Efficiency Plan applies only to 2017, 2018, and 2019 Budgets unless changes are made this year when the Tax Cap Law is up for renewal with the NYC rent control law. For the Town residents, they will only receive a tax rebate of less than \$20 for the Town staying under the tax cap.

About 800 assessment increase letters were sent out at the end of April 2015. The remaining parcels either had their assessments reduced or they stayed the same. Information on the Grievance Day process will be placed on the Town's web page. It provides links to a booklet on the process and instructions and forms for the submission of a grievance. For your grievance to be heard by the Board of Assessment Review (BAR), you must have your forms submitted to the Assessor before the end of the Grievance Day meeting on May 27, 2015.

The Town received a \$10,000 grant from the Greenway for the costs of the in-process Zoning Revision. The contract papers have been signed and returned to complete the grant application process.

Outdoor burning starts on May 15 but with the exceptionally dry weather conditions, it is recommended that no burning be done until we have several days of a good rain.

### **REPORTS**

#### **\*PLANNING BOARD**

Councilman Michael read from the minutes, which are on file in the Town Clerk's office.

**\*ZONING BOARD OF APPEALS**

Supervisor Oberly read from the minutes, which are on file in the Town Clerk's office.

**\*CONSERVATION ADVISORY COMMITTEE**

Supervisor Oberly read from the report which is on file in the Town Clerk's office.

**\*RECREATION COMMITTEE**

Councilwoman Cooley reported on the camp. May 23rd the pond opens for swimming. The baseball teams are in full swing. Going to try to preempt the sand bees this year at the Rec Park.

**\*BUILDING INSPECTOR**

Councilman Appolonia read from the report which is on file in the Town Clerk's office.

**\*ZONING ADMINISTRATOR**

Councilman Appolonia read from the report which is on file in the Town Clerk's office.

**\*HIGHWAY**

Councilwoman Cooley read from the report which is on file in the Town Clerk's office.

**\*SCENIC AND HISTORIC ROADS ADVISORY COMMITTEE**

Councilman Michael Roadside cleanup was April 18<sup>th</sup>.

**\*LIBRARY REPORT**

Claudia Cooley announced a May 29 blood Drive at the Youth Center honoring the 50<sup>th</sup> anniversary of the Clinton Community Library. There will be a Library Camp during the Town's two week break.

**\*CABLEVISION**

Councilman Appolonia said the equipment has been received, we are arranging with Cablevision to have their technicians meet with us.

**\*ZONING REVISION**

Councilman Michael said the Zoning Review Committee (ZRC)'s met. A draft local law for the solar issue was sent by Neil. He will review it.

**\*PROPOSED TRANSMISSION LINES**

The workshop will follow this meeting.

**\*OTHER**

none

## **OLD BUSINESS**

### **1. Status of Annual Audit of Town Funds – (Oberly)**

**Cooley-** Court one Clerk to do

**Michael** – finished the Town Clerk audit and sent it to the Supervisor's secretary on March 11.

**Appolonia-** Tax Collector to be done

**Venezia** - Supervisor/Budget Officer to be done

### **2. Status of Central Hudson Poles moving on Schultzville Rd - Appolonia**

Mike Appolonia said there are 4 roads of note affected. Received many concerns from people on Schultzville Road which has been devastated in some parts with the taking down of mature, choice trees. Asked Zoning Officer Fennel to pursue a stop work order. The Town Attorney said Central Hudson has some rights, including improving the facility. Councilman Appolonia said they should have come before the town and made application, which they did not do.

### **3. Approve Stipulation for Strauss**

MM Supervisor Oberly, 2<sup>nd</sup> Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 23 of 2015** authorizing the attorneys for the Town of Clinton, Cappillino & Rothschild, LLP, to enter into a Consent Judgment with the attorney for petitioners, Karen E. Hagstrom, Esq., the terms of which are set forth in the attached Judgment Index Number 2014/50539 and hereby authorizes the attorneys for the Town of Clinton, Cappillino & Rothschild, LLP to sign said Judgment on behalf of the Town of Clinton. **Roll call vote: Oberly: Aye, Appolonia: Aye, Michael: Aye, Cooley: Aye, Venezia: Absent. Motion carried.**

### **4. Status of Solar Moratorium**

Dean Michael said the moratorium is in effect and hoping for a draft law by June. A public hearing the following month with a law before September. If you want a solar panel now during the moratorium, come before the Town Board and follow the process for a variance.

### **5. Status of the Shapp Dam on Hibernia Road - Venezia**

Delay as Councilman Venezia is absent.

## **NEW BUSINESS**

### **1. Approve lawn mowing Providence Cemetery – Oberly – NO MOTION**

Dean Michael feels if it is an operating cemetery then the town should not take care of it. Sally Graybill, the president of both cemeteries said the membership is dwindling. They have permanent maintenance account money and they are only allowed to spend the interest, about \$40.00; they can not touch the principle. Dean feels that the cemetery is a business; it is not the Town's property. Sally said State law says if the Cemetery Board can't afford to run the cemetery it will have to be taken over by the Town. Councilman Appolonia questioned why only use interest money for maintenance. Sally said it is State law. Carolyn Cookingham, a Board member, explained some history of the cemetery and how many plots exist but the owners are not local or all have passed. She explained the process to identify unused plots to potentially sell them which is expensive and cumbersome. Otherwise there are about 50 plots to sell. Dean wants more discussion on the issue. Feels if the Town gets involved it should take it over. Ray wants to know what more information Dean is looking for. Dean said he just saw this item and he is not ready to decide without more research and thought.

### **2. Discussion on exchange of household items at recycling center – Oberly**

Joel Tyner addressed the Town Board. No proposal tonight. Asks for volunteers to man the transfer station to collect items that can be recycled. Ray Oberly said he talked to NYMIR, our Town's insurance carrier and they are looking into coverage. Hold for the future.

### **3. Solarize - any Town leader- Oberly**

Supervisor Oberly said the county is looking to towns to participate to encourage having homes and small businesses use solar panels. He is looking for a point person to do PR and outreach of the program, it could be a Board member or a Town resident. The County is creating a list of solar panel installers and vendors and financing possibilities. Call Ray if interested in being the point person.

### **4. Purchase of computers – Oberly**

Supervisor Oberly explained the need for the new computers. The Supervisor's Secretary's computer can no longer scan the checks. The Supervisor's computer has Microsoft xp and he can't view webinars. The need also includes replacing the Assessor's laptop and the tax collector's laptop should be upgraded to use the check scanner also. Supervisor Oberly reviewed the recent history of upgrading and replacing the computer server; our computer consultant Fred said that the \$5000 budget is not big enough to fully replace the server and upgrade computers. Dean said that Ray is the one that said we needed the server, and that Microsoft xp can be upgraded to use the new software. Dean will call Fred and follow up to see if Fred can get the computers to upgrade for our current software and hardware.

**5. Approve lifeguards, gate guards and Maintenance – Oberly**

MM Supervisor Oberly, 2<sup>nd</sup> Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 24 of 2015** appointing the summer employees: lifeguards, gate guards and maintenance man at the rates and terms of offices listed. All aye except Councilman Venezia who was absent. Motion carried.

**6. Stop Neopost and start Stamps.com start 6-30-15 – Oberly**

Supervisor Oberly said we have Neopost for \$600 per year and we are using stamps .com simultaneously for about \$150 per year during the transition. We have found that Stamps. Com is labor intensive for us. So we decided to use regular stamps and we will discontinue both.

MM Supervisor Oberly, 2<sup>nd</sup> Councilman Michael to stop Neopost and stamps.com by June 30 2015 and use postage stamps. All aye except Councilman Venezia who was absent. Motion carried.

**7. Fran Mark basketball court location - Cooley**

Councilwoman Cooley explained she met with Town Engineer and explained she spoke with Dan Harkenrider who thinks the basketball court would be a great addition to the Park. She presented an overview to the Board, but she said the cost was shocking to her. The Total estimate is about \$50,000. Wants feedback from the Board members. Mike Appolonia asked about lights, Town Clerk Mackin said the park closes at dusk. Ray mentioned the other Rec projects that have existed including Friends Park tennis courts, basket ball courts, and walking path. Claudia said Fran Mark is a more-used park. Dean suggested not having a fence around the court as that would cut the cost by 25%. Ray said he prefers location one by the playground, wants to know the plan concerning the need to be cautious about sledding and the possibility of kids running into the fence. Dean also sees a maintenance issue with the snow melt running down the hill and causing heaving. Ray said it is a good spot for the electricity and the lights could be oriented there. Follow up in June.

**OTHER**

1. Mike Appolonia addressed the Shapp Dam issue. Called the DEC and asked them why not rebuild the dam; they do not consider rebuilding any dams, they deteriorate the natural environment and the natural waterway. It would be the homeowner's responsibility to rebuild it. Wants to research possibly saving and restoring the dam.

2. Central Hudson offer to put led lights in our town. Mike called and they don't have the money or authority to fully do this just yet. Mike will meet with a rep to see which lights can be switched.

## **2. Approval of Warrants**

MM Councilman Michael, 2nd Councilman Cooley to approve the following resolution BE IT RESOLVED that the Town Board approves the May General Fund Warrant, vouchers numbered 142 through 187, totaling \$ 41,035.61 and the May Highway Fund Warrant, vouchers numbered 129 through 157A, totaling \$ 30,853.23, and the may Capital Project warrant number 1 only totaling \$385.50. All aye except Councilman Venezia who was absent. Motion carried.

## **3. Supervisor's Report**

MM Supervisor Oberly, 2<sup>nd</sup> Councilman Appolonia that the Town Board approves the 2015 April Supervisor's Report. All aye except Councilman Venezia who was absent. Motion carried.

## **PUBLIC DISCUSSION**

MM Supervisor Oberly, 2<sup>nd</sup> Councilman Appolonia to open the meeting to public discussion. All aye except Councilman Venezia who was absent. Motion carried.

Joe Rebholz- questioned whether the solar moratorium is to control residential or commercial. Dean explained that it is for all solar in Town.

Andy Cooley – reminded citizens that tomorrow is the monthly meeting of the East Clinton fire department. Explained the sheriff's department will be there. The Board of Commissioners will not let people speak; they have to give questions in writing. Urges people to be there at 7:30 PM at the East Clinton Firehouse.

Joel Tyner – discussed reopening the Taconic State parkway median crossing at 9 Partners Rd. and Pumpkin Lane prompted by Gary Stokes of Schultzville Store. Received a lot of feedback that people agree with opening them up. Appolonia discussed the history of the at-grade closings and we are the only town on the parkway with all at grade crossings closed. Councilman Appolonia explained that we have a court order that closed them and he feels that is solid. Joel will hold a May 20 forum on the subject here. Also commented on: Repair café in Rhinebeck. Talked about the solarize program; he got a resolution passed to help solarize for free retrofits through a sustainable energy loan fund.

## **ADJOURNMENT**

MM Supervisor Oberly, 2nd Councilwoman Cooley that the Town Board adjourns the meeting. All aye except Councilman Venezia who was absent. Motion carried. The meeting was adjourned at 8:00 PM.

Respectfully Submitted,

Carol-Jean Mackin,  
Town Clerk