

July 14, 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 Dean Michael, and Mike Appolonia, Claudia Cooley and Frank Venezia. Also present was Town Clerk Carol-Jean Mackin. There were four 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 approve the minutes of the June 9, 2015 Town Board meeting. All aye. Motion carried.

PUBLIC DISCUSSION

None.

SUPERVISOR'S COMMENTS

1. The Poughkeepsie Dutchess County Transportation Council (PDCTC) has developed a Transportation Survey that all residents are requested to complete. It will be use to provide direction to the roads, bridges, bus routes, and other infrastructure items. The completed forms are due by September 8, 2015. The printed form is available in the Clinton Library, the Town Clerk's Office, and the Town Hall. The survey is available on their web page and will be linked on the Town's web page.
2. A reminder, the Clinton Senior Citizen Picnic is tomorrow at the Fran Mark Rec Park at noon, rain or shine.
3. We have been working on the Dutchess County Hazard Mitigation Plan to reduce flooding damage, road washouts, snow blockage of roads, etc. After the plan is completed we will be able to propose projects, both Town and private, to get FEMA Funds to mitigate the hazards. Later, we will apply to get a reduction in the flood insurance rates for the Town when mandatory processes have been implemented.
4. Thanks are given to the Nine Partners Lions Club for the placement of five new memorial bricks in front of the front stairs of the Town Hall. In particular, these Lions members President Frank Crimmins and Ray Rivard did the actual work.
5. Next week, the Town's 2016 Budget process will begin. If you have any ideas for projects or how to save funds, please let the Town Board members, Highway Department, and other Town Departments know and include a description and how much money is involved.
6. Community Blood Drive Friday, August 7 from 3:00 to 7:30 PM at the Clinton Alliance Church Youth Center. There is dire shortage of blood at this time so any donation will be helpful. To register for a donation, call the Library at 845-266-5530. For eligibility information, call 1-800-688-0900.

REPORTS

***PLANNING BOARD**

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

***ZONING BOARD OF APPEALS**

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

***CONSERVATION ADVISORY COMMITTEE**

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

***RECREATION COMMITTEE**

Councilwoman Cooley said camp is doing well. There is still room in the last two weeks. She thanked Katherine and the Town Clerk staff for their help. She discussed the work needed to be done at Friends Park; it is estimated to cost \$55,000 to rebuild the tennis court and \$17,000 each to refurbish the basketball courts. In Fran Mark, the cost of building the basketball court is about \$45,000. The Town Engineer will do a walk through at Friends Park Wednesday morning. An informal review of residents show the neighbors to each park want to see an upgrade in their neighborhood park. Claudia reviewed a number of strategies to go forward with developing the parks. Frank and Claudia agree the tennis courts are in a state of disrepair so it is hard to tell how much use they get. Supervisor Oberly said you are too late to do any construction this year. Frank asked if the work needs to be engineered, Ray feels we can work from the Stat proposal. Dean said this rec money was received to improve the rec facilities so he would like to see the projects go forward. Ray asks them to be mindful that we have not had a new subdivision so we need to consider how much to spend.

Frank feels we should spend half about \$75,000 and make a list of priorities he puts the basketball court at Fran Mark Park first. Claudia agrees that the camp is so successful at the Fran Mark Park so a basketball court there would be a great addition.

***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. Dean said that the ZA's comments concerning the proposed solar law will be addressed but not at this point. As we discuss the issue of controlling solar it touches on many other parts of the zoning law. We will focus on creating a law to regulate solar; we probably won't address all of his comments as it was not the intent of the Committee.

***HIGHWAY**

No report.

***SCENIC AND HISTORIC ROADS ADVISORY COMMITTEE**

Councilman Michael said no meeting.

***LIBRARY REPORT**

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

***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 is being finalized. Plan to have a public hearing in August. Dean has been getting input from many places, including Hudson Solar, who put in our solar panels. Their input was incorporated and we are trying to make a fair law.

***PROPOSED TRANSMISSION LINES**

Supervisor Oberly discussed the meeting on July 11 at the Pleasant Valley Town Hall where the speaker questioned the need for the additional electricity. Supervisor Oberly explained the process that is going forward.

***OTHER**

OLD BUSINESS

1. Approve RFP for three-year generator maintenance –Oberly

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approve the RFP for three-year generator maintenance contract to H A Shreck at a cost of \$390 per year. Frank wants to know what the maintenance will entail. Ray explained they will do voltage and frequency checks, check the motor, check generator for grease and oil and then comes again to check voltage and frequency a second time. All aye. Motion carried.

2.Approve RFP for two metal garage entrance door replacements – Oberly

MM Supervisor Oberly, 2nd Councilman Venezia to approve the following resolution: BE IT RESOLVED that the Town Board approve the RFP for two metal garage entrance door replacements to Boice Builders using existing hardware for a cost of \$4145. All aye. Motion carried.

3.Approve RFPs for two court porches/exits (west and south)– Oberly

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approve the RFP for two court porches/exits (west and south) to One Way Construction at a total cost of \$11,050. Oberly said One Way did the construction on the new court addition. They will use trex decking. All aye. Motion carried.

4.Approve RFP for Library porch maintenance – Oberly

MM Supervisor Oberly, 2nd Councilman Venezia to approve the following resolution: BE IT RESOLVED that the Town Board approve the RFP for Library porch maintenance (a new coating) to One Way Construction at a cost of \$3200. Frank asked if we are with in the budgeted amount. Ray said yes and he is using the capital funds from the court project for this work. All aye. Motion carried.

5.Approve RFP for 3 year elevator maintenance – Oberly

NO BID

6. Status of Central Hudson Poles moving on Schultzville Rd - Appolonia

Mike Appolonia said we have been talking about this since April. The Zoning Officer has not been involved in this issue. Central Hudson has not come before the Town Board for permission as requested. The next move is for the Zoning officer to bring them into our court, which he has not done and he is required to enforce our laws. Mike feels we set a bad precedent if we let this go unchallenged. He discussed the actions to be taken. He suggests we write a letter to the zoning offer compelling him to follow through with this situation. Frank asks if the zeo is responsible for enforcing the scenic roads law, yes according to the attorney for the town. Dean thinks we should draft a letter to zeo asking him to follow up. Frank said we should have one or two board members speak to the zeo and then report back to the board, as a better way to communicate than a letter to the zeo. Dean said there is a sense of urgency as it is already too late. Frank said it should be done privately and he recommends two board members meet with him. It was decided by the Town Board by consensus that Mike Appolonia and Claudia Cooley will talk to the zeo.

6. Status of Solar Moratorium

Dean Michael said he hoped the public hearing will be in September and we will use the full 6 month moratorium. Email comments to Dean. Ray Oberly reviewed several of his questions to be addressed.

Dean says if something is not addressed in the law, then it will have to go to the ZBA for a variance to address that particular issue. He explained the committee's thoughts on that issue. We took out the solar panel from the accessory building count.

8. Fran Mark basketball court location – Cooley

Discussion earlier, Claudia will have a plan next month.

9. Discuss Central Hudson LED replacement in highway garage and other new locations - Appolonia

The lights are on schedule and will be done. Concerning upgrading the lights in all of the other facilities, the money for this is temporarily on hold from the State.

NEW BUSINESS

1. Discuss Snow Policy – Appolonia/Cooley

Frank asks does the Board have to approve this. The Town Clerk said the Town Board has the authority to enact the policy. The Board members discussed the policy and added their comments. Frank said it seems like a communication device for the public; he would write policy differently. The Town Clerk said for the Highway Committee to meet with Theron to clarify his objective and work with the Town Clerk to write the policy.

2. Discussion on new solar panels – Oberly

Ray said Dean will work with Frank to research what we are looking for and put together a package and the cost effectiveness of solar to see if we want to incorporate solar into the 2016 budget.

3. Discussion of new lawnmower purchase for Recreation Dept. – Oberly

Ray Oberly asked Dan Harkenrider to get prices from State Bid for a commercial mower. Ray said we can buy it with budget money or by using the money from the capital rec fund. Claudia will follow up.

4. Approve CDBG Resolution – MOTION FAILS

Frank is concerned about the wording in the amendment, and is concerned if we are getting involved in a situation that we are required to follow the letter of the amendment but which may not be in the best interest of the townspeople. Ray Oberly explained the process to get a CDBlock Grant. Dean said if the grants are awarded based on lower income areas, and we ask for money for a sidewalk in the Heritage Road vicinity which does not meet their criteria, we can expect a rejection so why do this?

MM Supervisor Oberly, 2nd Councilman Venezia that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. of 2015 a Resolution to amend the existing Cooperation Agreement County Contract Number 00-0414-PL.** Oberly: Aye , Cooley: Nay, Michael: Nay, Appolonia: Nay, Venezia: Nay. **MOTION FAILS. 4 NAYS, 1 AYE.**

5. Approve Russ Tompkins to attend State Magistrates Conference

MM Supervisor Oberly, 2nd Councilman Michael to approve Russ Tompkins' attendance at the NYS Magistrate's Conference and Training Sept. 27 through Sept. 30 at Niagara Falls, NY at a total cost not to exceed \$704.00. All aye. Motion carried.

OTHER

1. Resignations and Appointments

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MM Supervisor Oberly, 2nd Councilman Venezia to accept resignation of Molly Williams from CAC effective June 11, 2015. All aye. Motion carried. She is moving from Town; we need volunteers for the CAC.

MM Supervisor Oberly, 2nd Councilman Michael to appoint April Tompkins Highway Clerk effective July 6, 2015 at a rate of pay of \$11.25 per hours up to 10 hours per week. All aye. Motion carried. Ray Oberly pointed out that April is Theron's daughter; Dean Michael said that Theron reached out to the community, talked to several people to try to find a clerk and there was no one interested in taking the position.

2. Approval of Warrants

Frank Venezia pulled #223A, the Gary Bowitch bill for \$14,580.50. He thought we were not going to spend anymore money from Town funds for the power lines lawyer. Dean agreed and said he was not going to approve any more bills because we don't have the money in the budget to pay it. He added that Supervisor Oberly is always saying we are on a tight budget so we can't do this. Councilman Venezia said that we were told the local landowners were going to pay half this cost. Dean said we have reached the amount budgeted. Dean added that we have not gotten dollar-one reimbursed and now we are only getting reimbursed for money spent after January 21, 2015, according to the administrative law judge's decision, not from day one of the legal work of Mr. Bowitch. Ray said we are not going to get any money from the state until we pay out money and then request reimbursement. Councilman Venezia asked for Ray to explain the type of work the lawyer is doing. Ray explained that he is reviewing work of the coalition, provides legal guidance on how to send information and how to deal with the PSC. Councilman Michael understood the lawyer was only working on getting intervenor funds. Ray said you have to lay the money out first and then reimbursement. Ray asked the Board the pointed question: "Do you want the Town of Clinton to be involved in the power line issue?" Dean said we can not take the lead as we can't afford to that, it has to be a joint venture with a Scenic Hudson-type organization, someone with deep pockets. Frank said it is not fair to spend Town tax dollars to protect a small number of residents who are affected by this issue. We agreed the residents themselves have to make the commitment to fight the transmission lines. Frank thinks it is ultimately a waste of money because the state will do what they want to do in the end. Ray said the administrative law judge said the Town of Clinton is getting \$58,000 to cover attorney's fees starting Jan 21, 2015 to include the costs for the coalition that includes Town of Clinton, Clinton Concerned Citizens and Pleasant Valley Concerned Citizens lumped together. Frank feels we are not going to benefit from this work and does not support paying this bill. Frank feels it will come down to the State using the west line if they justify the power is needed. Frank feels the attorney is paid handsomely for his work, reading the reports. Ray said Mr. Bowitch has provided help to get Governor Cuomo to force the PSC to keep the power line in the current right of way. Frank feels it is the citizens pressuring the Governor in an election year, not the attorney. Frank wants an overview of the three groups involved in our coalition. Dean said we seem to be the lead agency. Ray said the Town of Clinton is the financial record keeper of this effort. Dean and Frank both agreed that the Board never agreed to be the lead agency. Ray said we saved a lot of peoples homes from the initial push to put in large towers, to which Frank disagreed. He feels it was an old fashioned grass roots politics pushing the Governor back and he listened. Frank will not approve the voucher; he said the money is not in the

budget so if Ray wants it paid he needs to show that the money will be taken from one line and put to another to pay the bill. Councilman Appolonia said we don't have the money to pay the bill and wants more info on what the attorney is doing. Claudia is shocked at the large bill. Claudia asks if the \$58,000 intervener funds is a guarantee. Ray and Frank said yes. Dean never agreed to be the financial lead on this. He objects to that. Dean said we agreed to coordinate with one person, not take the financial lead. Frank wants firm information, does the Town of Clinton get all \$58,000 or is that split among the 3 groups? Frank also wants the money on the budget line budget before we spend it and we need to look at what the attorney is doing for the fee he is charging.

MM Councilman Michael, 2nd Councilman Venezia to remove voucher 223A until we get more information on his bill totaling \$14,580.50. All aye. Motion carried.

MM Councilman Michael, 2nd Councilman Venezia to approve the following resolution BE IT RESOLVED that the Town Board approves the July General Fund Warrant, vouchers Numbered 223 through 283, not including No. 223A Gary Bowitch, Esq. totaling \$56,116.92 and the July Highway Fund Warrant, vouchers numbered 182 through 211A, totaling \$27,467.35. All aye. Motion carried.

3. Motion to move funds

MM Supervisor Oberly, 2nd Councilman Venezia that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 28 of 2015** a resolution to amend the 2015 Town Budget at the July 14, 2015 Town Board meeting. All aye. Motion carried.

4. Supervisor's Report

MM Supervisor Oberly, 2nd Councilman Venezia that the Town Board approves the 2015 June Supervisor's Report. All aye. Motion carried.

PUBLIC DISCUSSION

MM Supervisor Oberly, 2nd Councilman Michael to open the meeting to public discussion. All aye. Motion carried.

Kim Moore – wanted to discuss removal of PCBs from the Hudson River. She presented a proposed resolution that she is encouraging the Board to approve. The Board members discussed dredging and its effectiveness.

Barbara Burns – Representing the Clinton Community Library. Explained the float that was in the parade, they got a green ribbon. Discussed Library Camp, still time to register. She would like to look at the parameters for the CDBG grant, as they seem to like collaboration and she would like to work with the Town to review. Developing a long term Library plan - they have a survey online and in the library.

Tom Traudt – former Supervisor in Rhinebeck. Understands the Board's frustration for fees, like those of the Attorney for the transmission lines. Offered a suggestion on how he capped attorney fees in Rhinebeck while the Supervisor, which he is willing to share with

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the Board. Addressed the transmission line issue, promotes calling the Governor's office and put the pressure on.

Joel Tyner – discussed attending the power line meeting and agrees the power lines are not needed. Said the county is swimming with a surplus. Wants the county fuel tax to go back to residents through a rebate. Talked about different ways to use the surplus funds to promote programs. Discussed the various electricity choices. Working on solar incentives for homeowners .

MM Supervisor Oberly, 2nd Councilman Appolonia to return to the regular order of business. All aye. Motion carried

ADJOURNMENT

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board adjourns the meeting. All aye. Motion carried. The meeting was adjourned at 8:44 PM.

Respectfully Submitted,

Carol-Jean Mackin,
Town Clerk