

August 11, 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 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 Michael approve the minutes of the July14, 2015 Town Board meeting. All aye. Motion carried.

PUBLIC DISCUSSION

None

SUPERVISOR'S COMMENTS

1. The bridge on Fiddlers Bridge Road is one lane effective Friday, August. 7 to allow for repainting of the deck and other beams. Preliminary inspection shows a possible need to replace some of the beams. NYS DOT engineers will assess what further action will be needed. Until a determination is made, the bridge will be only one lane traffic.
2. The following is a summary of Grievance activity as of August 6.
No. of assessment increases sent out – about 800
No. of grievances filed – 111
No. of grievances given to BAR - 73
No. of changes made by BAR – 6
No. of stipulations made by Assessor – 38
No. of small claims to date – 6
No. of Tax Certioraris – 21
No. of open grievances which may or not take further action. – 40
3. Received a letter from S&F Technologies alerting us to the End-Of-Life status of the in-house telephone system equipment. I will be meeting with them to determine future action and what funds to place in the 2016 Budget.
4. Received a letter from Chase Bank stating they are going to charge us for all the services they are providing to our banking activity. Previously we had no charges. They stated that effective November 1, 2015 with no changes made, we will be charged \$1,400 per month. This is not in our current budget since we never paid for this service in the past. It represents a new \$16,800 addition to our 2016 Budget. Discussions are beginning with M&T Bank to see if we can get all the service charges waved and then move our funds and services from Chase to M&T. We should make a decision at the September 8 Town Board meeting to allow time for all the paperwork to be processed before November 1.
5. The Town Attorney expenses are double of what was put in the 2015 Budget. An analysis of the July, 2015 invoice showed \$3,630 was spent for the Solar moratorium and proposed local law in July alone. The total bill for the month was \$4,641 thus only \$1,065 was spent on ordinary business. I will try to get reimbursed for these moratorium and proposed local law services from the Greenway Grant. With the Tax Certioraris cases

coming, we will need more funds to resolve them. We are going to need to limit the use of the attorneys to keep solvent and make severe budget cuts..

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 said there was no report.

***RECREATION COMMITTEE**

Councilwoman Cooley said last week of camp this week with a full house this week. All kids in camp get swimming lessons. Special thanks to Katherine Mustello and the Town Clerk's office. The Rec team is meeting to discuss developing the 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**

Councilman Appolonia reported they are doing due diligence work with rusted equipment which are being scraped and repainted. Ongoing road maintenance continues.

***SCENIC AND HISTORIC ROADS ADVISORY COMMITTEE**

Councilman Michael said no meeting.

***LIBRARY REPORT**

No report.

***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 finalized. A public hearing is set for September. Other items discussed: biodiversity, tree preservation sign ordinances and in home business were also discussed.

***PROPOSED TRANSMISSION LINES**

Supervisor Oberly said the main emphasis of the PSC right now is looking at the environment and visual. Ray said we are not sure of the timing for when the PSC will

discuss whether or not we even need this electricity. Frank wants to know when the Town questioned the need for this transmission, as he feels there are a lot of people who think this is needed, Frank objects to Ray saying "Stop the Transmission Line". Boundless energy will give a presentation after this meeting.

***OTHER**

OLD BUSINESS

1. Approve Resolution for CDBG Amendment - Oberly

Owen Wrafter, County Planning Commissioner, gave a presentation on the CDBG Grant Process and Procedures. He addressed questions relative to our joining the consortium and the parameters regarding the low income housing criteria that are used as the grant qualifier which is set up by HUD. Owen recommends sitting with Director Ann Saylor to vet the ideas we have for this cycle to help us prioritize the best qualifying projects. Frank concerned about involvement of HUD. HUD has new policies just this year to force integration of social strata by income in particular, they are saying we need more diverse neighborhoods, but Frank is not sure our Towns people think that way. Frank wants an assurance from Owen that they will not come to the Town and make us comply. Owen and the County staff don't interpret the policy that way. The guidelines are more about restrictive zoning to prevent something from happening rather than forcing something in a community; Frank wants to know how easy it will be for us pull out of the program if a policy comes down we don't agree with. Owen does not know but he does not see an edict coming down requiring a certain percentage of any kind of housing in our county. Dean Michael said the document speaks to all kinds of things that were upsetting that include how the police deal with people. Owen said some of the language is universal so some of it is boilerplate and will not apply.

MM Supervisor Oberly, 2nd Councilwoman Cooley that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 29 of 2015 a Resolution to amend the existing Cooperation Agreement County Contract Number 00-0414-PL**. All aye. Motion carried.

2. Proposed CDBG Recreation Projects – Cooley

Councilwoman Cooley discussed the projects to be considered for the CDBG grant funds at Fran Mark Park, including a full size basketball court, a walking path around the park, and to add a new playground element.

MM Councilwoman Cooley, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves setting a public hearing date of September 8, 2015 at 6:10 pm for the purpose of giving the community an opportunity to comment on the proposed Community Development Block Grant. All aye. Motion carried.

3. Approve Elevator contract – Oberly

Dean thinks the estimate is high. Looking on line he found several other companies with lower costs. In addition, he suggested the removal of the chair lifts in the Schoolhouse and rather installs a bathroom downstairs which would serve to save the annual maintenance and NYS inspection costs. Frank said we have a legal obligation to inspect the elevators. Frank feels they are new and don't need maintenance. Frank has a contact with the elevator operators union and he will call the business manager and get more information. The contract will be held until this information is discovered.

4. Status of Dam project, Approval of Bond for steep slopes – Oberly

Rod Morson, LRC Group hired by property owner to remove the dam. The dam was identified as needing repair and it became unsafe. The DEC then determined it needed to be removed. Town board is required to set a restoration bond for this project. They have a window to do the removal at low flow and they are ready to begin the project. Mike Appolonia followed up with the DEC to see if they were to consider replacing or rebuilding the dam and the DEC said they prefer dams removed, not replaced. Rod said it is not feasible to have it be refurbished. The dam is not historic. He described the plan to remove the dam. Dean said we only control the steep slopes and their restoration, not the removal of the dam itself. Frank was interested in the soil type; small growth and there will be no problem restoring the vegetation. Ray said the town board approves the bond and he discussed the process. The attorney for the landowner and our attorney should meet and create a resolution that we will approve. They will begin the work and we will get back to them with the details on the restoration bond. The engineer has an entire plan including the restoration of the property, we just have to decide what form the bond should be in and we can do that in the coming week and have a special meeting if need be.

5. Status of Central Hudson poles on Schultzville Rd. – Appolonia

Councilman Appolonia said ZA Fennell sent a letter to Supervisor Oberly asking how to proceed and did not hear back so he has done nothing on the matter. Fennell asked who should enforce the law and Mike feels he should be. At this point though, it would be no benefit as most of the work is done. Although we don't know what future work Central Hudson has planned. The discussion continued concerning which law ZA Fennell should be referring to, the zoning law or the Scenic Roads law. Claudia said Fennell felt the zoning law was clearer than the scenic roads law. Dean feels we should order the stop order to stop any further work and make them accountable. The Town Attorney did not recommend that stop work order, put to pursue it through the court. Appolonia said it sets a bad president in the Town. Ray said we can't idly sit by we have to do something. Frank said we do not want to go to court we have a budget problem and the work is done. Appolonia said we should issue a stern synopsis of what they have done and object to the work that was done and in the future to come before the town before they start any work. It was agreed that Mr. Fennell should write the letter to Central Hudson and that Supervisor Oberly will write a letter complaining to the PSC.

6. Discuss solar moratorium and place solar and wind energies facilities local law on the table and set public hearing – Michael

Dean discussed some of the items that are found in the law.

MM Councilman Michael, 2nd Councilman Appolonia that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 30 of 2015 a resolution authorizing the introduction of Law No. 3 of 2015, entitled “solar and wind energies facilities local law”** a copy of which is attached hereto and made a part of this resolution; and

Be It Further Resolved, that the Town Board of the Town of Clinton hold a public hearing to be held at the Town Hall on **September 8, 2015 at 6:15 pm** for the purpose of hearing parties and citizens interested in being heard in the matter of proposed Local Law #3. **ROLLCALL VOTE: Oberly: Aye, Venezia: Aye, Appolonia: Aye, Michael: Aye, Cooley: Aye. Motion carried.**

NEW BUSINESS

1. Approve building maintenance contract – Oberly

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board enters into a contract to approve Don Empert, 487 Lake Drive, Rhinebeck, NY 12572 as handyman at \$35 per hour to do maintenance on the Town facilities. If a helper is required, he will be paid at \$35 per hour. Construction materials will be obtained at Williams Lumber on Town's account. Liability and Worker compensation insurances must be provided. In discussion, Dean has a concern that that can't purchase material on our account at Williams, if a contractor buys on the town's account, they can jeopardize their contractor status. If you supply the materials then you are the employer. Frank wants a written contract saying he has own tools and purchases items with the supervisor's approval as the Board is concerned about him purchasing on the Towns account. All aye. Motion carried.

2. Approve CSEA Dental/Vision insurance contracts – Oberly

MM Supervisor Oberly, 2nd Councilman Venezia to approve the following resolution: BE IT RESOLVED that the Town Board approve the CSEA Dental/Vision insurance contracts dated August 12, 2015 for a period of January 1, 2014 to December 31, 2016 at the rates contained in the contract and authorizes the Supervisor to sign the contract. All aye. Motion carried.

3. Approve Agreement to spend highway funds - Appolonia/Cooley

MM Councilperson Cooley, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 31 of 2015 an Agreement to Spend Highway Funds. All aye.**

4. Discuss solar panel for Town complex – Michael

Dean said he is in conversation with Hudson Solar, they have our bills and by next meeting he will have more information.

5. Discuss Tire charges for drop off and disposal – Oberly

There is an increase in charges for disposal of tires. People are dumping their tires, Dean is concerned that the fences are left open and he has seen people drive to the back of the building off hours. Welsh would like to get out of the tire business as it is expensive.

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves no longer accepting tires at the transfer station and increasing the fee for garbage from \$3.50 to \$4.00 per 30 gallon bag effective October 1, 2015. In discussion, Supervisor Oberly said we expect an updated price list for the disposal of large items effective October 1, 2015 also. In discussion, this gives Welsh Sanitation and the Town time to notify residents of these changes. All aye. Motion carried.

6. Approve Colleen McGarry attending Justice Court Clerk Training/ Teresa Stegner to attend Assessor training

MM Supervisor Oberly, 2nd Councilman Appolonia to approve Colleen McGarry's attendance at the NYS Magistrate's Conference and Training Sept. 27 through Sept. 30 at Niagara Falls, NY at a total cost of approximately \$648 plus pre registration fee \$40.00. Dean feels that Niagara Falls is far and there are other locations that should be considered. Frank feels we need a policy that restricts employees to a closer site to our town, something to consider for the future. All aye. Motion carried.

The Assessor is requesting that the Town partially fund the cost of my attendance at the annual conference of the NYSAA being held at the Honor's Haven Resort in Ellenville October 4 - 7, 2015. As a member of the IAO, the class sessions provide credits toward maintaining my IAO standing, as well as the required continuing education credits for an appointed assessor. The total cost of tuition, travel to & from the hotel, & 3 nights stay at the Hotel with meals included is \$1009. I am requesting that the town pay \$500 -- budgeted for in my 2015 training budget -- and the Town of Somers will pay the \$509 balance.

MM Supervisor Oberly, 2nd Councilman Michael to approve the cost of Teresa Stegner's attendance at the annual conference of the NYSAA being held at the Honor's Haven Resort in Ellenville October 4 - 7, 2015 paying half the cost not to exceed \$500. Dean commented that he thought the split was two thirds Somers and one third Clinton to pay the fees. All aye. Motion carried.

OTHER

Mike Appolonia said he completed the tax collector audit. Attended a psc meeting today; cable providers discussed what criteria is required for another cable provider to come in and try to compete with Cablevision's service. The criteria includes the competitor offering the minimum service of the current provider, and a signed contract covering all

infrastructure. The other issue was broadband. The companies are not providing fiber in this area.

2. Approval of Warrants

Concerning the Bowitch attorney bill, Frank gave a lot of thought and Bowitch did do the work, we will get reimbursed up to \$58,000 and he is willing to sign off but wants assurance we are not going to go over \$58,000. Ray will send a letter to him with the check. Dean asked about how that money is split between the three in the consortium. Ray said the \$58,000 total is for the three groups together. Frank said we can't afford more than that amount and he wants assurance that we are proactive about it. Frank feels there should be a resolution instead of a letter to limit the money spent on the attorney as it will be more forceful.

MM Councilman Michael, 2nd Councilman Venezia to approve the following resolution BE IT RESOLVED that the Town Board approves the Attorney General Fund Warrant, vouchers Numbered 284 through 340, totaling \$81,799.14, and the August Highway Fund warrant, vouchers numbered 212 through 233A, totaling \$31,550.63 . All aye. Motion carried.

3. Motion to move funds

MM Supervisor Oberly, 2nd Councilman Appolonia that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 32 of 2015** a resolution to amend the 2015 Town Budget at the August 11, 2015 Town Board meeting. All aye. Motion carried.

4. Supervisor's Report

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the 2015 July 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.

Ed Pell - go for punitive damages to the electric company for violating the law. Frank said we need to go to court to do that and they have much deeper pockets and we need to look at the benefit, we can't assume we will win.

Joel Tyner – NYS PSC accepting public comment not to restrict broadband to only several communities. We should all have broadband based on Governor Cuomo's initiative to encourage other companies to expand their broadband. Talked about issues he is addressing at the County Legislature. Asked for help on certain issues he is passionate about. Pushing for RFPs for solar, pleased there is solar at the county airport.

Randolf Horner - offered information on how to follow up on the Central Hudson land clearing. The PSC will hear these items for the regulator to help the Town hold Central Hudson accountable. Supports boundless energy.

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MM Supervisor Oberly, 2nd Councilman Michael 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 9:00 PM.

Respectfully Submitted,

Carol-Jean Mackin,
Town Clerk