

January 12, 2016 Town Board Meeting
January 12, 2016

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 Eliot Werner. Also present was Town Clerk Carol-Jean Mackin. Councilman Appolonia was absent. 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 Michael to approve the minutes of the Dec. 28, 2015 Annual Mtg. All aye except Councilman Appolonia who was absent. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the Dec. 28, 2015 special meeting. All aye except Councilman Appolonia who was absent. Motion carried.

PUBLIC DISCUSSION

MM Supervisor Oberly, 2nd Councilman Michael to open the meeting to public discussion. All aye except Councilman Appolonia who was absent. Motion carried.

Nathanial Heiter – re Pumpkin Lane/Maple Lane intersection. Described his experience at the stop sign, had a clear view and if anything looking left, the trees were in his view. The view to the right was crystal clear.

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

SUPERVISOR'S COMMENTS

Goods news, we succeeded in getting the \$250,000 TAN (Tax Anticipation Note) yesterday. This loan is needed until tax money comes in February, March, and April. We have such a low fund balance that we cannot cover the major bills that occur in January and February which amount to about \$350,000. Until the fund balance gets to \$400,000, we will need to annually obtain a TAN. Unfortunately, there is an interest payment in getting the TAN which is an additional expense for the Town.

Monday, January 18, Martin Luther King Day is a Town holiday for the offices and highway. The Library will be open as usual.

It is time to start to think about reapplying for your various exceptions to reduce your assessment and thus your taxes. These exemptions are for STAR, veterans, agriculture, and others. All applications and required information must be in by March 1 to be used to calculate the 2016 school taxes and 2017 land taxes. If you have questions, call or stop in and visit the Assessor or visit the Town's web page.

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With the retirement of both Robert Fennell (Zoning Administrator) and Emerson Burger (Building Inspector), you will see new people in those positions. Robert Marrapodi is the new Zoning Administrator and Louis Fiorese is the new Building Inspector.

REPORTS

***PLANNING BOARD**

Councilman Werner read from the report which is on file with Town Clerk.

***ZONING BOARD OF APPEALS**

Supervisor Oberly said there was no meeting.

***CONSERVATION ADVISORY COMMITTEE**

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

***RECREATION COMMITTEE**

Councilwoman Cooley reported that the dumpsters have been locked and there is no service there for the winter. The Bon Fire is Jan. 23 at the Rec Park.

***BUILDING INSPECTOR**

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

***ZONING ADMINISTRATOR**

No report.

***HIGHWAY**

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

***SCENIC AND HISTORIC ROADS ADVISORY COMMITTEE**

Councilman Werner said there was no meeting.

***LIBRARY REPORT**

Supervisor Oberly read from the quarterly report submitted.

***CABLEVISION**

Supervisor Oberly discussed that a letter was received noting that Cablevision and Altese NV are merging. A public hearing will be held. The equipment has been installed that was purchased with the grant money from Cablevision.

***ZONING REVISION**

Councilman Michael said they had a meeting and the Planner attended. Still in the revision process, in home business, signs, trees are the three main topics.

***PROPOSED TRANSMISSION LINES**

Supervisor Oberly said the PSC said we need the powerlines, going to the ISO they will get bids, and then the PSC will go through the process again. Looks like 2020 is the construction time, it is the 115 corridor, the twin towers behind the Alliance Church.

***OTHER**

OLD BUSINESS

1. Discussion on Maple Lane / Pumpkin Lane intersection

Councilwoman Cooley said that Robert Balkind, Deputy Commissioner came to the intersection on December 31, 2015, asked to do so by Highway Superintendent Theron Tompkins. He determined the fence on the Rathjen property does not interfere with the sight line south at the stop sign. The stop sign seems to be at the appropriate location. He looked at traffic data for the two roads, they are considered low volume and the intersection geometry seem to be adequate. The configuration and the stop sign are adequate for the intention. Claudia Cooley said based on this feedback, she feels that this is a closed issue now. Supervisor Oberly said late today, he received a copy of a letter sent to Mr. Balkind from Rise Cross, the original complainant about the intersection questioning some of the information put forth by Mr. Balkind. Supervisor Oberly said it is a completed issue with no problem in the intersection. The Town will take no further action.

NEW BUSINESS

1. Designate Councilmen to perform Internal audits

Supervisor Oberly designated the following: (RAY: TO USE SAME AS LAST YEAR):

Town Justices - Cooley
Town Clerk – Michael
Town Supervisor/Budget Officer – Werner
Tax Collector – Appolonia

2. Approve resolution requesting to reform NYS public education funding

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 7 of 2016 titled Resolution Of The Town Board Of The Town Of Clinton To Request The Reform Of New York State Public Education Funding.** Dean said typically this is not a town issue, but he feels there have been other events locally trying to control taxes, like a petition to start our own school system, so he supports it. Cooley agrees. **ROLL CALL VOTE: Oberly: Aye, Werner: Aye, Appolonia: Absent, Michael: Aye, Cooley: Aye. Motion carried.**

3. Approve contract with Pine Plains Vet

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approve the “Shelter Contract” to provide and maintain a shelter for seized dogs as provided in the contract named above for a term commencing on January 1, 2016 to continue to and include December 31, 2016, and authorizes the Supervisor to sign the contract. All aye except Councilman Appolonia who was absent. Motion carried.

FYI: (Their boarding fee has an increase of \$4 per day, previously unchanged in 6 years...and the dog owner pays the fee)

4. Approve changing Deputy Highway Superintendent employee to HMEO status

MM Supervisor Oberly, 2nd Councilperson Michael to approve extending the temporary leave of absence from the HMEO position for Todd Martin from September 19, 2014 to December 31, 2015. All aye except Councilman Appolonia who was absent. Motion carried.

MM Supervisor Oberly, 2nd Councilperson Michael to approve the termination of Todd Martin as Deputy Highway Superintendent effective December 31, 2015. Current Highway Superintendent Theron Tompkins is now able to assume all his Superintendent duties and the Deputy is no longer needed. All aye except Councilman Appolonia who was absent. Motion carried.

The Town Board thanks Todd Martin for being the Deputy Highway Superintendent to help Highway Superintendent during his recovery period.

MM Supervisor Oberly, 2nd Councilperson Michael to approve the appointment of Todd Martin to his former HMEO position effective January 1, 2016 at a wage of \$24.56 per hour. All aye except Councilman Appolonia who was absent. Motion carried.

5. Discussion on Central Hudson Tree Cutting - Werner

Eliot Werner said this is an ongoing issue for a year. Central Hudson has been cutting trees on Schultzville Road with no notice to homeowners there. Recalls the former ZA contacted Central Hudson and said the SHRAC law requires them to come before the TB for approval, which was ignored with no recourse on the part of the homeowners, they are back working on Pumpkin and Nine Partners with very aggressive trimming. They are also cutting on Clinton Corners Road with entire trees being taken down, not trimming. Again, no permission to do so. Recently, Central Hudson contacted the Supervisor and made an appointment to meet with Mr. Oberly next week to discuss the issue, and in the mean time they are continuing to cut trees. We need to decide if we are going to enforce the law. Eliot feels we need to make a stand. Ray said we talked about this issue with the lawyers and is not easily solved. Said he can move out of the meeting and let Eliot and Mike Appolonia take the meeting with Central Hudson. Dean thinks we need a stop work order presented to them. Ray said we stopped national grid and it worked there. Ray said there are two aspects here: One is they have the right to trim trees in their easement to preserve power. If they are putting in new poles in then that is different. The work looks excessive to Eliot. We need some level of oversight and involvement that we don't have with Central Hudson. Eliot and Mike will meet with Central Hudson the discuss this issue.

6. Motion to executive session to discuss ZA matter

At 7:15 PM, MM Supervisor Oberly, 2nd Councilman Cooley to enter into executive session for the purpose of discussing the personnel matter concerning the Zoning Administrator.

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Councilman Werener recuses himself from the discussion. All aye except Councilman Appolonia who was absent and Councilman Werner who recused himself. Motion carried.

At 7:35 PM, MM Supervisor Oberly, 2nd Councilman Michael to return to the regular order of business. All aye except Councilman Appolonia who was absent and Councilman Werner who recused himself. Motion carried.

No action taken at this time on the issue.

OTHER

1. Motion to Move Funds

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: **BE IT RESOLVED** that the Town Board approves **Resolution No. 8 of 2016 a resolution to amend the 2016 Town Budget at the Jan. 12, 2016 Town Board meeting.** All aye except Councilman Appolonia who was absent. Motion carried.

2. Approval of Warrants

Dean Michael we got a bill from the powerline issue attorney Gary Bowitch with charges dating back to October and we are getting close to the total number that we allotted and it is 3 months worth of work. Supervisor Oberly said he told Bowitch to hold on the bill as it takes three to four months to get reimbursement, so that is why he waited. We just got the money we submitted in October. We have about \$14,000 left. Dean wants a financial report on the issue and Dean wants a letter sent letting him know how much we have left to spend. Supervisor Oberly said he will do that.

MM Councilman Michael, 2nd Councilman Cooley to approve the following resolution **BE IT RESOLVED** that the Town Board approves the January General Fund Warrant, vouchers numbered 1 through 12 totaling \$47,958.91 and the January Highway Fund Warrant, vouchers numbered 1 through 8A totaling \$ 47,653.15. All aye except Councilman Appolonia who was absent. Motion carried.

3. Supervisor's Report

The December 2015 Supervisor's Report will be approved when the 2015 books are reconciled.

PUBLIC DISCUSSION

MM Supervisor Oberly, 2nd Councilman Michael to open the meeting to public discussion. All aye except Councilman Appolonia who was absent. Motion carried.

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Nathaniel Hieter – regarding the fence issue and the Rathjens, they have been persecuted by an individual and a number of state agencies. Encourages the Board to beware of a grudge or vendetta is being pursued.

Idan Simms – Re: the tree cutting issue on Clinton Corners Road. Said Central Hudson is engaging in wholesale deforestation of trees in the Town. Feels it is economical for them to cut an entire tree rather than just trim branches. A neighbor received a letter from an engineer working for Central Hudson asking him to give Central Hudson permission for a right of way by deforesting a large pathway; he said no. Then they came back and offered him money to do so, and he is not interested. Talked about the replacement of poles that took place on Pumpkin Lane. They weren't replaced as they are now side by side. Also Mr. Simms sees the Lewis tree trimming trucks are parked here behind the highway garage, wants to know if they are paid to store the trucks here. Ray Oberly said the arrangement is that they can park there and we get a day's worth of tree trimming for free. Mr. Simms pointed out that Wednesday is the first meeting of the East Clinton Fire Commission for 2016.

Jody Rathjen – asked the Supervisor to put an end to the Pumpkin Lane- Maple lane issue. Feels Ray allowed two individuals to intimidate the Board. Feels this issue has been about the fence and it is not the first time one person has tried to get their fence down. ZA Bob Fennell and Highway Superintendent Tompkins found the intersection to be safe and asked Ray to respect their authority, that's when she feels this issue should have ended. Clearly, there is not a visibility issue at the intersection based on everyone's reports. Very disturbed that there are pictures of their property before and after the fence went up, please consider the source of information as the one person complaining has had a grudge against their family. Asked Ray to use time and town resources wisely. Feels this was excessive asking people to go back to the intersection time and time again. Now the county has the same statement: it is a safe intersection. Asked Ray for his word that he accepts the reports, Ray said it is a closed issue.

Joel Tyner – repair café is open again Jan. 30 in Rhinebeck;; talked about other initiatives. Said the jail expansion is about to be voted on and feels the money can be used other ways and we are not doing other things to move prisoners along. Talked about the Rhinebeck solarize program.

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

ADJOURNMENT

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

Respectfully Submitted,

Carol-Jean Mackin,
Town Clerk