

June 14, 2016 Town Board Meeting

June 14, 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 Councilmen Dean Michael, Nancy Cunningham and Eliot Werner. Also present was Town Clerk Carol-Jean Mackin. Mike Appolonia was absent. There were two 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 May 10, 2016 Regular meeting. All aye except Councilman Appolonia who was absent. Motion carried.

PUBLIC DISCUSSION

None.

SUPERVISOR'S COMMENTS

1. The Senior Citizen annual free for Seniors' picnic will be held on Wednesday, July 13 starting at noon, rain or shine at the Fran Mark Memorial Rec Park on Clinton Hollow Road (Cty Route 18). Come early to be able to meet friends and neighbors. Please call the Office for Aging soon at 845-486-2555 to make reservations. Again, we will be sharing the picnic with Hyde Park. The details will also be on the Town's web page.

REPORTS

***PLANNING BOARD**

Councilman Werner said the meetings were cancelled.

***ZONING BOARD OF APPEALS**

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

***CONSERVATION ADVISORY COMMITTEE**

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

***RECREATION COMMITTEE**

Councilwoman Cunningham reported swimming is on weekends until the 24th, when swimming is then open all week. Open 11 to 6 pm. Summer camp is scheduled for four weeks in the summer. Find paperwork on the web.

***BUILDING INSPECTOR**

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

***ZONING ADMINISTRATOR**

Supervisor Oberly read from the report which are on file with the Town Clerk.

***HIGHWAY**

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

***SCENIC AND HISTORIC ROADS ADVISORY COMMITTEE**

Councilman Werner said no meeting this month.

***LIBRARY REPORT**

None.

***CABLEVISION**

Councilman Appolonia absent, no comments.

***ZONING REVISION**

Councilman Michael said the meeting continues with work being done on home occupations, signs, tree harvesting.

***PROPOSED TRANSMISSION LINES**

Supervisor Oberly gave a summary. Details will be discussed after this meeting.

***OTHER**

OLD BUSINESS

1. Approve going to sealed bid for handicapped bathrooms and basketball court/pathway of CDBG project

MM Councilwoman Cunningham, 2nd Councilman Werner to approve the following resolution: BE IT RESOLVED that the Town Board approves advertising for sealed bids for A: the handicapped accessible bathrooms and B: basketball court/paved pathway for the CDBG project; the bid packets will be available from Morris Associates and the Town Clerk; sealed bids are due to the Town Clerk by 11:00 am on August 2, 2016. Dean Michael questioned the location of the pathways and the basketball court. They will pay a visit to the park and work with the Town engineer. All aye except Councilman Appolonia who was absent. Motion carried.

2. Approve resolution introducing local law to amend Solar law, set public hearing and authorize publication

Dean Michael explained there was miscommunication between the attorney and the planner during the creating of the solar law, so certain wording was taken out that would streamline the addition of solar panels to a home without a building permit and considering them an accessory structure. This law corrects that.

MM Councilman Michael, 2nd Councilwoman Cunningham to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 22 of 2016 introducing proposed local law number 1 of 2016 entitled, “Amendment to Section 250-22 of the Town Code, Accessory Structures”** and sets its Public Hearing for Tuesday, July 12, 2016 at the Town of Clinton Town Hall, 1215 Centre Rd, Rhinebeck (Town of Clinton), New York at 6:15 p.m. Prevailing Time, or as soon thereafter as the matter is reached on the agenda, concerning such proposed Local Law. All aye except Councilman Appolonia who was absent. Motion carried

3. Approve resolution to set new fee schedule to identify the fee for solar (MICHAEL)

Ray Oberly asked if this fee includes windmills. Dean said windmills would not be addressed here in this item as we are addressing the fee for using the unified solar application, strictly for the addition of solar. The Town board agreed to look at all fees in the future.

MM Councilman Michael, 2nd Councilman Werner to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 23 of 2016 amending the fee schedule adopted by Resolution No. 6 of 2012 by adding a \$150.00 fee for all roof mounted solar energy system applications submitted to the Zoning Administrator utilizing the New York State Unified Solar Permit Application; and further resolved that the Town Clerk is authorized, empowered and directed to amend the fee schedule adopted by Resolution No. 6 of 2012 to include this \$150.00 fee.** All aye except Councilman Appolonia who was absent. Motion carried.

4. Approve HVAC contract (OBERLY)

Discussion: Supervisor Oberly presented an analysis between the two bids.

MM Supervisor Oberly, 2nd Councilman Cunningham to approve the following resolution: BE IT RESOLVED that the Town Board approves a **three-year maintenance** contract for HVAC maintenance at the Town Hall, Schoolhouse and Masonic Hall buildings with **AIRFLOW AIR CONDITIONING, REFRIGERATION & HEATING INC at a cost of \$7450.** All aye except Councilman Appolonia who was absent. Motion carried.

5. Discuss the operation of the cell tower without a permit (WERNER)

IN MAY, Councilman Werner explained the Verizon cell tower has been operating illegally for about two years; they have not renewed their special permit. When they don't renew, the permit expires. They operated for three years on an expired permit previously. The Planning Board asked Eliot to bring the topic up to the Town Board. They want a fine with some impact. Dean suggested a yearly renewal instead of every two years. Must revise the zoning law and discuss a fine, which can be included in the Fee Schedule.

UPDATE: Eliot explained that we must review something to charge a fee, even if we are reviewing for no changes. The fee needs to be tied to some sort of action. Dean said part of the problem is we are losing track of these renewal as no one is keeping an eye on the time because the renewal is every two years. We can change it to an annual renewal to track more easily. This will be incorporated into the new zoning law. On Verizon, they have reapplied, we can't penalize

them now. Most other special permits are not renewed and we don't review any except for the campground license. Supervisor Oberly asked what are we going to do about Verizon having not renewed on schedule, ignore it or wait for the new zoning law. Dean said they are going for a new permit now so there is nothing to do; Ray said we should address the issue, Dean and Eliot said the Planner is looking at it now to decide how to handle this type of situation.

6. Discuss taxpayer stabilization grant for the purchase of a generator for the Town Hall complex. (OBERLY)

IN MAY, Supervisor Oberly commented: County Executive Marcus Molinaro has found extra income and has proposed a new one-time Taxpayer Stabilization Grant Initiative. The emphasis is to award funding to incentivize municipal projects through a one-time competitive process for critical projects resulting in meaningful savings to aid municipal efforts to reduce and/or minimize the property tax levy imposed on residents. The maximum award possible is \$250,000 without any matching by the Town. Program administrator Christie Bonomo talked to Supervisor Oberly about a generator project for the Town. She thinks it qualifies as a proposal. The proposal is to have a new 150 KW stand-by generator installed at the Town Hall Complex to provide electricity to the whole Complex when the electrical power goes off. Due to the current distribution of electric service at the Complex when the power goes off, there is no water, heat/cooling, or electricity thus the whole Town Complex must shut down. The existing 40 KW generator can only supply electricity to the Highway buildings and a part of the Town Hall building with no water and heating/cooling. The merging of the three existing electric service meters into one will give about a \$2,000 per year savings in addition to the savings due to higher usage on one meter. The early estimated cost is about \$150,000. I am going to an application meeting tomorrow to learn more about the Stabilization Grant Initiative. Applications are due July 1 with announcement of awards in September 2016.

Dean commented that he objects to the grant initiative because the county has extra money because they capped our sales tax return. He would like Town of Clinton to have our fair share of sales tax money to use to lower our budget, not create new projects. Ray said this is not sales tax money and that is distributed via an existing contract, although he agrees with Dean. Mike Appolonia wants to consider having the facility run on three phase. Ray said we are on two phase and that would be part of the changes to adding the generator back up.

UPDATE:

Ray spoke with the County and they think it is a project that will be acceptable for the grant. Nancy asked several questions about savings and the benefit to the community and suggested adding these details to the justification section of the grant.

Dean is concerned about leaving money on the table. He sent an email out that no one responded to concerning adding solar. Since we can bid up to \$250,000 why just bid for a generator? The proposed project should help us reduce taxes and to reduce the tax burden on our people, which solar does better than the addition of a generator which we may or may not use. With solar electricity, we can save more than \$18,000 on our bills. Perhaps we can do both. Perhaps we can have a smaller generator, as the solar would be giving us the power we need, save taxpayer money, get a generator, put us in a green situation, and it would give us a current and future solid electricity source. Ray agrees that we can add solar to the project request. Dean will gather solar information and work with Ray to add to the request.

NEW BUSINESS

- 1. Approve resolution introducing local law to amend section 250 of the Town Code to authorize prosecutorial powers to certain employees (OBERLY)**

This was not defined properly in the Town Code. This local law corrects that.

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 24 of 2016 introducing proposed local law number 2 of 2016 entitled, “Prosecution of Town Code Violations”** and sets its Public Hearing for Tuesday, July 12, 2016 at the Town of Clinton Town Hall, 1215 Centre Rd, Rhinebeck (Town of Clinton), New York at 6:25 p.m. Prevailing Time, or as soon thereafter as the matter is reached on the agenda, concerning such proposed Local Law. All aye except Councilman Appolonia who was absent. Motion carried

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 25 of 2016 a resolution to authorize and empower the Attorney to the Town, Zoning Administrator, Building Inspector and Fire Inspector to prosecute violations of the town code.** All aye except Councilman Appolonia who was absent. Motion carried

- 2. Discuss cyber liability security (OBERLY)**

Ray Oberly said we can buy this insurance. At the PERMA meeting he received information about having the quality of our cybersecurity evaluated, free. The insurance company agrees this would be a good idea. No objections. Dean said to ask about having a cloud based server. Ray will follow up to have Fred, our IT consultant meet with the evaluator.

- 2. Discuss upgrade to computer OS from windows 7 to 10 (OBERLY)**

Ray Oberly would like to upgrade when it is still free. Nancy said to do it systematically in the event of problems upgrading, not all computers will be done simultaneously. Dean said Windows 10 encrypts our information. Ray will follow up with Fred to upgrade.

- 3. Approve Bike NY using Town Hall property for Discover Hudson Valley Ride rest stop (OBERLY)**

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves the use of the Town complex as the staging area for the bike club Bike NY on June 26, 2016. A certificate of liability has been received. They have been using the Town Hall property for many years. All aye except Councilman Appolonia who was absent. Motion carried.

4. Discuss Kahn liquor license application (OBERLY)

Dean and Eliot explained the new owners would like to have a restaurant open to the public. There were no concerns from neighbors concerning their location and events.

MM Supervisor Oberly, 2nd Councilman Cunningham to approve the following resolution: BE IT RESOLVED that the Town Board has no objection to Millbrook Farm Hospitality, LLC, a corporation owned by Sherry Kahn, applying to the NYS Liquor Authority for an on-premise liquor license. All aye except Councilman Appolonia who was absent. Motion carried.

OTHER

1. Resignations and Appointments (OBERLY)

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board appoints Councilwoman Nancy Cunningham to perform the Justice Court audit. All aye except Councilman Appolonia who was absent. Motion carried.

Nancy said she contacted the Justice Court and it will be complete by the middle of July.

2. Approval of Warrants

MM Councilman Michael, 2nd Councilman Cunningham to approve the following resolution BE IT RESOLVED that the Town Board approves the June Capital fund warrant numbered 4 and 5, totaling \$543.99; the June General Fund Warrant, vouchers numbered 184 through 237, totaling \$ 93,778.54 and the June Highway Fund Warrant, vouchers numbered 137 through 165A, totaling \$ 61,371.12. All aye except Councilman Appolonia who was absent. Motion carried.

3. Supervisor's Report

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the May 2016 Supervisor's Report. All aye except Councilman Appolonia who was absent. Motion carried.

OTHER

Adding a shower to the park as part of the CDBG project: all agree is to a good idea to add to the plan. The Board will meet at the Park to discuss the project.

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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Joel Tyner – addressed rural broadband with the County Legislature, he is offering his scholarship to a senior from Clinton. Solarizing his home on Browns Pond Road. Three weeks left to get a good deal on solar. Working on getting a domestic abuse response team to be available to Clinton and Rhinebeck residents, like it is to many other local neighboring towns. Discussed the County cap on sales tax and the lost revenues. County Surplus is at \$57 million, which could help fund this. Hibernia Road bridge being fixed, Hollow road bridge in Clinton Hollow is slated to be fixed next.

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 Cunningham that the Town Board adjourns the meeting. All aye except Councilman Appolonia who was absent. Motion carried. The meeting was adjourned at 7:58 PM.

Respectfully Submitted,

Carol-Jean Mackin,
Town Clerk