

November 8, 2016

Schultzville, NY

The Clinton Town Board held their Regular Town Board meeting on this day in the Masonic Hall. Present were Supervisor Ray Oberly and Councilmen Dean Michael, Mike Appolonia, Nancy Cunningham, Eliot Werner and Town Clerk Carol-Jean Mackin. There was one person in the audience.

Supervisor Oberly called the meeting to order at 6:35 PM and led the Pledge of Allegiance.

APPROVE MINUTES

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the October 3, 2016 special meeting to distribute the tentative budget. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the October 11, 2016 special public hearing tax cap override. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the October 11, 2016 regular meeting. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the October 13, 2016 special meeting budget workshop. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the October 20, 2016 special meeting to adopt preliminary budget. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Appolonia to approve the minutes of the November 3, 2016 public hearing on the 2017 budget. All aye. Motion carried.

PUBLIC DISCUSSION

None.

SUPERVISOR'S COMMENTS

1. The Dutchess County Department of Public Works (DPW) has announced Bridge C-31 on Hibernia Road in the Town of Clinton reopened to traffic on November 4. Work will continue over the next several weeks to install new bridge guide rail that will result in one-lane alternating traffic patterns from approximately 9:00 a.m. to 4:00 p.m. Monday through Friday for a limited period, but will not require additional road closures. Bridge C-31, located east of the Taconic State Parkway between Clinton Corners Road (CR 13) and NYS Route 82 over the east branch of the Wappinger Creek, was replaced due to significant structural deficiencies. Project work began in the spring and involved the replacement of the existing bridge, abutments and approach pavement.
2. **Clinton Seeks Nominations for Boards and Committees**
The Town of Clinton is accepting letters of interest for Town wide Boards and Committees for appointment in 2017. Positions include membership on the Planning Board, ZBA, BAR, CAC, Recreation Committee, and the Scenic and Historic Roads Committee. Letters of interest with contact telephone numbers and related experience

should be sent to Town Supervisor Ray Oberly by e-mail at townsupervisor@townofclinton.com or by mail to Town Supervisor, Town of Clinton, 1215 Centre Road, Rhinebeck, NY 12572 by November 30, 2016. Interviews will be scheduled for early December at the Town Hall. For any questions, call the Town Supervisor at 845-266-5721 ext. 105.

3. **No Parking on Roads**

The Town of Clinton has a local law that prohibits the parking on public roads from November 15 to April 15. This law is needed to safely permit snow and ice control efforts to be done on public roads. Any violators will have their vehicle ticketed and/or towed away at the owner's expense. Please comply and thus allow the highway crews to make the roads passable and safe.

REPORTS

***PLANNING BOARD**

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

***ZONING BOARD OF APPEALS**

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

***CONSERVATION ADVISORY COMMITTEE**

Councilman Michael said he did not get a report; they have been changing their time due to a conflict with the ECFD meetings. They will meet tomorrow at 3:30 pm. He attended and commented they are looking for information on Old Stone Farm's housing.

***RECREATION COMMITTEE**

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

***BUILDING INSPECTOR**

Councilwoman Cunningham 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 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 but they will review several documents coming in to the Planning Board this month.

***LIBRARY REPORT**

Councilman Werner said they discussed several issues at their meeting, including the 414.

***CABLEVISION**

Councilman Appolonia said Cablevision is now called Altese. The Spanish language program is unable to deliver the signal to optimum and will be eliminated.

***ZONING REVISION**

Councilman Michael said the meeting continues and shared with the Board the items that have been revised. They continue to work on the definition section. They are looking at mass gatherings and junk yards vs. junk cars.

***PROPOSED TRANSMISSION LINES**

There will be no Power Line Workshop discussion at 8 p.m. after this Town Board meeting today. Most of the action at this time is still quite secretive by the NYS ISO and PSC. NYS ISO sent a long report to the PSC to tell them what they have done so far and requested what NYS ISO should do next. We got a little information earlier from the NYS ISO stating they received 16 bids from developers for the both segments of the power line but only 13 were considered viable. Segment A goes from Syracuse to Albany and has 7 bids. Our segment B goes from Albany to Pleasant Valley and has 6 bids. NYS ISO is still evaluating the bids to come up with one bid per each segment, probably in 2017. We have not had access to see the bids to learn any of the constructional details. Based on the Part A information provided in 2014 and 2015, the assumption is the two existing 115 KV towers will be removed and replaced by tall monopoles with wires on both sides.

***OTHER**

OLD BUSINESS

1. Approve Adoption of 2017 Annual Budget.

Eliot Werner reviewed the draft available and sees a discrepancy looking at the preliminary budget dated Oct 20; he has two versions. The official one in the one with the town clerk's signature. Eliot feels Supervisor Oberly may have used the wrong version of the budget to make changes and thus the numbers he expected to see are not there in the draft available tonight. Noted the percentage increase was 5.6 percent and after the workshops cuts were made but it is now increased by 5.9 percent. He can't see how we take money out of the budget and the increase in real numbers goes up. Ray Oberly discussed how he arrived at the numbers, including using the new MVP numbers with a cushion added, using estimated HRA numbers, he took out the Rec pavilion stove and left in deputy tax collector. Eliot feels were now even further from the 3 percent increase in the budget. Ray is concerned about the tax rate, not necessarily the budget total. The Board discussed the impact of the increased tax rate. For a \$300000 home the increase is 27 dollars.

By consensus, Ray will use actual MVP numbers. Dean is not comfortable adopting this budget the way it is. Nancy wants the percentage to go down, but not sure where to take it from. Eliot 5.9 percent is way too high of an increase. Ray disagrees with using the expense numbers as the basis to compare increase. He wants to look at tax

rate, which is what impacts the people. Dean said everything is on the table to consider.

No motion to adopt budget tonight.

NEW BUSINESS

1. Approve special meeting to adopt 2017 budget on Tuesday, Nov. 15, 2016 at 7 PM in the Town Hall.

MM Supervisor Oberly, 2nd Councilman Appolonia to approve a special meeting on Tuesday, Nov. 15, 2016 at 7 PM in the Town Hall to adopt the 2017 Budget. All aye. Motion carried.

2. Approve consent judgment in the matter of Kotler V Town of Clinton et al.

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 40 of 2016, hereby authorizing the attorneys for the Town of Clinton, Cappillino & Rothschild, LLP, to enter into a Stipulation with the attorney for petitioners, Corbally, Gartland and Rappleyea, LLP, Karen E. Hagstrom, Esq., the terms of which are set forth in Stipulation No.s 2015-51324 and 2016-51824 and authorizes the attorneys for the Town of Clinton, Cappillino & Rothschild, LLP to sign said Stipulation on behalf of the Town of Clinton.** In discussion, Councilman Michael said the assessment difference is small - \$49,000; the cost for the attorneys to settle this case is excessive. Encouraged the community to come in to and talk to the Assessor directly if they feel their assessment is excessive. All aye. Motion carried.

3. Approve going to bid for highway materials.

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board authorizes the Town Clerk to advertise for bids for highway materials, the bids must be returned by 10:00 am on December 6, 2016, opened at 10:15 am on that date and awarded at the regular Town Board meeting on December 13, 2016. All aye. Motion carried.

4. Approve Change Order for Snow and Ice Control Contract term

MM Supervisor Oberly, 2nd Councilwoman Cunningham to approve the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 41 of 2016 a one year term extension for the Agreement for Snow and Ice Control Services with Dutchess County.** All aye. Motion carried.

5. Approve Crimson Hill bond

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 42 of 2016 approving that the Town Supervisor is authorized, directed and empowered to execute the "Bonding and**

Security Agreement for Required Site Improvements at Crimson Hills Subdivision” on behalf of the Town of Clinton. All aye. Motion carried.

OTHER

Eliot Werner discussed the mass gathering section of the zoning law; the issue came up in front of the Planning Board for a person who wants to use his property for weddings. We have a mass gathering law from 1971 which doesn’t take effect until 5000 people gather. By comparison he looked at surrounding towns and their number is ranging from 500 to 2500 people. He suggests lowering our number, we would need a local law to change it. The Town Board discussed creating a new law and codifying the entire zoning law. Eliot will follow up and talk to the town attorney to create a new law. The minimum number to cause a permit is 500 people by consensus.

1. Resignations and Appointments

None.

2. Approval of Warrants

MM Councilman Michael, 2nd Councilwoman Appolonia to approve the following resolution
BE IT RESOLVED that the Town Board approves the November General Fund Warrant, vouchers numbered 459 through 504 totaling \$ 128,328.81; and the November Highway Fund Warrant, vouchers numbered 269 through 294 A, totaling \$ 38,793.04 and the November Capital Project warrant, voucher numbered 11 totaling \$ 1750.00. All aye. Motion carried.

3. Supervisor's Report

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the October, 2016 Supervisor’s Report. All aye. Motion carried.

4.Motion to move funds

MM Supervisor Oberly, 2nd Councilman Appolonia to approve the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 43 of 2016 a resolution to move funds for the November 8, 2016 meeting.** All aye. Motion carried.

PUBLIC DISCUSSION

None

ADJOURNMENT

November 8, 2016 Town Board Meeting

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board adjourns the meeting. All aye. Motion carried. The meeting was adjourned at 7:35 PM.

Respectfully Submitted,

Carol-Jean Mackin,
Town Clerk