

June 13, 2017 Town Board Meeting  
June 13, 2017

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 Nancy Cunningham, Dean Michael, Mike Appolonia and Eliot Werner. Also present was Town Clerk Carol-Jean Mackin. There were seven 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 9, 2017 Regular Town Board meeting. All aye. Motion carried.

### **PUBLIC DISCUSSION**

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

Russ Tompkins – sees moratorium for clear cutting on agenda. Questions whether we need it, does not see anyone coming to town to clear cut. Sees an appeals process that cost \$250 and wonders if it in a necessary item.

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

### **SUPERVISOR'S COMMENTS**

The joint Senior Picnic is with the Towns of Clinton and Hyde Park. The Dutchess County Office for the Aging is holding their chicken BBQ Senior Picnic on Wednesday, July 12 (rain or shine) starting at noon at Francis J. Mark Memorial Park, 337 Clinton Hollow Road (County Route 18). Most Seniors should have received a postcard earlier about the picnic. The menu is barbecue chicken, baked beans, salad, fruit, and beverages. The picnic is open to senior residents (60 and older). Reservations are required by Wednesday, June 28. Space is limited to the first 400 reservations. There is a \$4 fee for anyone younger than 60 or nonresident guests for all picnics. Seniors 60 and over are free. To make a reservation, call the Office for the Aging at (845) 486-2555.

The replacement of the Clinton Hollow Bridge on Hollow Road (County Route 14) has begun. The project will make a realigned Hollow Road, replace the bridge, and change the intersection with Schoolhouse Road. Road and bridge construction will start around mid-July and the road will be open by mid-October. The detour will be Centre Road to Schultzville and then on Fiddlers Bridge Road to Pleasant Plains. As more details become available, I'll announce them at the Town Board meetings.

### **REPORTS**

#### **\*PLANNING BOARD**

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

#### **\*ZONING BOARD OF APPEALS**

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Councilman Appolonia said there was no ZBA meeting in May.

**\*CONSERVATION ADVISORY COMMITTEE**

Councilman Michael said they met on May 17, and with no report. He commented that the committee is taking over the role of an ad hoc smart cities committee, perhaps Omega can be involved in the role. Councilman Werner said they discussed the tree cutting issue.

**\*RECREATION COMMITTEE**

Councilwoman Cunningham reviewed the status of the Park and discussed the Park programs for the summer. All contracts are complete for basketball court at Fran Mark Park and additional work will be done, including, steam cleaning pavilion, planting, training for workers for camp - should be complete by June 31. Capital improvements will be made, discussed later in meeting.

**\*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**

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 activity this month.

**\*LIBRARY REPORT**

Councilman Werner said the Library had it monthly meeting and they are planning a 414 petition to ensure a steady income from a separate tax collected. They discussed fundraising, organization issues and other matters.

**\*ALTESE (formerly CABLEVISION)**

Councilman Appolonia said there has been a change in some programming.

**\*ZONING REVISION**

Councilman Michael said they did not have a meeting due to lack of quorum.

**TRANSMISSION LINES**

Supervisor Oberly said there is no change in the status of the new power line activity at this time. As expected, the whole schedule is still delayed again. HVSEC's combined guess is the developer selection results from NYS ISO will be around August 2017 and the Article 7 Part B process will start in the 3rd or 4th quarter of 2017. HVSEC will have access to intervener funds again but there is little we can do to stop the process until 4Q17 when we know more details from the selected developer(s).

There will be no No Power Line Workshop after this Town Board meeting tonight.

**\*OTHER REPORTS**

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Dean Michael said that on June 24 Solid Waste Management is hosting a household waste event. Call 486-3604 to register; \$10 fee.

Smart Communities issue: Dean give credit to Board members for their guidance to keep our Town a very viable and smart community which give us this designation.

## **OLD BUSINESS**

### **1. Update Tree Harvesting Local law – Michael**

No update because there was no meeting this month.

### **2. Discuss/Approve Employee Handbook to include employee benefits for PT employees – Werner**

Ray has objections to the version and Eliot feels that Ray's comments are late in the game and we should move on this issue tonight. Ray discussed his comments.

Amendment all agree: if holiday falls on weekend it goes to a Friday or Monday. The hours will be broken out by two weeks increments and done automatically by the bookkeeper.

Start date - Eliot wants it retroactive until June 1, 2017 not January 1, 2018 as Ray is requesting. Ray wants to know where the \$2000 comes from to fund it; we will figure it out as we find money for lots of other things, says Eliot.

Accrual time is as of the last day of the pay period and available on the first day of the next pay period.

MM Councilman Werner, 2nd Councilman Michael to approve the following resolution: **BE IT RESOLVED** that the Town Board approve **Resolution No. 22 of 2017 stating that Section 700 of the Employee Handbook is hereby replaced and an amended Section 700 is hereby enacted which shall read as provided for in Schedule "A" entitled "Time Away from Work" which is attached hereto and made a part hereof.**

**BE IT FURTHER RESOLVED**, that this revision to the Employee Handbook shall be retroactive to June 1, 2017 with all qualified part-time hourly employees entitled to begin accruing benefits retroactive to said date as so amended All aye. Motion carried.

### **3. Completion of Upgrade of Frances J. Mark Memorial Park – Capital Improvements – Cunningham**

Councilwoman Cunningham reported: The refrigerator was purchased \$997.20. We still need a stove, the current stove is in need of repair, it does not light properly. A 5 burner stove is \$1000 delivered, a commercial stove is not necessary. We can sell the current stove as surplus. She could not find a repair person to look at the current stove. The pavilion is booked solid and we need a stove.

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MM Councilwoman Cunningham, 2<sup>nd</sup> Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approve the purchase of a gas range stove for the Pavilion at the Fran Mark Rec Park from Home Depot at a cost not to exceed \$1000 from rec development fund. All aye. Motion carried.

**4. Approve benches for Fran Mark Rec park from Capital Dev. Funds - Cunningham**

Councilwoman Cunningham reported: The benches are ordered for the basketball court and to replace some that needed replacing. Order 5 at \$355 per is \$1775.

MM Councilwoman Cunningham, 2<sup>nd</sup> Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approve the purchase 5 benches for the basketball court and park at the Fran Mark Rec **Park from\_\_\_\_\_at a cost not to exceed \$1775.00** paid from recreation development fund. Dean said the benches were to block cars from being able to drive onto the court. Nancy said there are rocks there now for that purpose and these will be added. All aye. Motion carried.

**5. Discussion of Fee Schedule changes – Michael**

Dean did not hear back from any Board member with comments. Nancy said we upped the fee for the camps and the pavilion. Dean suggested to look at costs for the Rec Park by season; if the rec park stays open then we have to plow for safety. Dean will update the item for next month.

Nancy said the aerator is not useable and needs to be replaced. It is a water quality issue. The cost is \$4600.00 The current one is not useable. Ray suggested that it be taken to a motor repair place. Ray wants to get an estimate to fix it if it is the motor that needs repair. Nancy is concerned about the timeframe to have it before camp starts. Mike Appolonia said to look at both and buy the new one and fix the old one as a backup. Ray Oberly said we have some money; he suggests researching both fixing the old one and purchasing a new one and get prices.

MM Nancy Cunningham, 2<sup>nd</sup> Councilman Michael to approve the following motion BE IT RESOLVED if the aerator can't be fixed for up to 3000 then we can purchase a new one for \$4600. All aye. Motion carried.

**6. Discussion of Governor's Shared Services law - Oberly**

As part of the Governor's 2017 Budget was included a requirement that the County Executives develop a plan in concert with the local governments to create a county-wide services property tax savings plan. At the county-wide meetings on May 18 and June 1, the assembled Mayors and Supervisors discussed some services that may be shared. The next meeting on June 19 will start to develop specific projects and possible savings. Another follow-on meeting will be held to generate the County-Wide Shared Services Initiative plan. The aggressive schedule has the panel of local officials approving the Plan

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by September 15, 2017. This is a mandate from the State with no hope of getting any funding to cover costs.

## **NEW BUSINESS**

### **1. Approve Bike NY using Town Hall**

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 24, 2017. A certificate of liability has been received. They have been using the Town Hall property for many years. All aye. Motion carried.

### **2. Approve Resolution to acknowledge receipt of Justice Court Audit as required by Section 2019-a of the Uniform Justice Court Act**

MM Supervisor Oberly, 2nd Councilman Cunningham to approve the following resolution: BE IT RESOLVED that the Town Board approves sending a copy of the most recent internal court audit to the NYS Office of Court Administration pursuant to Section 2019-a of the Uniform Justice Court Act. All aye. Motion carried.

### **3. Approve Moratorium Local Law- on clear Cutting - Werner**

MM Councilman Werner, 2<sup>nd</sup> Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town board approve **Resolution No. 23 of 2017 putting proposed Local Law No. 3 of 2017 entitled “Clear Cutting Moratorium”** on the table and setting a public hearing for the proposed local law to be held at the Town Hall on July 11, 2017 at 6:25 o’clock p.m., Prevailing Time, at which time all parties in interest and citizens shall have an opportunity to be heard. **ROLL CALL VOTE: Oberly: Aye; Werner: Aye; Appolonia: Aye; Michael: Aye; Cunningham: Aye.** Motion carried.

### **4. Approve resolution to support Historical Society**

MM Supervisor Oberly, 2nd Councilman Appolonia to approve the following resolution: BE IT RESOLVED that the Town board approve **Resolution No. 24 of 2017 that the Town of Clinton requests that Altice (Cablevision) offer Optimum lower cost internet cable service to the Town of Clinton Historical Society** as it does for the Town in an effort to offer the public valuable educational and historical information. In discussion, Councilman Michael is concerned that any other non-profit can come in and ask us to do this, it may seem frivolous but then do we do this for all. He supports it because we do work closely with the Historical Society. Councilman Werner added that the Town Historian uses their facility as his office, so we support them and we do pay for their telephone service. All aye. Motion carried.

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**5. Agreement with Dutchess County Dept. of Planning and Development to reduce submissions of certain planning and zoning actions – Oberly**

MM Councilman Werner, 2nd Councilman Appolonia to approve the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 25 of 2017 an Agreement with Dutchess County Dept. of Planning and Development to reduce submissions of certain planning and zoning actions.** All aye. Motion carried.

**6. Approve Tax Certiorari for Holman/Monteith Property**

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town board approve **Resolution No. 26 of 2017 stating that the Town Board of the Town of Clinton hereby authorizes 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 the attached Stipulation and hereby authorizes the attorneys for the Town of Clinton, Cappillino & Rothschild, LLP to sign said Stipulation on behalf of the Town of Clinton.** Councilman Michael said we are talking about saving \$7000 and the legal fees were much more than that. People should come in and talk to the assessor, so perhaps they don't need to take court action. If Theresa does not agree with your assessment, you can then go to the court. **ROLL CALL VOTE: Oberly: Aye; Werner: Aye; Appolonia: Aye; Michael: Aye; Cunningham: Aye.** Motion carried.

**7. Approve 284 Agreement, Agreement to Spend Highway Funds**

MM Supervisor Oberly, 2nd Councilman Cunningham to approve the following resolution: BE IT RESOLVED that the Town board approve **Resolution No. 27 of 2017 an Agreement to Spend Highway funds.** All aye. Motion carried.

**OTHER**

- **Discussion on Library proposed 414 and whether or not to charge rent if the 414 proposition passes- Werner**

Councilman Werner explained: The \$115000 they will ask for from the public does not include any payment to the town as a landlord; we have a contract currently with them to use the property for \$1 per year. We need to decide if they go for a 414 will we continue our arrangement until the contract expires in 2020 or will we charge them rent/utilities in the new year and create a new contract?

Ray Oberly said currently the town pays for heat, electric, phones, internet, and the insurance for the outside of the building. Ray said we do not separate out these costs but we can if necessary.

Dean Michael said the process of the 414 is to make the Library a business and separate it from the Town. His philosophy is not to pay for things that are not part of the town. He has heard complaints from others that we should separate. Eliot Werner does not see the Library as a business.

Mike Appolonia said the voters will have the opportunity to approve the funding for the library with the 414. Mr. Werner does not see any change in the service they provide, they will be the

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same institution. Dean said the 414 changes the relationship. We give them \$55,000 now to operate and we don't control them.

Eliot said to expect the Library to be a profit center is wrong and \$115,000 is a small amount of money; the operating number for the Library will have to increase if we charge for utilities. Dean said this conversation has been around for 6 years, Ray said we can choose what to charge for, it does not have to be all or nothing.

Dean said the 414 makes them like the Fire District. Eliot says the relationship with the Library is closer. Ray said we should come up with different offerings to present to the Library so they will know how much money to raise. Nancy Cunningham said in fairness for the time factor we need a decision for them quickly.

Eliot Werner suggested not charging the Library and leaving current contract in full effect, expiring in 2020. By consensus, Councilwoman Cunningham, Supervisor Oberly and Councilmen Appolonia and Werner agree to not charging the Library and leaving the current contract in full effect, expiring in 2020; Councilman Michael has no opinion and abstains.

Insurance for camp accident policy: Ray explained the policy and its need. Provides us coverage to save us from lawsuits. Basically it is a back up medical insurance plan that if someone gets hurt at camp we can cover their medical needs if necessary. The cost is annually \$313.

MM Supervisor Oberly, 2<sup>nd</sup> Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approve a contract to provide accidental insurance for summer camp programs with NYMIR at a cost 313 for the 2017. Dean Michal said it won't stop anyone from suing the town. All schools and day camps offer this it is a secondary insurance, if they don't have health insurance the towns will cover the injury. All aye. Motion carried.

## **1. Resignations and Appointments**

MM Councilman Oberly, 2<sup>nd</sup> Councilman Michael to approve the appointment of Sue Hart as Health Director, a consulting position at a stipend of \$500 for the purpose of reviewing camper health forms and to be present or to be available to address health issues as needed. In discussion, Nancy investigated this and it is a one-time appointment. A commitment was made to this person and she feels the price is high. Next year she we will look around for a cheaper person. All aye. Motion carried.

MM Councilman Oberly, 2<sup>nd</sup> Councilman Michael to approve the appointment of Zoe Holmes-Hunter as Recreation Assistant at \$9.70 per hour from 5-15-17 to 9-30-17 to replace Mariel Mustello. All aye. Motion carried.

MM Councilman Oberly, 2<sup>nd</sup> Councilman Michael to approve the appointment of the following volunteer recreation helpers for summer camp: Danielle Miller, Erin Golestani, Meaghan Hassett, Emily Miller, Madeline Holmes-Hunter, Andrew Gausepohl, Emma Clegg, Kurt VandenThoorn and Emilia Kern. All aye. Motion carried.

MM Nancy Cunningham, 2<sup>nd</sup> Councilman Michael to appoint Pat Miglio to train volunteer recreation helpers in cpr, aed and first aid training. Nancy talked Pat Miglio who will train for 60 per person and \$20 for the manual. All aye. Motion carried.

**2. Motion to move funds**

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 28 of 2017 a motion to move funds at the June 13, 2017 Town board meeting.** All aye. Motion carried.

**3. Approval of Warrants**

MM Councilman Michael, 2nd Councilman Cunningham to approve the following resolution BE IT RESOLVED that the Town Board approves the June General Fund Warrant, vouchers numbered 186 through 224 A-Q, totaling \$78,014.16 and the June Highway Fund Warrant, vouchers numbered 141 through 164A, totaling \$ 24,665.02. All aye. Motion carried.

**3. Supervisor's Report**

MM Supervisor Oberly, 2<sup>nd</sup> Councilman Appolonia to approve the May 2017 Supervisor's Reports. All aye. Motion carried.

**PUBLIC DISCUSSION**

MM Supervisor Oberly, 2<sup>nd</sup> Councilman Werner to open the meeting to public discussion. All aye. Motion carried.

Joel Tyner – holding a forum on fossil fuels. Discussed several issues of importance to him, including pay equity. Starting a book discussion club and invites people to attend. Talked about his values to help people. Described a scenario happening in Poughkeepsie and talked about his work as a Legislature to defend himself about comments he made there towards another employee.

Theresa McGuirk – thanks the Board for their support of the current contract. Works hard to maintain the Library. Talked about summer events at the library. The trustees will work to disseminate information to the community on the 414. Certain information mentioned tonight by Board members was not correct.

MM Supervisor Oberly, 2<sup>nd</sup> 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 8:20PM.

Respectfully Submitted,



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Carol-Jean Mackin,  
Town Clerk