

September 12, 2017 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 Nancy Cunningham, Dean Michael, Mike Appolonia and Eliot Werner. Also present was Town Clerk Carol-Jean Mackin. There were 16 people in the audience.

Supervisor Oberly called the meeting to order at 6:30 PM and led the Pledge of Allegiance. Moment of Silence to commemorate 9/11 victims

APPROVE MINUTES

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the August 8, 2017 Regular Town Board meeting. All aye. Motion carried.

PUBLIC DISCUSSION

None.

SUPERVISOR'S COMMENTS

The culvert pipe on Clinton Hollow Road (County Route 18) about 100 feet south of Grissom Place will undergo replacement of parts of the culvert was delayed and will start about September 18. One lane traffic control will be set up on Clinton Hollow Road. Construction will be completed by late November.

The 2018 Budget process has begun and must be approved by the Town Board by November 20. The schedule of activities is available on the Town's web page.

There is no change in the status of the new power line activity at this time. There will be no No Power Line Workshop after this Town Board meeting tonight.

As we mourn the horrific and deadly events in Charlottesville, the Board of the Town of Clinton joins with all Americans who stand in unity to condemn race hatred, white supremacy, and domestic terrorism in all its forms.

REPORTS

***PLANNING BOARD**

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

***ZONING BOARD OF APPEALS**

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

***CONSERVATION ADVISORY COMMITTEE**

Councilman Michael said he did not receive a report from today's meeting, he will report next month.

***RECREATION COMMITTEE**

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

***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 meeting.

***LIBRARY REPORT**

Councilman Werner said the Library had its meeting and there are a few members here tonight who will speak later.

***ALTESE (formerly CABLEVISION)**

Councilman Appolonia said no good news to report.

***ZONING REVISION**

Councilman Michael said discussions continued and a new section is being discussed, rentals to address Airbnb's.

TRANSMISSION LINES

Supervisor Oberly said no meeting tonight.

***OTHER REPORTS**

OLD BUSINESS

1. Update Tree Harvesting Local law

Mr. Werner said several members made comments and the Town Attorney has revised the draft incorporating suggestions from the Board. It was received today.

Supervisor Oberly made the following comments:

- the definition of tree is not accurate;
- definition of log could also define firewood. Ray feels the definitions will not hold up in court.
- A reference to the Forestry Field guide is mentioned, Ray wants the website address location to find it noted in the text.
- Ray questioned clearing land for the access road and showing that plotted on the site plan map.
- RE: Storm water runoff comment on page 5. The Town Board discussed this issue and Dean said you don't want the runoff to go to the stream
- Page 6, asked if the minimum level of insurance requirement is set at one million dollars. Dean said it should match building code liability level, we will check with the building dept.
- Dean also pointed out that Proof of workers compensation is no longer given to the homeowner but to the government entity for the homeowner. Dean said we should match the monetary amount with the building dept. and he will follow up.

2. Approve Local Law for TB approval before commencing Prosecution of Town Code Violations

MM Councilman Werner, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves proposed **Resolution No. 36 of 2017, that the Town Board hereby adopts said Local Law No. 2 of 2017, entitled “Prosecution of Town Code Violations – Litigation Authorization”** a copy of which is attached hereto and made a part of this resolution; and that the Town Clerk is directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption to the Secretary of the State of New York. All aye. Motion carried.

3. Approve sale of certain Town of Clinton Highway Surplus Equipment – Cunningham

MM Councilwoman Cunningham, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves the sale of certain surplus equipment to the highest bidder, all of whom met the base bid price through a sealed bid process, as listed on **Addendum A**. All aye. Motion carried.

MM Councilwoman Cunningham, 2nd Councilman Appolonia to approve the following resolution: BE IT RESOLVED that the Town Board approves proposed **Resolution No. 37 of 2017, authorizing the Town Superintendent of highways to sell certain surplus equipment and directing that the proceeds be utilized to purchase certain new equipment**. All aye. Motion carried.

4. Discuss Government 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 shared services property tax savings plan. These Shared Services activities have been included for the Town of Clinton’s participation; County road salt purchase, piggy back on County bid for shared purchase of macadam materials, piggy back on County bid for rental of highway equipment, having the County do motor vehicle repair, and do a County bid for sports field baseball clay. No changes have occurred due to Public Hearing comments. The aggressive schedule has the panel of local officials approving the Plan by September 15, 2017. A regional by Town newsletter will be sent out to the residents of the Towns during October. This is a mandate from the State with little hope of getting any funding to cover costs or savings.

5. Approve resolution for CDBG basketball court change order - Cunningham

MM Councilman Cunningham, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves **proposed Resolution No. 38 of 2017, a resolution approving change order number one with W.D. Kuhn Enterprise Inc. D/b/a Stat Construction and authorizing, empowering and directing the town supervisor to take all**

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actions necessary to effectuate this resolution. All aye. Motion Carried. All aye. Motion carried.

6. Update Fee Schedule

After the previous approval, there was a skew in the listing of items and corresponding fees that needed to be fixed and updated fees were added.

MM Dean Michael 2nd Councilman Cunningham to approve the following resolution: BE IT RESOLVED that the Town Board **approves Resolution No. 39 of 2017 to adopt the revised 2017 fee schedule date September 12, 2017 as amended.** All aye except Councilman Appolonia who was absent. Motion carried.

NEW BUSINESS

1. Discuss/set public hearing on 2018 CDBG funds – Cunningham

Dean said the only CDBG grants would apply at Fran Mark Park. Dean has a liability concern with a dog park, which has been discussed. He would suggest a handicapped walking trail on that property. Ray suggests adding handicapped accessible playground equipment. Dan Harkenrider mentioned fixing dugouts. Ray feels that is maintenance. Nancy and Dan will look at Friends Park for improvements and Dean suggests using rec funds to do those upgrades and repairs.

2. Approve putting on table LL XX Tax Cap Override – Oberly

MM Supervisor Oberly, 2nd Councilman Appolonia to approve the following resolution: BE IT RESOLVED that the Town Board approves proposed **Resolution No. 40 of 2017, entitled “A Local Law to Override the Tax Levy Limit for Fiscal Year 2018, Setting a Public Hearing on October 10, 2017 at 6:25 PM and Directing the Town Clerk to Cause Publication of such.”** Nancy Cunningham said this is necessary and we don’t know if we will go over so this has to be in place first, although we are committed to keeping the taxes low. All aye. Motion carried.

3. Approve Resolution Concerning 414 petition – Oberly

MM Supervisor Oberly, 2nd Councilman Werner to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 41 of 2017, entitled Resolution directing the Town Clerk of the Town of Clinton to cause the proposition concerning the setting of the annual contribution of Town of Clinton for the operating budget of the Clinton Community Library to be placed on the ballot at the November general election if she determines that the petition is lawfully submitted.** All aye. Motion carried.

4. Approve special meeting on October 2, 2017 to distribute tentative 2018 budget to Town Board – Oberly

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MM Supervisor Oberly, 2nd Councilman Michael to approve a special meeting on October 2, 2017 to distribute tentative 2018 budget to Town Board at 8:30 am. All aye. Motion carried.

5. Discuss participation in coalition to hire Dan Duthie, attorney to fight the proposed big rate increase requested by Central Hudson starting July 1, 2018 – Oberly

Central Hudson has requested a 19% rate increase to the PSC for their delivery service (wires, transformers, and related facilities) that will become effective July 1, 2018. This rate increase is occurring because increased use of solar and wind electricity generation and the increased use of more energy efficient items and activities (LED lights, appliances, and personal conservation). The Central Hudson rate is based on the amount of electricity in KWH used and that reduction results in lower income for Central Hudson from the ratepayers. According to Central Hudson's proposal, the single largest item of expense is the increase of \$12.2 million in Right-of-Way maintenance (tree trimming). Central Hudson is also seeking an unusually high rate of return on a fat equity structure of 9.5% that is also adding \$4.1 million in electric increases. Attorney Daniel Duthie is forming a Municipal Consortium to fund his efforts in protesting this proposed Central Hudson rate increase for their service area that includes parts of Dutchess, Orange, Ulster, and Columbia Counties. He has over 40 years of experience in practicing before the PSC on proposed rate increases, stopping a desalination plant in Rockland County, and continues to be one of the attorneys on the 345 KV AC Transmission project (No Power Line). He developed a fee schedule depending on the types of local governments and school districts. The Town's fee would be \$5,000 with \$1,000 payable in 2017 and \$4,000 payable in 2018. This is just a summary of Mr. Duthie's proposed Municipal Consortium. I sent you all the details by e-mail on September 7, 2017. It is unlikely that the Town's individual residential rate payers would have the resources to fund this protest of the rate increase. I'd like to have a vote at the October meeting on whether the Town will participate in the Municipal Consortium. Dean said this is similar to the power line issue, but the people have to call the legislators directly to be effective to have them go to the PSC and complain. That will be more effective than Dan's work. Ray says most of the time the lawyers work on behalf of a large group works to some degree as the numbers (the requested rate increase) usually go down.

6. Discuss/Approve Field Road oil and stone - Cunningham

Councilwoman Cunningham explained the project to oil and stone Field Road.

MM Councilwoman Cunningham, 2nd Councilperson Michael to approve the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 42 of 2017, an amended agreement to spend highway funds**. The agreement is for the expenditure of funds, not to exceed \$75,000 for oil and stone Field Road, from county Rt. 19 Bulls Head Road to the Milan town line. All aye. Motion carried.

OTHER

NYS has enacted a Family Leave Plan (FLP) which is more generous than the Federal plan. The Plan has a start date of January 1, 2018. The Plan is self-funded through payroll deductions from the employees. Town governments are not required to

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participate in the Plan unless the Town Board votes to offer the Plan to its employees. As designed, there is not supposed to be any use of tax dollars to fund the payments to employees. It is suggested that the employees be surveyed to determine if they wish that the Town offer the Plan. I will send out more information soon in addition to earlier information I sent you so we can determine at the October Town Board meeting whether we should proceed with the survey and then vote on adoption if desired at the November Town Board meeting.

1. **Resignations and Appointments**

None.

2. **Approval of Warrants**

MM Councilman Michael, 2nd Councilman Cunningham approve the following resolution BE IT RESOLVED that the Town Board approves the September General Fund Warrant, vouchers numbered 309 through 347 A-P, totaling \$15,336.96 and the September Highway Fund Warrant, vouchers numbered 218 through 249A, totaling \$ 65,532.85 and the September Capital fund warrant, numbered 5, totaling \$12,720. All aye. Motion carried.

3. **Motion to move Funds**

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 43 of 2017, titled a Resolution to move funds for the September 12, 2017 meeting.** All aye. Motion carried.

4. **Supervisor's Report**

MM Supervisor Oberly, 2nd Councilman Michael to approve the August 2017 Supervisor Report. All aye. Motion carried.

PUBLIC DISCUSSION

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

Steve Forshler – captain East Clinton rescue squad. This is an update to the workshop on e911 response rates last April. He quoted 49 calls for May, June, July and August, not including auto fire alarms etc. The ambulance responded to 44 or 89.7 % calls. Two calls had an emt on scene with no ambulance. This is a drastic improvement; not resting on their laurels, getting more drivers and a driver's course in place to enable the ambulance to respond. Mr. Forshler is also a commissioner and they did not exceed 2 percent tax cap for their budget, he hopes the town board can do the same. Asked people to view video not read the poor journalism contained in a newspaper from Hyde Park.

Don Estes – Clinton Corners resident. Alluded to poor journalism about the Fire District, in particular an article that talked about a proposed 23 mill fire house with a picture of the firehouse from Clinton Connecticut. Regarding consolidation, they are looking at it and feels there is misinformation currently being disseminated. Feels there is little positive about a consolidation and it would be potentially disastrous. Feels certain in people are

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beating up the east Clinton fire district. He stated that East Clinton FD is already Part of mutual aid, so we share resources already. The fire company members are dedicated to serve.

Barbara Burns – gave history of Library and said in the last two months they see the Library mended and thriving in our community. More than 80 people attended the eclipse viewing. Thanked the community for signing the petition and for carrying the petition. Thanked the town clerk and the board for their support. The proposition will ask the community to safeguard the library with sustainable funding and we need your support. The newsletter will contain info about the proposition. Also, info on website. To talk with board members a trustee is available every sat am in the library until the election. The library is the heart of the community. Reminded people to turn over the nov ballots the proposition is on the back side.

Theresa McGuirk director of the Library. Thanked the community for the concerts and the support of the east Clinton and west Clinton fire depts. and the nine partners lions club to support these programs. The new calendar starts next week. A tag sale on sept 23 from 9 to 3. Booksale in the basement also.

Arthur Weiland – asked Mr. Oberly if he met with other Fire commissioners in Mr. Oberly's office and Ray said no. Asked if he, Arthur met with west Clinton FD commissioners, Ray said he does not know he does not go to their meetings.

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

OTHER

Dean asked Ray to use three lines for the budget. Adopted, proposed and paid to date. He feels it would be helpful to understand the numbers. Ray feels it is a big formatting problem. Nancy feels it should be available. Ray said the information is in the budget. Asked Ray to send the document to dean and he will put the extra column in.

Mike Appolonia preparing a federal assistance grant for a bikeway from Stewarts to Friends Park. We have made applications to the state for this item but we did not get the grant. It looks good for federal funds.

ADJOURNMENT

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board adjourns the meeting. All aye. Motion carried. The meeting was adjourned at 7:50 PM.

Respectfully Submitted,

Carol-Jean Mackin,
Town Clerk