

November 14, 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, and Eliot Werner. Also present was Town Clerk Carol-Jean Mackin. Mike Appolonia was absent. There were 9 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 October 10, 2017 Public Hearing Tax Cap Override. All aye except Councilman Appolonia who was absent. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the October 10, 2017 Regular Town Board meeting. All aye except Councilman Appolonia who was absent. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the October 12, 2017 Special Town Board meeting general fund budget workshop. All aye except Councilman Appolonia who was absent. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the October 19, 2017 CDBG Public Hearing. All aye except Councilman Appolonia who was absent. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the October 19, 2017 Special Town Board meeting. All aye except Councilman Appolonia who was absent. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the November 2, 2017 Special Town Board meeting, executive session. All aye except Councilman Appolonia who was absent. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the November 6, 2017 Budget public Hearing. All aye except Councilman Appolonia who was absent. Motion carried.

### **PUBLIC DISCUSSION**

None.

### **SUPERVISOR'S COMMENTS**

The culvert replacement on Clinton Hollow Road (CR 18, also called Centre Road on the north end) is just south of Grissom Place and is now open. Thanks are given to the Dutchess Department of Public Works in successfully getting the culvert replacement completed on schedule.

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The bridge replacement on Hollow Road (CR 14) in Clinton Hollow is scheduled for completion by the end of November.

The Clinton Thanksgiving Holiday Schedule follows. The Clinton Town Offices, Highway Department, Justice Court Office, and Court will be closed for the Thanksgiving Holiday on Thursday and Friday, November 23 and 24. On Saturday, November 25, the Town Offices will be closed, but the Town recycling center will be open as usual from 8 a.m. to noon. The Clinton Community Library will be closed on Thursday, November 23 but will open regular hours on Friday and Saturday, November 24 and 25.

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.

A Clinton Eagle Scout is repainting the roadside sign along Centre Road as his project.

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

## **REPORTS**

### **\*PLANNING BOARD**

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

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

Councilman Werner said there was no meeting.

### **\*CONSERVATION ADVISORY COMMITTEE**

Councilman Michael said the last meeting included discussion about training and being an energy smart town, talk about becoming certified as such and qualifying for grants. Councilman Werner said there was also a discussion about creating regulations regarding habitat areas, similar to the water law. They discussed the aquifer, but without a map it is hard to identify properties that are affected by these habitats. Ray Oberly said 15 years ago, Gretchen from Hudsonia mapped habitats, Dean said those maps are too general.

### **\*RECREATION COMMITTEE**

Councilwoman Cunningham said they will meet over the winter to revise processes. Concerning the CDBG grant for handicapped playground, there are some issues about the rubber base; the Park will be closed for the winter as a liability issue. Dean talked about the potential of a dog park, Nancy will talk about it over the winter with the Rec. Director.

### **\*BUILDING INSPECTOR**

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

### **\*ZONING ADMINISTRATOR**

Councilman Werner read from the report which is on file in the Town Clerk's office. Nancy asked for a follow up to a citizen complaint on Fall kill Road, there was none because Councilman Appolonia was absent.

### **\*HIGHWAY**

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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. The chair was out on Schoolhouse Road meeting with Central Hudson concerning moving poles and trees on the northern part of the road.

**\*LIBRARY REPORT**

Councilman Werner said the Library had its meeting last night. They voted a new member, eight members strong. Wide ranging discussion and plans for programming and staff development for 2018.

**\*ALTESE (formerly CABLEVISION)**

Supervisor Oberly said they are dropping some channels.

**\*ZONING REVISION**

Councilman Michael said discussions continued with discussion on aquifer and mapping, but several people were absent.

**TRANSMISSION LINES**

Supervisor Oberly said no meeting tonight.

**\*OTHER REPORTS**

**OLD BUSINESS**

**1. Approve Tree Harvesting Local law**

Councilman Werner this is the final version; he wants a vote tonight as Mr. Tompkins' concerns have been addressed as were Supervisor Oberly's. Dean Michael suggests we wait until December.

MM Councilman Michael, 2<sup>nd</sup> Councilwoman Cunningham to postpone the vote until the December Town Board meeting. In discussion, Nancy asked about procedure for talking to individuals to review the document. Supervisor Oberly replied that there is nothing to stop that sort of meeting. Councilman Werner said we have been discussing this document for 6 months in great detail and, we are at diminishing returns at this point. Supervisor Oberly said there is no time schedule, it takes as long as it takes. Aye: Oberly, Cunningham, Michael; Councilman Appolonia who was absent and Councilman Werner who voted nay. Motion carried

**2. Discussion Family Leave Plan - Oberly**

DISCUSSION: 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. A survey was conducted during October of appropriate Town employees to determine their desire to participate in the Family Leave Plan. The results were 14 in favor and 11 opposed in participating in FLP. If approved by the Town Board, all appropriate employees will have a small payroll deduction to help cover the costs of the plan. There are no Town funds used to fund the Plan. The Town

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Board's decision is to approve or not approve the Plan for the appropriate Town employees.

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves enacting the NYS Family Leave Plan effective January 1, 2018. Eliot Werner asked a procedural question. Aye: Oberly, Michael, Werner; Councilman Appolonia who was absent and Councilwoman Cunningham who voted nay. Motion carried.

**3. Participation in Municipal Coalition against Central Hudson rate increase – 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). 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. I have been unable to get more details from Attorney Duthie on his success in getting other governments involved, so I recommend we not participate in this Consortium effort at this time. I signed on with 110 other municipal officials on a letter to NYS Public Service Commission (PSG) urging the Commission to reduce the unreasonably high Central Hudson fixed utility charges. Dean recommends a letter to the elected officials protesting the fixed rate increase. Hiring attorney makes them rich, everyone should write letters, write to the PSC

**4. Adopt 2018 Budget - Oberly**

The Library's 414 Referendum was passed at the General Election on November 7, 2018. The Town's Preliminary Budget was modified to reflect the inclusion of the \$115,000 in taxes to be received for the Library. The new Budget is \$17,922 under the Tax Cap with a tax rate of \$2.13 per \$1,000 assessed value. The previous Town budget without the Library 414 Budget line was \$519 under the Tax Cap with a rate of \$2.15 thus we reduced the tax rate.

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 49 of 2017, titled: A Resolution Adopting a Budget for the Fiscal Year commencing January 1, 2018 and ending December 31, 2018 making appropriations for the Conduct of the Town of Clinton Government and Establishing the Rates of Compensation for Officers and Employees for such period.** In discussion, Councilman Werner wants to know why so much money from the Library savings is allocated on computers. He continued that he had discussed and would like to see moderate increases in salaries, a better investment than computers in his opinion. Ray Oberly explained the need for new computers and software, including a new server for \$10,000 as the warranty runs out in 2019. Ray said we are still \$17,000 under the cap. Eliot wants to put money into salaries and cleaning up the buildings whose exteriors are in bad shape; he does not agree with the purchases Ray is choosing. Nancy said we have been over this. Nancy said we looked at salary equity already and made decisions. Eliot feels we may or may not need the computers purchases.

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Dean agrees with the computer upgrades with the surplus money and cites as an example the phone system which was not upgraded because of budget and then they broke and we spent more to replace it. What happens if the computers do the same thing? In addition, Ray is adding an additional temporary man for the highway department for the \$17,000. Ray said he forewarned the Board members that he would spend money on computers if the 414 passed. Dean has advocated going from a server to a cloud based system, but we can't due to certain rules. Dean advocates the backup system as necessary. Ray said there is a new virus, "zero-day threats", coming through and we are preparing for that. Dean agrees to the computer purchases, but wants these items bid. Nancy asked if Ray consulted an expert on these purchases and Dean said Ray works with Fred Shequine, our computer consultant. All eye except Councilman Appolonia who was absent and Werner who voted no. Motion carried.

## **NEW BUSINESS**

### **1. Discussion on adding Longevity Policy to Employee Handbook- Oberly**

DISCUSSION: The funding for the Policy has been included in the 2018 Town Budget. This policy just describes the implementation. Formal vote will be done at the December 12 Town Board meeting.

Eliot asked about the origin of longevity. Ray said it started in the early 90s and stopped in 2013. Elected officials were never included as Ray said there could be splits in elected terms.

### **2. Discussion on Snow Plow Intermunicipal Agreement - Oberly**

We recently received another updated IMA but it still is missing any statement or insurance coverage for the Town to get paid for any damages to our equipment or personnel due to County based causes. Previous IMA's had the County providing insurance coverage for the Town. We will need to decide do we want that coverage for the Town or not. I have sent my comments to Commissioner Balkind last week and have not heard back from him. With no agreement means Centre/Clinton Hollow Roads (CR 18) will not be plowed by Clinton and we will need to wait until the County can do it later in the day. We can approve at a later date at a Special Town Board Meeting before the snow falls.

### **3. Discuss seeking volunteers for Boards and committees – Oberly**

#### **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 2018. 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](mailto:townsupervisor@townofclinton.com) or by mail to Town Supervisor, Town of Clinton, 1215 Centre Road, Rhinebeck, NY 12572 by December 1, 2017. Interviews will be

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scheduled for early December at the Town Hall. For any questions, call the Town  
Supervisor at 845-266-5721 ext. 105.

**4. Approve resolution requesting DA's office to permit Town Attorney to prosecute violations – Oberly**

This resolution requests the DA's Office to give the Town the ability to prosecute certain legal actions in Town Justice Court.

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board **approves Resolution No. 49 of 2017, titled: Resolution reappointing special prosecutor and seeking the permission of the Dutchess County district attorney to authorize the special prosecutor to prosecute certain offenses, violations and infractions.** All aye except Councilman Appolonia who was absent. Motion carried.

**5. Approve going to bid for highway materials – Oberly**

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 sealed bids for highway materials, the sealed bids must be returned by 10:15 am on December 5, 2017, opened at 10:30 am on that date and awarded at the regular Town Board meeting on December 12, 2017. All aye except Councilman Appolonia who was absent. Motion carried.

**OTHER**

**1. Resignations and Appointments**

None.

**2. Approval of Warrants**

MM Councilman Michael, 2nd Councilwoman Cunningham approve the following resolution BE IT RESOLVED that the Town Board approves the November General Fund Warrant, vouchers numbered 377 through 422 A-I, totaling \$19,362.0135 and the November Highway Fund Warrant, vouchers numbered 267 through 305A, totaling \$ 114,404.91. All aye except Councilman Appolonia who was absent. 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. 50 of 2017, titled a Resolution to move funds for the November 14, 2017 meeting.** All aye except Councilman Appolonia who was absent. Motion carried.

**4. Supervisor's Report**

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MM Supervisor Oberly, 2<sup>nd</sup> Councilman Michael to approve the October, 2017 Supervisor Report. All aye except Councilman Appolonia who was absent. Motion carried.

### **PUBLIC DISCUSSION**

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

Bill Relyea, Barbara Burns – thanked the Board for their cooperation working with them for the 414. Thanked the public for their help. Both leaving the Board in December. They will need new trustees. Introduced a new trustee, Marian Auspitz, who said a few words.

Joel Tyner – working on the county budget, wants our fair share of sales tax revenue. Promotes return of online county budget survey. Promotes participatory budgeting, where people come and vote for a large part of the budget.

Sam Moyer – spoke previously about a mass shooting as it relates to his concern about prohibition of firearms in town buildings.

Idan Simms – Recalled that DC E911 Director Dana Smith stated publicly his intention to meet with the commissioners of the two fire districts and the Town Supervisor. Ray said it has not occurred and they are trying to schedule it. Dec. 12th is the state-wide fire district election. ECFD has one seat open and no candidates have been announced. Two reform commissioners have been elected and each deserve respect. We need another reform candidate, so legacy commissioners will come to an end. He has not decided if he will run for the commissioner set; there are three open police investigations for violations done against him. He feels this is enough to turn anyone off. Mr. Simms feels that the meeting bringing the different offices together is in the spirit of the heavily promoted intermunicipal agreements.

Dean thanked Library Board members Barb and Bill for their service.

MM Supervisor Oberly, 2<sup>nd</sup> Councilman Michael to close the meeting to public discussion and return to the regular order of business. All aye except Councilman Appolonia who was absent. Motion carried.

### **ADJOURNMENT**

MM Supervisor Oberly, 2<sup>nd</sup> Councilman Michael that the Town Board adjourns the meeting. All aye except Councilman Appolonia who was absent. Motion carried. The meeting was adjourned at 7:57. PM.

Respectfully Submitted,

Carol-Jean Mackin,  
Town Clerk