

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, Michael Whitton, and Eliot Werner. Also present was Town Clerk Carol-Jean Mackin. There were six people in the audience.

Supervisor Oberly called the meeting to order at 6:42 PM and led the Pledge of Allegiance.

APPROVE MINUTES

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the Dec. 12, 2017 Town Board meeting. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the Dec. 21, 2017 Executive Session. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the Dec. 27, 2017 Annual Mtg. All aye. Motion carried.

PUBLIC DISCUSSION

None.

SUPERVISOR'S COMMENTS

Ray introduced the Board members and welcomed Michael Whitton as the new member on the Town Board.

At the December 27, 2017 Annual Meeting, we appointed Denise Biery as the new Tax Collector.

On January 15, Martin Luther King, Jr. Holiday, the Town Offices, Highway Department, Court Office, and Court will be closed. Library will be open as usual.

This is a reminder to not park on the road sides during the winter to allow the Town to do proper snowplowing and sanding.

After months of negotiations with Dutchess County Public Works Commissioner Robert Balkind, we reached a stalemate on the IMA to limit the Town's liability. A revised IMA was received from the County with the desired liability protection and it was approved at the December 27, 2017 Annual Town Board meeting. Now the Town will be doing (plowing)CR18 (Centre/Clinton Hollow Road).

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**

There was no meeting in December according Councilman Werner.

***CONSERVATION ADVISORY COMMITTEE**

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

***RECREATION COMMITTEE**

Councilwoman Cunningham said the bon fire is scheduled for Jan 20 at 5:30 at the Rec Park. There will be food and beverages. Christmas trees can be dropped off at the highway department, look for the sign. Trees can also be dropped off the day before to the Bon fire.

***BUILDING INSPECTOR**

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

***ZONING ADMINISTRATOR**

Councilman Werner had no report due to the personnel change.

***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. The Planning Board has forwarded several items for review.

***LIBRARY REPORT**

Councilman Werner said the circulation figures were up in 2017, a 9 percent increase.

***CABLEVISION Altese**

Councilman Whitton, reported that certain channels have changed due to negotiations.

***ZONING REVISION**

Councilman Michael said there was no meeting. The Town planner has closed his business; Neil Wilson is now working for a law firm. We will negotiate meeting times with him.

***PROPOSED TRANSMISSION LINES**

Supervisor Oberly said

***OTHER**

none

OLD BUSINESS

1. Approve Tree Harvesting Law – Werner/Michael

There is a new version supplied by the Town Attorney, dated December 15.

MM Councilman Werner, 2nd Councilman Michael that the Town Board approves the following resolution: **BE IT RESOLVED** that the Town Board approve **Resolution No. 8 of 2018, a resolution to place on the table proposed LL 1 of 2018 and approves that a new public hearing be held in relation to proposed local law 1 of 2018, at the Town Hall on February 13, 2018 at 6:15 o'clock p.m.** All aye. Motion carried.

2. Discussion on TA being special prosecutor for penal law violations - Oberly

Supervisor Oberly recalled: In the 1990's, the Town received permission from the Dutchess County District Attorney's office to prosecute Vehicle and Traffic (V&T) Law violations in Town Court. This occurred when the NYS Police Commissioner ruled that the NYS Troopers could not prosecute V&T violations. In October 2017, the Town asked for additional prosecution powers to also do other prosecutions for zoning and other violations. The November 17, 2017 letter received from the DA's office added the zoning violations and many other penal violations but not our other requested violation prosecutions. There is no funding in the 2018 Adopted Budget to cover these Town's Special Prosecutor expenses. It is difficult to exactly know how much expense will be incurred for any violation case in advance. Also with the recently enacted motion by the Town Board, all legal court actions must be approved by the Town Board with additional Executive meetings needing to be held. The proposed Resolution would allow Town prosecution of Penal Law violations classified as harassment, trespass, or pertaining to controlled substances. Other types of violations can be handled with special prior Town Board approval. The discussion is between the Town's expense versus allowing the resident's legal actions to be resolved. The Town Board just found out that currently all these violation cases in Town Court are dismissed since there is no prosecutor. The DA's office will not prosecute.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: **BE IT RESOLVED** that the Town Board approve **Resolution No. 9 of 2018 directing the special prosecutor, Cappillino and Rothschild, to adjudicate certain matters pursuant to Dutchess County District Attorney authorization.** All aye. Motion carried.

3. Bon Fire Announcement - Cunningham

January 20, 2018, Bon Fire Party @ the Francis Mark Memorial Recreation Park at 5:30 pm. Trees can be dropped off at the Highway Department outside the fence by the sign that says "Christmas trees" Flyers are up all over town.

NEW BUSINESS

1. Designate Audits of Town Offices - OBERLY

Supervisor Oberly designated the following:

- Town Justices - Cunningham
- Town Clerk – Michael
- Town Supervisor/Budget Officer – Werner
- Tax Collector – Whitton

2. Approve M&T Signature card for tax collector – Oberly

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves new signature cards for M&T bank for Tax Collector for all appropriate accounts. All aye. Motion carried.

3. Discussion on LL demolition delay for historic buildings – Werner/Michael

Councilman Werner reviewed the issue. Asked the Town board if they are interested in following through with a local law for this item? Nancy feels this is another timber law; the issue is to protect homes and simultaneously preserve individual owner rights. Dean said he looked at other towns, like Pleasant Valley who has a voluntary program, Rhinebeck has an historic district designation. He said he feels that asking a homeowner to delay demolition seems burdensome. Mr. Werner said this draft law, presented by Cynthia Koch last month, has a six-month window. Dean questions what is the historical significance to these buildings, that has to be looked at to determine to delay its demolition. Eliot said the significance is the age and that they may be part of the fabric of the Town, consistent with the Comprehensive Plan. Eliot does not see the draft as overly restrictive. Wants to pursue this item to balance rights and the social benefit to preserve these structures. Nancy has a problem with us being judge and jury that we will be telling owners not to demolish, we should not have this control over people. Councilman Whitton said these things take a long time and the idea goes along with the comprehensive plan; feels we should explore it some more. Dean wants to define what qualifies a building as historic, is it historic or just old. The consensus is for Eliot should go forward and bring the local law next month without an attorney.

4. Discussion on Sun & Energy’s proposal for CCA for electricity – Oberly

Sun & Energy Company acts like an independent insurance broker who seeks out the best policy for a customer. In this case, the company collects the electrical usage needs for local governments to get a large volume of usage to get the best lowest price from renewable energy sources. All the residents, businesses, farmers, and governments located in a local government can be automatically included in the lower electrical usage rate. It is estimated that there would be about a 10% reduction in the cost on their electric bill. The Town would need to pass a Local Law to Establish a Community Choice Aggregation Program, approve a Memorandum of Understanding and Joinder Agreement, and an Energy Services Coordinator Agreement. At this Town Board meeting, we can discuss if there is interest to move forward on this program and have a public presentation and workshop on January 18 or February 1 at 7 PM in the Town Hall. At this time the Village of Wappinger Falls and Town of Marlborough have signed up. Discussions are under way with City of Poughkeepsie, Town of Poughkeepsie, Town of Wappinger, Town of Newburgh, Town of Hyde Park, and Town of Lagrange. It is expected that the program would start in early 2019.

MM Supervisor Oberly, 2nd Councilperson Michael that the Town Board approves holding a public workshop on Community Choice Aggregation on February 1 at 7:00 p.m. All aye. Motion carried.

January 9, 2018 Town Board Meeting

5. Approve Capital Markets Advisors - CMA Contract – Oberly

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves the Financial Advisory Services Agreement between CMA – Capital Markets Advisors, LLC and the TOC and authorizes the Town Supervisor to sign the contract. All aye. Motion carried.

6. Approve Court Training for Liz Johnson in NYC

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves Court Training in NYC Association of Towns meeting for Liz Johnson from 2-18-18 to 2-20-18 at a cost not to exceed \$476.50. All aye. Motion carried.

OTHER ITEMS

1. Resignations and appointments

MM Supervisor Oberly, 2nd Councilman Michael to appoint Matthew Frye as winter seasonal HMEO on-call effective January 1, 2018 at an hourly rate of \$21.19/ hour. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to appoint Michael Appolonia as Zoning Administrator effective January 1, 2018 at a salary of \$ 16,917.00 for 19 hours per week. All aye. Motion carried.

2. Approval of Warrants

MM Councilman Michael, 2nd Councilman Cunningham to approve the following resolution BE IT RESOLVED that the Town Board approves the January General Fund Warrant, vouchers numbered 1 through 21A-G, totaling \$ 10,752.08 and the January Highway Fund Warrant, vouchers numbered 1 through 8B, totaling \$ 16,505.64. All aye. Motion carried.

3. Motion to Move funds

M Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board **approves Resolution No. 10 of 2018** a resolution to move funds at the January 9, 2018 meeting. All aye. Motion carried,

4. Supervisor's Report

The December 2017 Supervisor's Report will be approved when the 2017 books are reconciled.

PUBLIC DISCUSSION

January 9, 2018 Town Board Meeting

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

Joel Tyner – talked about his initiatives, suggested a new committee for independent bidding like those he has seen done well at the County. Talked about a new economy initiative and the other legislators he is working with. Talked about land banks where distressed lands are bought and sold and put back on the tax rolls. He supports this in Dutchess County. Supports better initiative for lower cost electricity.

Teresa McGuirk, Library Director– thanks to the community for the 414 vote. They are fully committed to offer the best service for the money. The vote kept the doors open and now to look to the future. Thanked many she worked with including Barbara Burns and Bill Relyea who both have resigned. Named new officers. Offered the programming coming up.

Idan Simms – talked about the newly elected commissioners to the ECFD; the reform candidates are now the majority. Thanked the Town Clerk for her efforts and the Town Board to help people pay their taxes early to take advantage of the current tax laws. Very leary of anything that restricts homeowner's ability to change their home's character. He and his wife are active members of the historical society and he is concerned about any restrictions put on homes and homeowner rights. Asks the town board to be careful. Concerned about the DA giving the responsibility to the town to prosecute certain matters. Feels every town in the Dutchess should get together and call the local newspaper to bring this to light. On the electrical purchase, he asks is it for the town or the whole community? He feels these types of offerings need due diligence for the company and it is fraught with risk. A 10 percent savings is marginal. Feels the town being involved gives the implicit endorsement of the town to its people.

Scott Dewkett – regarding the historical demolition delay discussion, he agrees with this local law and the Town Board should consider the proposed law.

Russ Tompkins – regarding the historical buildings, he disagrees with it and wants to preserve his personal rights. If he wants to demolish his building, he does not want others in town to say he can't. Dean said someone has to go to PB before any building is demolished so there is a time delay anyway.

MM Supervisor Oberly, 2nd 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 8:10 PM.

Respectfully Submitted,

Carol-Jean Mackin,

January 9, 2018 Town Board Meeting
Town Clerk