

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 10 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 January 9, 2018 Reorganizational meeting. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the January 9, 2018 regular meeting. All aye. Motion carried.

PUBLIC DISCUSSION

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

Idan Simms – R: CCA item, asked about the meeting that was cancelled. Ray does not know why it was cancelled, he will address later in the meeting. Distributed a flyer from the CCA company; pointed out the principal does not have background in energy, consumer electricity, or alternate energy sources. Their office is a boarding house in Washington. Feels the Town Board did not do due diligence on this issue. If the Town Board holds a meeting they are implicitly endorsing this project and it has nothing to do with solar.

Arthur Weiland – asked about the buildings on the demolition delay proposed local law. Eliot said the initial idea is to use the list of homes listed in the Historical Society's book "Building Clinton, An Architectural Survey" as the baseline.

Mary Pat Sternberg –VP of Board of Trustees of Library. Thanks to liaisons, we make a great partnership. Thanked Carol Mackin and Theron Tompkins to address some issues with the space. Preparing for the book sale. The staff has great programs as part of their educational mission.

Jody Bookhout – re: demolition delay local law. Our property taxes have gone up over the years and families who have been here for generations can't afford to be here any longer. What will the town do for these people when it is cheaper to tear a home down rather than refurbish and we don't let them? Feels we are saying only the rich and elite can own those old homes. Feels the town will force people to preserve history and live in an energy inefficient and dangerous home.

Russ Tompkins – calls the demolition delay draft a monstrosity; questions the validity of the questionnaire that was used to create the comprehensive plan. With a 20% response rate to the questionnaire, how can those results represent the entire community? Mr. Werner says that response rate is considered good and those are the responses there is no

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other measure. Russ Tompkins disagrees with the power given to the commission to control what a homeowner decides to do with their homes. The draft is extremely distasteful. Re: proposed LL to amend ethics laws. It will limit you on who to choose to do these jobs as their talent is what is beneficial. Re: Neil Wilson and Morris Assoc. items, taken aback after attending a zoning revision committee meeting. Did not realize that Neil Wilson was working with the committee to work on the revision. Feels the zoning revision will add more regulations that most people will not want.

Norene Coller – the effort of the historical society is to try to educate the public about issues in town. Our limited development in town is to help protect ground water wells.

Dean Michael – to clarify misinformation: The final version of the tree law was from the town of Hunter, the DEC does regulate tree cutting if you disturb the soil. Dec protects the right to harvest and we are working with them to define tree cutting parcel determinations allowed at a max of two acres. The master plan is the instruction to zoning revision of what code to offer. We are modernizing it, we have also loosened up the law. As an example: an in home business now being allowed in another building, not just the home. Our intent is not to restrict townspeople and we are just trying to implement the comprehensive plan. Eliot said we are making an effort to be balanced.

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

SUPERVISOR'S COMMENTS

- Supervisor Oberly submitted a grant request for \$122,211 to Assemblywoman Didi Barrett's Office to replace the roof on the old highway garage and add 62 more solar panels to generate more electricity for the Town Complex.
- On February 19, Presidents' Day Holiday, the Town Offices, Highway Department, Court Office, and Court will be closed. Library will be open as usual.
- Discussions are being held between the East and West Fire Districts and the Town Highway Department to enable them to radio talk directly with each other. There is hope to get a Shared Services Grant to cover the costs involved. The major costs are a repeater and upgrade and replacement of the Highway's radios from Low Band to UHF.

REPORTS

***PLANNING BOARD - Werner**

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

***ZONING BOARD OF APPEALS - Werner**

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

***CONSERVATION ADVISORY COMMITTEE – Michael Whitton**

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

***RECREATION COMMITTEE - Cunningham**

Councilwoman Cunningham said no report. Ray Oberly said we received a bill from rec parks for garbage and they should be checked on as the parks are closed. Nancy will follow up.

***BUILDING INSPECTOR - Cunningham**

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

***ZONING ADMINISTRATOR - Werner**

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

***HIGHWAY – Michael/Cunningham**

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

***SCENIC AND HISTORIC ROADS ADVISORY COMMITTEE - Werner**

Councilman Werner said no meeting but he chair made a site visit for the subdivision on Schultzhill Road.

***LIBRARY REPORT - Whitton**

Councilman Whitton said the previous meeting was about long term planning. Went to two facilities meetings. There were questions about maintenance and what buildings areas can be used. Asked the following: When is fascia being done and the only entry to the library is through the main doors, asked to look into video door bells.

***CABLEVISION Altice - Whitton**

Councilman Whitton said we got two notices with some changes, attached

***ZONING REVISION - Michael**

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

***PROPOSED TRANSMISSION LINES - Oberly**

Supervisor Oberly said in the six years after Gov. Cuomo heralded his "Energy Highway" Plan to transmit electricity from upstate to downstate, no major new transmission projects have been built or fully permitted. NextEra Energy was selected by NYISO for construction of the AC Transmission line from the windfarms near Syracuse to Albany with an expected completion in 2022. It still needs PSC approvals. For the \$1 billion AC Transmission line from Albany to Pleasant Valley, NYISO has not selected a developer yet. It is about 15 months behind schedule with no end date given. The Champlain Hudson Power Express DC power line from Canada's hydroelectric generators to NYC is fully permitted but has no customer in NYC so nothing is happening. The electric users, the rate payers (you and me), will be paying for all the costs associated with the new transmission lines and new generators (wind, solar, nuclear, etc.). There is no change in the status of the new power line activity going through Clinton at this time. There will be no No Power Line Workshop after this Town Board meeting tonight.

***OTHER**

none

OLD BUSINESS

1. Approve Tree Harvesting Law – Werner/Michael MOTION FAILS

MM Councilman Werner, 2nd Councilman Whitton that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 11 of 2018** hereby adopting said proposed **Local Law No. 1 of 2018**, entitled “**Timber Protection and Harvesting Law**” a copy of which is attached hereto and made a part of this resolution; and that the Town Clerk be directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption of this Local Law to the Secretary of the State of New York at which time it becomes effective. **ROLL CALL VOTE: Oberly: NAY; Werner: AYE; Whitton: AYE; Michael: NAY; Cunningham: NAY. Motion FAILS. Local law does not pass.**

Nancy Cunningham thanked Mr. Werner for the effort and she does not see a need for the law, but wants to keep it for the future reference.

2. Discussion on LL for demolition delay for Historic Buildings- Werner/Michael

This item is very preliminary. We are only here to discuss the item right now. Eliot brought it up last month and he combined the existing demolition permit law with a sample from a town in Mass which limits, not prohibits, certain parameters for demolition of certain buildings. The law attempts to set certain parameters to demolish a building. It will not raise taxes. Dean said the Historical Society already designates historical old buildings because they are old, not for a particular item or issue. People already have a delay process to make a change to their home because they have to go to the Planning Board which will delay. Eliot explained the proposal. Dean asked to specifically id certain houses we want to protect, and Eliot agreed but did not have a definition for such determination. Councilman Whitton asked if it worth saving these properties. Dean said there are other protections already in place, including the Federal List of Registry, etc. Nancy asked: Is there a stated criterion for houses in the town? Have the criteria been applied to the two hundred (200+) houses identified? Have the home owners of these houses been notified/informed? Is there a published list? And who would be the contacts for additional information? Can we do this without a local law? She suggested that maybe a flyer to id and explain to homeowners’ the history of their home. Eliot asked how to approach this without a law. Dean said we could have a voluntary situation for homeowners, then we don’t need this. Eliot asked if the Board wants to go further on this issue. On consensus: Werner go forward, Whitton, likes a voluntary method, Oberly, voluntary, Dean Michael, voluntary for people to join one of the registries, Cunningham, voluntary.

3. 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. A workshop was scheduled for February 1 but was canceled by the Sun & Energy Company. These three things caused them to redo their business plan: a Federal 30% tariff on solar panels and new rules and regulations by NYS PSC and the Federal government. No new workshop has been scheduled. I received a letter from NYS Association of Towns yesterday announcing a new Municipal Aggregation and Community Choice Aggregation program which appears to be similar to Sun & Energy’s program. Both

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governmental facilities and community residents are eligible to sign up and save. I'll learn more information at the Association of Towns Annual Meeting on February 18-21 in NYC.

4. Appoint Chris Palmiero to SHRAC Jan 1, 2018 to Dec. 31, 2018 - Oberly

MM Supervisor Oberly, 2nd Councilman Cunningham that the Town Board reappoint Chris Palmiero to SHRAC from Jan 1, 2018 to Dec. 31, 2018. All aye. Motion carried.

NEW BUSINESS

1. Approve renewal of Copiers and Add One: Town Clerk/Building/Supervisor - Oberly

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve renewing the contract for the rental of three copiers with Toshiba Business Solutions at an annual cost of \$4316.60. All aye. Motion carried.

2. Approve purchase of small sander for pick-up truck – Cunningham

MM Councilman Michael, 2nd Councilman Cunningham that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve the purchase of the small Western Striker Steel 1.5 Yard Sander for the pick up truck from Hudson River Truck and Trailer at a cost not to exceed \$4000. All aye. Motion carried.

3. Approve Settlement of Van Wormer Certiorari – Michael

MM Councilman Michael, 2nd Councilman Cunningham that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 12 of 2018** which authorizes the attorneys for the Town of Clinton, Cappillino & Rothschild, LLP, to enter into a Stipulation with the attorneys for petitioner, Corbally, Gartland and Rappleyea, LLP, by 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. All aye. Motion carried.

4. Discuss AFLAC new plans available – Oberly

MM Supervisor Oberly, 2nd Councilman Michael to approve the authorization of the placement of AFLAC flyer concerning three new polices be placed in payroll envelopes; the payroll deduction will pay the premium. All aye. Motion carried.

5. Approve introducing LL for Zoning Officer using Search Warrants – Oberly

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution BE IT RESOLVED that the Town Board approve **Resolution No. 13 of 2018** introducing proposed **Local Law No. of 2018 of the Town of Clinton, entitled “Amendment**

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to Chapter 250-89 D. of the Town Code Clarifying the Zoning Administrator’s Authority to Obtaining a Search Warrant’, a copy of which is attached hereto and, further that a public hearing be held on such proposal at the Town Hall on March 13, 2018, at 6:00 o’clock p.m., Prevaling Time. All aye. Motion carried.

6. Approve Amended Bucket Truck IMA – Oberly

MM Councilman Werner, 2nd Councilman Michael that the Town Board approves the following resolution BE IT RESOLVED that the Town Board approve **Resolution No. 14 of 2018** authorizing the Town of Clinton supervisor to enter into an agreement amending the intermunicipal agreement for equipment sharing of the bucket truck dated March 3, 2016 to allow the Town of Northeast to participate as a fourth participant. Dean asked why, as it will be used more with more potential for breakdown and wear. Oberly said it is not used very much. Any maintenance is split among all. All aye. Except for Dean Michael who abstained. Motion carried.

7. Approve request for extension of AUD – Oberly

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution BE IT RESOLVED that the Town Board approve asking for a 60-day extension to file the AUD with the NYS Comptroller. All aye. Motion carried.

8. Discuss Neil Wilson Zoning Revision contract – Michael

Eliot will distribute the new contract to the Board members. Neil took a position with a law firm and he would like to stay on as Planner for the Zoning Revision committee to finish the zoning process. Eliot has a concern as the law firm he joined is representing several clients before the Planning Board. Dean does not see a conflict hiring him. Ray said to consult Shane Egan to review the contract. Eliot will send the contract to Shane and Carol Mackin will distribute to the Board members. Eliot’s concern if there is a complicated situation that Neil might has a bias creating the zoning law after representing a person before the PB.

9. Discuss Morris Associates as Town Planner – Werner

Councilman Whitton said Morris Assoc. has worked with us for many years and there is no RFP; we should consider going out for bids to be sure to protect the townspeople. Dean said all professional services are year to year Ray said we don’t do rfps every year, it takes time and money to do. The Board agreed to appoint Morris Assoc. until the end of the year.

MM Councilman Werner, 2nd Councilman Michael that the Town Board approves the following resolution BE IT RESOLVED that the Town Board approve hiring Morris Associates as Town Planner at the contracted rates until December 31, 2018. All aye. Motion carried.

10. Approve introducing Cold War Veterans Exemptions for 2018 – Oberly

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution BE IT RESOLVED that the Town Board approve **Resolution No. 15 of 2018**

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introducing Local Law No. XX of 2018 entitled “Amendment to Chapter 210-27 B. of the Town Code Extending the Time Period for the Cold War Veterans Exemption”, a copy of which is attached hereto and made part hereof, and that a public hearing be held in relation to the proposed Local Law to be held at the Town Hall on March 13, 2018, at 6:10 o’clock p.m., Prevailing Time. All aye. Motion carried.

11. Approve introducing LL to Amend Ethics Law prohibiting Elected officials from also holding appointive offices – Michael

Dean Michael in introducing this Local Law, his concern is for abuse and to alleviate the potential for any misdeeds. Specifically, we have been talking about what to do about the tax collector position. This won’t go into effect until January 1 of next year (2019). Supervisor Oberly does not support it, does not see any benefit and we’ve had no complaints and we got things into place quickly when the tax collector resigned at the end of 2017. It is unnecessary and the Supervisor wants proof of Dean’s abuse claim, do we not trust our people? He asks: Do you want time clocks so we all know what monies are spent. Nancy said is the perception; if there is doubt you are on the side of caution. Ray said its not required by state law. Whitton said we should try to get as many people from the community filling our jobs. Ray said it is a good desire but it is tough to find people for the positions. Eliot was concerned about the exception that the Town Board can override the law with a resolution, said with the exception then why have the law?

MM Councilman Michael, 2nd Councilwoman Cunningham that the Town Board approves the following resolution BE IT RESOLVED that the Town Board approve **Resolution No. 16 of 2018 introducing proposed Local Law No. of 2018 entitled “Prohibition on Elected Municipal Officers Holding Paid Positions with the Town”**, and that a public hearing be held in relation to the proposed Local Law at the Town Hall on March 13, 2018, at 6:20 o’clock p.m., Prevailing Time. **ROLL CALL VOTE: Oberly: NAY; Werner: NAY; Whitton: AYE; Michael: AYE; Cunningham: AYE. Motion approved.**

12. Approve Pine Plains Contract for harboring dogs when necessary

MM Councilman Michael, 2nd Councilman Cunningham that the Town Board approves the following resolution BE IT RESOLVED to reapprove the contract for harboring dogs according to the terms of the contract between Town of Clinton and Pine Plains Veterinary Associates, PC. And allow the sup to sign the contract. All aye. Motion carried.

OTHER ITEMS

1. Approval of Warrants

MM Councilman Michael, 2nd Councilwoman Cunningham to approve the following resolution BE IT RESOLVED that the Town Board approves the February General Fund Warrant, vouchers numbered 22 through 68A-F, totaling \$ 179,761.28 and the February Highway Fund Warrant, vouchers numbered 9 through 38A, totaling \$ 153,852.87 and the February Capital Fund Warrant, numbered 1 totaling \$3995.00. All aye. Motion carried.

2. Motion to Move funds

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M Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board **approves Resolution No. 17 of 2018** a resolution to move funds at the February 13, 2018 meeting. All aye. Motion carried,

3. **Supervisor's Report**

The January 2018 Supervisor's Report (Draft/2-12-2018) will be approved when the 2017 books are reconciled.

PUBLIC DISCUSSION

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

Idan Simms – CHS is commemorating the centennial of WW1. We had 20 men from Clinton who participated in the War. Thanked the Town Highway dept. for a good job on pot holes and snow removal. Re: local law on ethics, there is a lot of talent in town and we would benefit if we could access those skills. One person in more than one job runs the risk if someone gets sick you are missing from several positions.

Denise Biery - introduced herself as the Tax Collector, gave her hours and availability to the public, thanks to the Town Board for the opportunity.

Mike Duquette– asked for a ban on firearms in town buildings. Nancy has reached out to Sam Moyers another resident who requested the same.

Theron Tompkins - Highway Superintendent commented on the bucket truck and adding another Town to the intermunicipal agreement; we don't always make decisions quickly. Northeast was not quick to join the intermunicipal agreement, but sees a need now. If you don't move it, it will break, it should be used so adding them is a plus.

Russ Tompkins – retired Sergeant NYS state police. Putting up a gun free zone sign is attractive to a criminal. A criminal does not obey a law, the law won't affect the person who will do evil.

Bernadette Duquette – a friend was shot and killed in a public building and her boss killed himself before her and another person. We can control our government buildings. Thanks the board for considering the ban on guns on Town property.

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 8:22 PM.

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Respectfully Submitted,

Carol-Jean Mackin,
Town Clerk