

March 13, 2018 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, Michael Whitton, and Eliot Werner. Also present was Town Clerk Carol-Jean Mackin. There were 13 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 February 13, 2018 public hearing on the timber law. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the February 13, 2018 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.

Jackie Reynolds- representing the Taconic Little League – a Board member, asked the Town to consider the banners at Friends Park. Showed an example of a banner: 3 X 5 vinyl held on to the fence by zip ties, from April to October. Benefit to the league is we try to keep registration rates low and this helps funding.

Scott Duquette - in favor banning firearms in town spaces.

Judy Canham – in favor of banning guns on town property.

Mike Duquette - in favor of banning guns on town property. It is about public safety where children can feel safe.

Bernadette Duquette - banning guns is for a feeling of safety.

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

SUPERVISOR'S COMMENTS

During the Easter Holiday, the Town Offices, Highway Department, Court Office, and Court will be closed on Good Friday and Saturday, March 30 and 31 respectively. The Library will be open as usual on both days. The Recycling Center will be open as usual on Saturday, March 31 from 8 AM to noon.

We received a letter from the Dutchess County Board of Elections seeking Election Inspectors for the three elections this year. Training will be required and you received \$35 pay for training. Election Day pay is \$250 for a 5:30 AM to 9:30 PM workday. Call Amy Tanner at 845-486-2474

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for questions or to apply. More information will be posted on the Town Hall bulletin board and in the Library.

The 2017 AUD extension was requested and granted.

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 – Whitton**

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

***RECREATION COMMITTEE - Cunningham**

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

***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**

Councilwoman Cunningham 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 action.

***LIBRARY REPORT - Whitton**

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

***ALTICE - Whitton**

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

***ZONING REVISION - Michael**

Councilman Michael no meeting until we finalize the contract with Neil Wilson.

***PROPOSED TRANSMISSION LINES - Oberly**

Supervisor Oberly said no new information.

***OTHER**

Councilman Michael stated the NYS fire ban on open fires is from March 15 to May 16.

OLD BUSINESS

1. Discussion on LL for demolition delay for Historic Buildings- Werner

Eliot Werner said interested citizens are forming a committee to look into this issue. There is a section of the zoning law that deals with this issue and it is strong although he doesn't recall it ever being enforced. This may be a good starting point.

2. 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. They canceled their discussions with the Town due to redoing their business plan.

The NYS Association of Towns and Conference of Mayors have announced a new Municipal Aggregation and Community Choice Aggregation program called New York Municipal Energy Program (NYMEP) operated by Good Energy which appears to be very similar to Sun & Energy's program. Both governmental facilities and community residents are eligible to sign up and save. At the Association of Towns Annual Meeting, they gave a presentation which showed them being a nation-wide business with many users as residents, businesses, and governments (local, county, and state). To move the process forward I'd like to have them do analysis of the costs for the Town's electrical usage and potential savings and then schedule a workshop later to see the results and discuss the program details and process. We will make a decision later to become a partner with NYMEP.

MM Supervisor Oberly, 2nd Councilperson Michael that the Town Board authorizes the Town Supervisor to sign the letter for electric usage analysis and provide the requested information. All aye. Motion carried.

3. Discuss Neil Wilson Zoning Revision contract – Werner

MM Councilman Werner, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves the contract with Neil Wilson for legal services related to the Zoning amendments, dated March 2, 2018 at the rates stated, and authorizes the Supervisor to sign the contract. Dean Michael said he spoke with Morris Associates who said it is in our best interest to keep Neil. All aye. Motion carried.

4. Approve Local Law on Search Warrant – Oberly taken off the agenda

The current Zoning Law implies the Zoning Administrator has more search abilities than are legally available to him. This Local Law clarifies his abilities to do a legal search and provides the process. The current proposed local law is being withdrawn at this time to allow for more time for research.

5. Approve Local Law on Cold War Vet Extension – 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. 18 of 2018 adopting Local Law No. 1 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 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. All aye. Motion carried.

6. Approve Local Law on Ethics – Michael

Councilman Michael offered that this Law is presented as a way to avoid ethical issues; NY has a lot of problems with corruption and cited recent felony charges to State officials. Comments this is not a problem in our Town but he feels it’s a good ethical standard to say we are above it all; feels it’s a good practice not having people in multiple positions. This law will also be an opportunity for others to participate in the town. The Town Board members cannot serve in any other paid position in the town and he is proposing in this law that any other elected official should not have another paid position in the town. The exemption exists in the law to override this requirement if we can’t fill a vacancy, then we have this opportuning to fill the vacancy.

MM Councilman Michael, 2nd Councilman Cunningham that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 19 of 2018 adopting Local Law No. XX of 2018, entitled “Prohibition on Elected Municipal Officers Holding Paid Positions with the Town”** 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; and **Be It Further Resolved, that this Local Law shall become effective on January 1, 2019.** In discussion, Councilwoman Cunningham said we are not accusing anyone of misconduct but if you are talking about it, you need to fix it. We need to beef up advertising to attract people to these jobs; this law is not personal or meant for any one person. It’s good practice. Supervisor Oberly does not support the proposal. The Town Board appoints people to jobs. We don’t appoint people to elected positions, the community does. If someone is qualified for a job, they should be able to be appointed, we don’t need a law to tell us who to appoint. This has been expensive to create this law. A lot of attorney time is spent to develop these documents. Then we need to be concerned about passing resolutions to override certain positions. He sees no benefit in this law that will streamline government and no basis to it being needed. As to the double dipping concern, the Board members annually audit the books of the employees. That is the control we have over employees. Dean said there is no additional time needed to approve the exemption to the law; we are not auditors. Supervisor Oberly said if the Town wants certified audits, a small one costs 5 to 10 thousand dollars. Mike Whitton sees both sides, looked and saw three positions that would need exemptions to the law. Feels like it is targeting one individual; he does not feel right about it. The Board has to post for positions to attract candidates. Roll Call Vote: Cunningham: Aye, Michael: Aye, Oberly: Nay, Whitton: Nay, Werner: Nay. **MOTION FAILS.**

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7. Discuss trash pick-up at Rec Parks – Cunningham

Councilwoman Cunningham said there is an error in the billing, Dan Harkenrider will call Ray Oberly to follow up.

8. Approve fixing broken window in Assessor's Office – Werner

Ray Oberly is having it fixed by Williams Lumber, so we will wait to see if it is fixed within the month.

NEW BUSINESS

1. Approve Parkinson's Awareness Month Proclamation – 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. 20 of 2018 naming April the World-Wide Parkinson's Awareness Month**. All aye. Motion carried.

2. Discussion on banning firearms in Town buildings, Town Complex and Parks - Werner

Councilman Werner worked on a draft law with the Town Attorney which took the current prohibition in parks and expanded it to all town property. It includes all types of prohibited activities, there are 22 of them. Asks the Board to review this document with an eye to get it on the agenda for approval in April.

3. Approve Private Driveway name for Forever Ivy Lane for E911 – 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. 21 of 2018 titled Town Road Name for E911 – Forever Ivy Lane**. All aye. Motion carried.

4. Approve Oberly going to PERMA / NYMIR annual training in Albany – Oberly

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves Oberly going to PERMA annual training at no cost to the Town; the PERMA annual mtg is May 24 & 25 at Bolton Landing. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves Oberly going to NYMIR annual training at no cost to the Town. The NYMIR Annual mtg is May 10 & 11 at Bolton Landing. All aye. Motion carried.

5. Approve going for bid for Town complex macadam using SAM grant funds – 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 macadam for the Town complex using SAM grant funds. **Bid packets are available March 29, the bids must be returned by 10:15 am on April 26, 2018, opened at 10:30 am on that date. The bid will be awarded on May 8, 2018 at the regular Town Board meeting.** All aye. Motion carried.

6. Approve going for bid for repair of big highway garage doors using SAM grant funds – 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 repair of big highway garage doors using SAM grant funds **Bid packets are available March 29, the bids must be returned by 10:15 am on April 26, 2018, opened at 10:45 am on that date. The bid will be awarded on May 8, 2018 at the regular Town Board meeting.** All aye. Motion carried.

7. Discussion on Town complex generator – Oberly

As you were aware the Town Hall Complex was without electricity during the first big snowstorm starting on Friday, March 2 and was returned on Monday, March 5. During this time there was limited operation at the Highway Garage with their small generator. There was no heat, water, internet and telephone services, or electricity so I closed the Town Hall for those days. I've tried three times in the past to get a grant to cover the purchase of a 150 KW standby generator to power the whole Town Complex when needed. The current plan is to try for a Shared Services Grant this summer, if that fails, see if NYS Senator Serino can give us a grant, and all failing to put its purchase and installation in the 2019 Budget. The estimated cost is about \$90,000. The timeline for the 2018 Shared Services will be similar to last year with applications released in early April, due back mid-May, and a project year start August 1. With this tight schedule, I request to use Whitman Engineering (David Whitman, PE) to do the design work, the bidding process, to oversee the construction, and doing the cost estimating. He was used for the earlier estimates. With the short time to prepare the Shared Services Grant proposal, I request permission to use his services again to do the proposal and it can be reused for another Senator Serino grant or in the 2019 Budget. I will get a contract for approval at the April 10 Town Board meeting or earlier so we can move ahead and not miss the Shared Services Grant deadlines since we have about a month from application being available to submission deadline. Nancy wants to know how is this a shared service? Ray said there are unique situations where we can use shared services money without sharing services. Dean would rather see the \$90000 go for the solar panels to lower electricity costs. Dean pointed out of the four days we were out of power, Monday was the only work day. The Board wants to know how much it costs for the engineer to develop a plan. Dean suggests using the numbers for the proposed generator from two years ago, but Ray said the numbers are old.

The item is delayed until next month.

8. Approve Library contract – Whitton

MM Councilman Whitton, 2nd Councilman Werner to approve the following resolution: BE IT RESOLVED that the Town Board approve the Agreement to modify the amended extension agreement between the Town of Clinton and the Clinton community library, that the Town Supervisor of the Town of Clinton be and he hereby is authorized, empowered, and directed to execute the attached modification agreement and to take any and all actions necessary to implement the provisions of said modification agreement. In discussion, Councilman Michael said we moved offices out of that building due to mold and water, concerned if we are renting the space we must be sure it is a good and healthy environment. Said the contract obligates us to take care of the problems in the basement. Feels it is a liability. Councilman Whitton asks if the liability is minimized without a lease? Councilman Whitton said the library has insurance. Dean feels the lease makes us liable, but he is not opposed to anyone using it. Mr. Whitton said people use the Van Vliet room all the time; Dean agreed but said the use of that room is not constant use. All aye except Councilman Michael who voted NAY. Motion carried.

9. Approve Taconic Little League request for signs at Park

Ray Oberly said 20 years ago the Town Board rejected this request. Dan Harkenrider has asked to have signs and the Town Board has said no. If we want signs at the Park, we should have our Rec Committee have the opportunity to raise funds first. Dean said we are not getting money from subdivisions because there have been no new ones approved, whose fees go for recreation. Nancy said we worked hard to keep the budget down and there were no requests for Friends Park because of that, but there is a need for improvements.

MM Supervisor Oberly, 2nd Councilwoman Cunningham to approve the following resolution: BE IT RESOLVED that the Town Board approves Taconic Little League's request for banner-sponsor signs to be displayed at Friend's Park annually from April – October for fundraising purposes. **All NAY. Motion fails.**

OTHER ITEMS

PVE LLC letter – Councilman Whitton explained he needs to have a letter of support approved in favor of PVE LLC's proposal to the DEC for a grant to fund a flood mitigation grant, which our CAC approves.

MM Councilman Whitton, 2nd Councilman Michael to send a letter in support of the grant proposal for flood mitigation studies in the Wappinger Creek Watershed. All aye. Motion carried.

Speed monitor sign - Nancy Cunningham discussed purchasing a speed monitor sign. Working with Theron, she got prices and found one for \$6000, the justification is that we don't have a police force and she is getting a lot of complaints about speeding on Town roads. Nancy said we don't have access to the sheriff's speed sign. Councilman Whitton said using the sheriffs sign works

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but we could use one more frequently in our Town. Eliot wants to know if it has a camera, Nancy said no and the sheriff said that is not necessary. Councilman Whitton said we should be in the business of making our town safe, not prosecuting people. Ray said it s a money issue, where does the money come from to make the purchase? No action taken.

Resignations and appointments

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board appoints Chris Juliano as a member of the ZBA for a term of office of 3-1-2018 to 12-31-2024 (a full-term vacancy). All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board appoints Jean McAvoy as a member of the CAC for a term of office of 3-1-2018 to 12-31-2018. All aye. Motion carried.
(FYI, the CAC is two-year terms; we have 3 members ending in 2019 and with Jean's appointment, we will have 3 members ending in 2018. – C)

1. Approval of Warrants

MM Councilman Michael, 2nd Councilman Cunningham to approve the following resolution BE IT RESOLVED that the Town Board approves the March General Fund Warrant, vouchers numbered 69 through 104A-F, totaling \$ 28,625.11 and the March Highway Fund Warrant, vouchers numbered 39 through 70A, totaling \$ 139,935.58. All aye. Motion carried.

2. Supervisor's Report

The February 2018 Supervisor's Report 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.

Denis Biery – cost of summer camp will be determined as she has numbers that differ from those in Councilwoman Cunningham's report.

Scott Duquette - on speed monitoring, asks if the data stamp will be used to get the sheriff to then enforce the speed on that road.

Theron Tompkins - Highway Superintendent. We did use the sheriffs speed sign. It was hard to get it from Poughkeepsie. We can move it around and the sheriff does work with us but feels having our own is best. Dean asked about if it can be a shared service. Theron said the other Towns we work with are not interested.

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

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ADJOURNMENT

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board adjourns the meeting. All aye. Motion carried. The meeting was adjourned at 8:01 PM.

Respectfully Submitted,

Carol-Jean Mackin,
Town Clerk