

April 10, 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, Michael Whitton, and Eliot Werner. Also present was Town Clerk Carol-Jean Mackin. Councilman Dean Michael was absent. There were 19 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 Councilwoman Cunningham to approve the minutes of the March 13, 2018 public hearing on the proposed Local law: ZA issuing warrants. All aye except Councilman Michael who was absent. Motion carried.

MM Supervisor Oberly, 2nd Councilwoman Cunningham to approve the minutes of the March 13, 2018 public hearing on the proposed ethics law. All aye except Councilman Michael who was absent. Motion carried.

MM Supervisor Oberly, 2nd Councilwoman Cunningham to approve the minutes of the March 13, 2018 public hearing on the Local law for Cold War Vet exemption. All aye except Councilman Michael who was absent. Motion carried.

MM Supervisor Oberly, 2nd Councilwoman Cunningham to approve the minutes of the March 13, 2018 regular Town Board meeting. All aye except Councilman Michael who was absent. Motion carried.

PUBLIC DISCUSSION

MM Supervisor Oberly, 2nd Councilwoman Cunningham to open the meeting to public discussion. All aye except Councilman Michael who was absent. Motion carried.

Cynthia Koch – re: LL to prohibit certain activities on Town property, she is surprised people are allowed to bring guns into Town buildings and that it is legal. Worried as the wife of an elected official that these elected officials are exposed to public disapproval. She feels it is a wise decision by the Town Board to present his law.

Barbara Mansell – A resident and Zoning Review committee member, looked at current law to prohibit certain activities on Town property and notes that there are currently some prohibitions for the rec park but not all Town property. This law is not saying don't carry firearms, it is saying don't bring them on town property.

Jackie Emslie – city of Poughkeepsie resident. Feels this proposed law could do more harm than good. It creates a new class of criminals who have no criminal intent. Firearm owners often have their firearms with them in their cars as they go from place to place, so stopping at Town Hall makes them criminals.

Cathy McMahon – this law will do nothing to make us safe from a maniac with a gun. Maniacs don't obey laws. We need to keep firearms out of the hands of maniacs and not from law abiding citizens.

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Judy Canham – you are elected to represent your constituents. Recommends that the Board hold the public hearing on the issue of prohibiting firearms on Town property to proceed most responsibly, so input from all residents can be heard.

Merida Welles – In favor of proposed law and urges a public hearing be allowed for full debate on how to proceed on the issue of guns being allowed on Town property; agrees with others who share her opinion.

Steve Rathjen - Asks the Board to not consider this proposed law to prohibit guns on Town property. Concealed carry is a state law that gives people the right to carry a gun in NYS. Was surprised guns are not allowed in the rec park. Feels like law abiding citizens are getting their rights stripped away. Comments that Chicago has the toughest gun laws and they are the murder capital of the world. Having a gun gives a law-abiding person a defense. We need to deal with the maniacs not the law-abiding citizens.

Kevin Dooley- cited a statistic of a crime prevention research center that quotes 94% of mass shooting occur in gun free zones. The media is creating a hysteria on the subject of guns. He is a locksmith and goes into bad neighborhoods and he needs to protect himself. Go after illegal weapons, don't go after law abiding citizens.

Idan Simms – chose Clinton 20 years ago because it is a safe community. Gun free zones don't work, if they did we would not see these massacres. A gun free zone is unenforceable as we have no metal detectors nor a police force. Went to Fran Mark Park, saw no sign for it being a gun free zone. Urges the Town Board to reject suggestions to impose an unenforceable and dangerous law to establish a gun free zone.

Sam Moyer – Commented that we should have an opportunity to have a public hearing before we pass such a law.

MM Supervisor Oberly, 2nd Councilwoman Cunningham to return to the regular order of business. All aye except Councilman Michael who was absent. Motion carried

SUPERVISOR'S COMMENTS

The Aging Senior Picnic will be held on Wednesday, July 11 at the FDR Library in Hyde Park. This is a change in location. We'll repeat the information in June with registration details.

The NYS Public Service Commission is asking for public input concerning the utilities performance during the March 2018 winter storms. Your comments can be written, e-mail messages or phone calls and are requested by May 22, 2018. There will also be Public Hearings on Monday, April 23 starting at 2 p.m. or 6 p.m. in the Poughkeepsie Town Hall, 1 Overocker Road, Poughkeepsie 12603. More details will be posted on the Town's web page and on the bulletin board at the back of the Town Hall meeting room.

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 said the schedule for the rec programs are in place and will be on the website. The pavilion is being booked now. Working in improvements, specifically in Friends Park in 2019.

***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 the Roadside cleanup is Saturday, April 21, 2018 from 9 – 4pm

***LIBRARY REPORT - Whitton**

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

***ALTICE - Whitton**

Councilman Whitton said no report.

***ZONING REVISION – Michael - Werner**

Councilman Werner said the committee is back to meeting regularly discussing a new section dealing with aquifers and revisions and updates to other sections.

***PROPOSED TRANSMISSION LINES - Oberly**

Supervisor Oberly said no new information.

***OTHER**

OLD BUSINESS

1. Discussion of Good Energy's Electricity proposal – Oberly

The NYS Association of Towns and Conference of Mayors have announced a new Municipal Aggregation and Community Choice Aggregation program called New York Municipal

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Energy Program (NYMEP) operated by Good Energy. The requested Central Hudson billing information was sent to Good Energy to do their analysis on projected electricity savings they can provide to Town of Clinton. When the analysis results come back we'll schedule a public workshop to have them describe their benefits and have the public ask questions concerning their benefits.

2. Approve Introducing LL on ZA issuing Search Warrant – Oberly

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.

MM Supervisor Oberly, 2nd Councilman Whitton that the Town Board approves the following resolution BE IT RESOLVED that the Town Board approve **Resolution No. 22 of 2018 Introducing proposed Local Law No. XX of 2018 of the Town of Clinton, entitled “Amendment to Chapter 250-89 D. of the Town Code Clarifying the Zoning Administrator’s Authority to Obtaining a Search Warrant”**, and that Public Hearing be held on Tuesday, May 8, 2018 at the Town of Clinton Town Hall, 1215 Centre Rd, Rhinebeck (Town of Clinton), New York at 6:15 p.m. All aye except Councilman Michael who was absent. Motion carried.

3. Approve Introducing LL: “Amendments to Article II of Chapter 214 of the Town Code Extending Certain Prohibited Activities to All Town Owned Properties” – Werner

MM Councilman Werner, 2nd Councilman Whitton that the Town Board approves the following resolution BE IT RESOLVED that the Town Board approve **Resolution No. 23 of 2018 Introducing proposed Local Law No. XX of 2018 of the Town of Clinton, “Amendments to Article II of Chapter 214 of the Town Code Extending Certain Prohibited Activities to All Town Owned Properties”** and a public hearing be held at the Town of Clinton Town Hall, 1215 Centre Rd, Rhinebeck (Town of Clinton), New York on May 8, 2018, at 6:25 o'clock p.m., Prevailing Time. In discussion, Councilwoman Nancy Cunningham said the community has spoken so we should go ahead with this. Councilman Whitton said this is to promote the public hearing. All aye except Councilman Michael who was absent. Motion carried.

4. Discussion on Town complex generator - Oberly

Supervisor Oberly: We just received the proposal information for the 2018 Municipal Innovation Grant (MIG) Program which has a submission date of June 1, 2018. I'll try to get the generator using this grant.

5. Discussion on electric speed limit sign - Cunningham

Councilwoman Cunningham said we want to purchase a speed sign, but with the extended winter and need to use highway funds for plowing and sanding, we need to table this until a later date due to its cost of about \$7500 which we don't have right now.

NEW BUSINESS

1. Approve Denise Biery going to Tax Collector School – Oberly

MM Supervisor Oberly, 2nd, Councilwoman Cunningham to approve the following resolution: BE IT RESOLVED that the Town Board approve Denise Biery's attendance at Tax Collector School June 10-13, 2018 at Lake Placid at a cost not to exceed \$950. All aye except Councilman Michael who was absent. Motion Carried.

2. Approve support letter delaying fence along CSX train tracks in Red Hook and Rhinebeck – Oberly

MM Supervisor Oberly, 2nd Councilwoman Cunningham to approve the following resolution: BE IT RESOLVED that the Town Board approve sending a support letter delaying the fence along CSX train tracks in Red Hook and Rhinebeck. All aye except Councilman Michael who was absent. Motion Carried.

3. Discussion on consolidating activities with County or receiving funds from County – Oberly

At the last Supervisors and Mayors Association meeting on April 3, there was discussion on considering ways to consolidate activities or request reimbursement from the County. Some would be funding studies to determine the benefits of any consolidations. These items will be explored at the May 1 Association meeting as to how to move forward. Possible items to be discussed follow:

1. Van Sickle prosecutions funding

The County DA's Offices requires Towns to be the prosecutor for violations including harassment, substance abuse, and trespass. Without the Town's prosecution in Town Court, the matter is dismissed by the Judge. We are seeking reimbursement for our Town attorney for prosecuting these violations.

2. County wide tax collection consolidation

The County would fund this position and collect the taxes, disperse the taxes, and keep the penalty and forfeiture collections. The major issue would be to have a County person locally available to collect taxes from residents and answer their questions. Another issue would be to have the NYS Laws changed to allow this function.

3. County wide Assessor consolidation

The County would fund this position, may be conduct BAR meetings, collect and process all the exemptions, and have County local people available to answer residents' questions. A major stumbling block would be requiring all the local governments that are not at 100% Equalization Rate to pay to become 100% before joining.

4. County wide Fire Inspector consolidation

Clinton has minimal impact with the Building Inspector also doing some Fire Inspections. This is a big effort for the Towns, villages, and cities with the large educational facilities, housing complexes, large shopping areas, and public facilities.

5. County wide Animal Control consolidation

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In many places, local governments share the services of an Animal Control Officer and the pound where they are collected. This would probably be set up on a regional basis to minimize travel distances and a quicker response to an animal control situation.

If anyone has any other ideas, send me an e-mail to TownSupervisor@TownofClinton.com to give me the details by April 25 so I can consolidate them for the Association meeting.

Nancy Cunningham supports item one. Michael Whitton likes that the local tax collector is here in Town for residents.

4. Discussion on taking over two cemeteries in 2019 – Werner

Mr. Werner said we were approached by two cemeteries about a year a half ago to take them over, the issue is now back. Three town cemeteries will be closing at the end of this year. With the Town Clerk's help, he contacted the Rhinebeck and Stanford Town Clerks for guidance as their towns went through this previously. There are many issues to address.

5. Approve attendance for Fiorese/Whitton/Thompson at NYSERDA training – Whitton

Mr. Whitton explained that he secured tickets to a free NYSERDA code enforcement training program that will get the Town another designation available to us through the Clean Energy Community program. The Clean Energy program has far fewer hurdles to jump through to gain that designation as compared to becoming a Climate Smart Community. A community needs to complete 4 out of the 10 "high impact actions" in order to be designated a Clean Energy Community. This is important because it will make us eligible for grants to fund additional clean energy projects. Those projects will help us in the Climate Smart Community program.

This is a cost-free training, aside from the time commitment by our building inspector. In order for the Town to become eligible for the CSC points, the building inspector is required to attend the training.

MM Councilman Whitton, 2nd Councilwoman Cunningham that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve Building Inspector Louis Fiorese, CAC Member Marian Thompson, and myself (Councilman Michael Whitton) attending the NYSERDA Energy Code Enforcement Training on April 16, 2018 in Montgomery, NY for no cost other than travel expenses. All aye except Councilman Michael who was absent. Motion carried.

OTHER ITEMS

1. Resignations and appointments

None.

2. Approval of Warrants

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MM Councilman Werner, 2nd Councilwoman Cunningham to approve the following resolution
BE IT RESOLVED that the Town Board approves the April General Fund Warrant, vouchers numbered 105 through 148A-G, totaling \$ 21,788.17 and the April Highway Fund Warrant, vouchers numbered 71 through 94A, totaling \$ 48,372.50. All aye except Councilman Michael who was absent. Motion carried.

3. Supervisor's Report

The March 2018 Supervisor's Report will be approved when the 2017 books are reconciled.

4. Motion to move funds

MM Supervisor Oberly, 2nd Councilwoman Cunningham to approve the following resolution
BE IT RESOLVED that the Town Board approves **Resolution Number 24 of 2018, a motion to move funds at the April 10, 2018 meeting.** All aye except Councilman Michael who was absent. Motion carried.

PUBLIC DISCUSSION

MM Supervisor Oberly, 2nd Councilwoman Cunningham to open the meeting to public discussion. All aye except Councilman Michael who was absent. Motion carried.

Idan Simms- NYS Legislature handed out another unfunded mandate, we will have to pay for cancer insurance for interior firefighters. Other questions should be asked of these firefighters, for ex.: how many of these firefighters smoke cigarettes, do they work in an environment with carcinogens, what is their family cancer history. Asked ray if the meeting has been set up between the fire districts and County EMS. Ray said possibly next month. Mr. Simms noted that ECFD has three reform commissioners as a majority.

Roger Matri – asked about the cold war vet law, told to see the assessor.

Joel Tyner – Discussed his initiatives, including promoting Chatham police chief's program for treatment instead of incarceration for opiate problem. The county has become a climate smart community. Working on keeping electric rates low.

Jody Rathjen – if you are a non-violent gun owner why should you be punished with this proposed law? What would a ban accomplish, will we be safer? Concealed carry people have rigorous background checks and they are trained. How would the town enforce this law? What is the benefit to the town? Feels the school children are sitting ducks with no one there to protect them from a shooter.

Bob Tryczinski – re: prohibition law. People have a concealed carry permit so you should never know who has one. If your concealed carry weapon is not concealed, you can lose your license. Questioned other parts of the prohibited list. Mr. Tryczinski and Councilman Werner exchanged words on the work of the Zoning Revision Committee; Bob wants to see the zoning revision work piecemeal, not wait for the final product.

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MM Supervisor Oberly, 2nd Councilwoman Cunningham to return to the regular order of business. All aye except Councilman Michael who was absent. Motion carried

ADJOURNMENT

MM Supervisor Oberly, 2nd Councilwoman Cunningham that the Town Board adjourns the meeting. All aye except Councilman Michael who was absent. Motion carried. The meeting was adjourned at 7:56 PM.

Respectfully Submitted,

Carol-Jean Mackin,
Town Clerk