

May 8, 2018 Town Board Meeting
May 8, 2018

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 15 people in the audience.

Supervisor Oberly called the meeting to order at 7:26 PM and led the Pledge of Allegiance.

APPROVE MINUTES

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the April 10, 2018 regular Town Board meeting. All Aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the April 26, 2018 Bid opening SAM Grant. All Aye. Motion carried.

PUBLIC DISCUSSION none

SUPERVISOR'S COMMENTS

I'd like to thank Clinton resident Justin Lang for repainting the Town sign on Centre Road in front of the Town Hall. He did this as his Eagle Scout project and it certainly will add to the beauty and identification of the Town for many years to come.

The Town Hall offices, Court, and Highway Department will be closed for Memorial Day Monday, May 28. The Town Recycling Center will be open on Saturday, May 26 as usual from 8 a.m. to noon.

The NYS Law on prohibiting outside burning ends on May 15.

There was a technical problem on placing the April 10 Town Board meeting on the Town's Cablevision scroller and on YouTube. This activity has been done several times previously by the same person with no difficulty. Efforts are underway to see if it can be made available. The published minutes will be on the Town's web page giving the details of the meeting. The most interest during the public comments session was to have a public hearing at the May 8 Town Board meeting on the proposed Prohibited Activities Local Law.

The government is hiring for Census 2020.

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.

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***CONSERVATION ADVISORY COMMITTEE – Whitton**

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

***RECREATION COMMITTEE - Cunningham**

Councilman Cunningham read from the report which is on file on the Town Clerks office.

Dean asked Mike Whitton to ask Barbara Mansell to reach out to Omega to allow residents to use their facilities for free. The application will be posted on the web.

***BUILDING INSPECTOR - Cunningham**

Councilman 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 was Saturday, April 21, 2018 from 9 – 4pm. SHRAC is selling daffodil bulbs also. The committee reviewed the plan on Field Road with no objection and reviewed PB applications with no concerns.

***LIBRARY REPORT - Whitton**

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

***ALTICE - Whitton**

Councilman Whitton said no report due to no new activity.

***ZONING REVISION – Michael - Werner**

Councilman Michael said we are getting close to the end. Finalized several items.

***PROPOSED TRANSMISSION LINES - Oberly**

Supervisor Oberly said no new information.

***WIC REPORT – Whitton**

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

***OTHER**

OLD BUSINESS

1. Discuss 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 Energy Program (NYMEP) operated by Good Energy. I submitted the Central Hudson electricity usage information to them and received no proposal yet. When the analysis results

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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 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 Michael that the Town Board approves the following resolution BE IT RESOLVED that the Town Board approve **Resolution No. 25 of 2018 adopting Local Law No. 2 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”**.

ROLL CALL VOTE:

WERNER	AYE
WHITTON	AYE
OBERLY	AYE
MICHAEL	AYE
CUNNINGHAM	AYE

Motion carried.

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

Eliot Werner said in light of the discussion, suggests withdrawing action pending further review and perhaps introduction at a future meeting.

Dean Michael – this has snowballed out of the original intent. People are walking their dogs in the park and it is not allowed, so Dean would like to offer changes to the current law that affects the parks and feels the law needs more study overall. This process to create a law started after the mass shootings. He went to several active shooter seminars put on by the sheriff. Run, hide and fight is what is promoted. It comes down to we are divided on guns but we were looking at being proactive and suggests a seminar, not a law to restrict people’s rights. If we ban guns we then need an armed guard present. Concealed carry licensed people have guns on them all the time and we don’t even know. The current law has no protections, it is just a feel good. Conservation law covers shooting in parks, it is prohibited as well as the transportation of a gun on parkland. We should try to not be duplicitous.

Eliot – in touch with Joe Ryan of the Dutchess County Emergency Response Department to develop an active shooter seminar in Clinton. Takes issue with all of Dean’s comments. Feels this type of law is important and sends a message. Most people are law abiding and will follow it.

Dean - said gun free zone signs are important, otherwise how do people know.

Mike Whitton - referred to the Heller Decision that says you have a right to carry a gun, but the Supreme Court does limit where you can carry. This law won’t solve all problems. There

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are many ways to solve problems. Mass shootings exist but we should consider there are accidents with guns as well.

Nancy Cunningham - we agree it is a split community, it is an emotional issue. What we have is not adequate. We need to review the issue and move forward. Suggests committing to seminars and forums for disasters, drugs, and gun violence.

Ray Oberly – FYI, on the existing law of prohibited activities in the Rec Parks, it was written in the early 1970s.

Mike Whitton - thanked the community for their input.

Nancy Cunningham - wants to rework the law to make it current to today.

4. Discussion on Town generator – Oberly

We received the proposal information for the 2018 Municipal Innovation Grant (MIG) Program (formerly Shared Services Program) and I was going to propose the generator. It would be unlikely to get funding for it so I'll try to get the generator using other grants.

5. Discussion on consolidating and funding by County – Oberly

At the last Supervisors and Mayors Association meeting on May 1, there was continued discussion on considering ways to consolidate activities or request reimbursement from the County. A Committee was established to bring forth activities for consideration by the Association at its June 5 meeting. Some could be funding studies to determine the benefits of any consolidations.

6. Discuss taking over cemeteries – 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. Working with Town of Rhinebeck to see how they transferred their cemeteries to the Town.

Supervisor Oberly stepped out for a moment at 8:08 PM.

7. Approve revision to Employee Handbook for employee benefits – Werner

MM Councilman Werner, 2nd Councilman Whitton that the Town Board approves the following resolution BE IT RESOLVED that the Town Board approve the following revision to the employee Handbook effective May 13, 2018:

FROM: 700.9 Accrual

All time off is accrued on the last workday of each month and is available for use on the first day of the following month. Time off may not be used prior to the time it is earned and recorded for use.

TO Proposed Change: 700.9 Accrual

All time off is accrued on a bi weekly basis coinciding with the payroll schedule. Time off may not be used prior to the time it is earned and recorded for use.

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All aye except Supervisor Oberly who was absent. Motion carried.

Supervisor Oberly returned at 8:10 PM.

8. Approve revised IMA for electronic fuel system to remove sheriff usage – Oberly

In March 2018, the Sheriff's Office withdrew their participation in the Town Highway Electronic Fuel System so this revised IMA removes the Sheriff's participation.

MM Deputy Supervisor Michael, 2nd Councilwoman Cunningham to approve the following resolution: BE IT RESOLVED THAT the Town Board approve the *Revised* Intermunicipal Agreement for the sharing of an electronic fuel dispensing system between the Town of Clinton, ECFD, and WCFD, and authorizes the Supervisor to sign the agreement. All aye. Motion carried.

9. Approve rebidding for SAM grant project: paving project

The bid came in with costs much too high so the bid package has reduced the scope of the work to bring the costs more in line with the Grant's Funds. It will be rebid and awarded at the June 12 Town Board meeting.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution BE IT RESOLVED that the Town Board approve rejecting the single bid received for the macadam project using SAM grant funds and authorize the Town Clerk to rebid with a macadam only surface for the paving of the parking, roadway and paths at the Town Complex. Bid packets are available on May 14, 2018 from the Town Clerk. Sealed bids are due to the Town Clerk 1215 Centre Road, Rhinebeck, NY 12572, by 10:15 AM on June 5, 2018; opened at 10:30 AM on that date and awarded at the June 12, 2018 Town Board meeting. All aye. Motion carried.

10. Approve rebidding for SAM grant project: garage door repair

No bids were received so the Town Engineer will ask Chris Barclay at the County to advertise on Empire Bid Net, as it reaches more contractors.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution BE IT RESOLVED that the Town Board authorize the Town Clerk to rebid the garage door repair project using SAM grant funds as no bids were previously received. Bid packets are available on May 14, 2018 from the Town Clerk. Sealed bids are due to the Town Clerk 1215 Centre Road, Rhinebeck, NY 12572, by 10:15 AM on June 5, 2018; opened at 10:40 AM on that date and awarded at the June 12, 2018 Town Board meeting. All aye. Motion carried.

NEW BUSINESS

1. Discuss mold issue in Children's Reading Room – Whitton

Councilman Whitton said: At the April 10th, 2018, Town Board meeting, I introduced an amended lease agreement between the library and the Town of Clinton, adding the Children's

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Reading Room into the currently active lease agreement that expires in 2020. During that discussion, Councilman Dean Michael stated, as cited in the minutes, town “offices were moved out of that building due to mold and water”. Further, the councilman expressed concern “if we are renting the space we must be sure it is a good and healthy environment”. I agree with that sentiment.

The motion to sign the lease amendment passed that evening, but the comments regarding a mold situation concerned me. I spoke to the library trustees about this, and they expressed a belief that there is no mold issue in the Children’s Reading Room. However, they felt it would be necessary to look into the situation in order to reassure users of the library that mold is not an ongoing problem.

With that in mind, I asked Carol Mackin, Town Clerk, to search town records for any references to mold issues within the Town Hall and Library building. Carol generously provided records going back to the mid-1990’s.

- Between August and November 1995, the Town Board approved a bid from Mesuda Construction/ROBMAR Inc. to renovate town offices, construct handicap accessible bathrooms, and install an emergency exit. The repairs to that space also included sealing the cinderblocks and installing a water barrier between the cinderblock and drywall. The minutes from all of those meetings do not mention any mold problems.

- In July 2011, the Town Board was discussing the geothermal system. During that discussion, Councilman Venezia referenced requests for more space, indicating that the town offices were cramped, creating an inefficient workspace. He did mention that the area was damp, which could lead to mold problems.

- That conversation changed dramatically one month later. In late August of 2011, this area received significant damage from Hurricane Irene. The basement of the Town Hall and Library building had about one to two feet of water. This resulted in a new drainage system being installed around the building, carpeting being removed, and drywall being cut out to remove resulting mold. The room was also treated for mold.

- Finally, in April 2013, FEMA money from Hurricane Irene came through, and a basement renovation was begun. The Scope of Work document created by Morris Associates at that time gives a detailed description of all of the repairs, with no indication of a mold problem.

Along with all of this documentation, I asked several people that worked in and around those offices if they recalled any mold problems. I heard several reports of water leaking into the space during rainstorms, but no reports of mold problems. Those problems with leaks were clearly addressed during the renovation work after Hurricane Irene.

With that, it seems clear that all appropriate steps have been taken to prevent an environment that would be conducive to mold. There have been no reports of mold since the renovation. I am certain that Town and Library staff will remain vigilant, performing periodic inspections. I have no reservations in telling the users of our Library that it is a safe and healthy environment for them and their families.

2. Approve establishing Climate Smart Community Committee and Committee Members – Whitton

No quorum at the CAC meeting, so it will be created at the next meeting.

3. Approve CSEA contract for dental and vision insurance for highway employees – Oberly

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approve the CSEA contract for dental and vision insurance for highway employees. All aye. Motion carried.

4. Approve establishing Clinton Safety Committee for PERMA – Cunningham

Councilwoman Cunningham is forming the committee and defining what the charter is to be. She will come back at June meeting with the information, she asked Theron to sit on the committee and she is talking to others.

5. Approve purchase of 3 AED batteries and an additional AED – Oberly

All the batteries in the existing 3 AED's died and need to be replaced. We were able to get a price reduction of \$100 to \$299 per battery. We also need another AED in the Masonic Hall Building and will buy one with a \$300 price reduction to \$1,145.

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approve the purchase of three AED batteries and one additional AED for a cost not to exceed \$2200 from AED Superstore. Dean how long do the batteries last. Ray explained the replacement schedule for them for batteries and pads. Nancy will make these items part of the safety committee responsibility. All aye. Motion carried.

6. Approve 284 Agreement

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution BE IT RESOLVED that the Town Board approves **Resolution No. 26 of 2018, the 284 Agreement**. All Aye. Motion carried.

7. Approve Resolution to appoint summer employees

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution BE IT RESOLVED that the Town Board approves **Resolution No. 27 of 2018, Resolution to appoint summer employees**. All Aye. Motion carried.

OTHER ITEMS

Approval of roller with Shared Services Grant Funds - Oberly

Theron and I met with the Supervisors and Highway Superintendents to purchase a 20-ton tilt trailer and 12-ton dirt roller to compact the dirt roads after they are rebuilt each spring and on other occasions when needed. The Towns of Clinton, Milan, and Northeast have a total of 28 miles of dirt roads and the 2018 Municipal Innovation Grant (MIG)

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Program funds will purchase the equipment. The Grant proposal must be submitted by June 1.

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution BE IT RESOLVED that the Town Board approves the purchase of a Towmaster 20-ton tilt trailer and a 12-ton vibrating dirt roller with the Towns of Clinton, Milan and Northeast using Municipal Innovation Grant (Shared Services) funds. Eliot asked about usage. All aye. Motion carried

1. Resignations and appointments

None.

2. Approval of Warrants

MM Councilman Michael, 2nd Councilman Cunningham to approve the following resolution BE IT RESOLVED that the Town Board approves the May General Fund Warrant, vouchers numbered 148 through 148A-G, totaling \$ 1,141,545.97 and the May Highway Fund Warrant, vouchers numbered 95 through 109A, totaling \$ 59,789.23. All Aye. Motion carried.

3. Supervisor's Report

FYI - The AUD is complete for the Fiscal Year ending 12-31-2017 and filed with the State Comptroller.

MM Supervisor Oberly, 2nd Councilman Michael to approve the final versions of the December 2017, January 2018, February 2018, March 2018, and April 2018 Supervisor's Reports. All aye. Motion carried.

4. Motion to move funds

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution BE IT RESOLVED that the Town Board approves **Resolution Number 28 of 2018, a motion to move funds at the May 8, 2018 meeting.** All Aye. Motion carried.

OTHER

Nancy Cunningham is looking to hold a meeting at the park to talk about fostering community pride and to see how to better use the parks. Get in touch with her or Dan the Rec director to discuss.

PUBLIC DISCUSSION

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

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Jody Rathjen – thanked Town Board for tabling the law. It needs more work and suggests throwing it out and starting over. Askes them to be reasonable in a community of hunters, let's be practical with the law, feels we need to respect permitted gun owners. What happened to the April meeting, it is not rerunning on cable? Ray said there was a technical glitch so the meeting was not shown on the web. The major point was that people wanted a public hearing on the proposed law. She is surprised at the number of laws that are being presented, wants to know the cost to create these laws. Town Clerk Mackin said to file a FOIL request as that is public information.

Steve Rathjen - there seems to be an agenda with these proposed laws. We need common sense laws. Discussed his opinion concerning carrying a gun with a concealed carry permit. Disappointed the April meeting was not shown on the web and wonders why. Chicago has the strictest gun laws and it is the murder capital of the world. Bring common sense back and bring public in to help.

Joel Tyner – discussed his public forums, working on expanding broadband locally. Invited people to an NDA forum of with Michael Shuman, on how to revitalize northern Dutchess county. Supports public access tv in Clinton. Supports treatment for drug offenders vs. jail as is done in Chatham. Police do not enforce many laws and lauds Nancy Cunningham for saying that the law needs more work. Thanked the Board for considering the gun prohibition law.

Lisa Bittner - wants to know when Ray and the Board will address the questions raised during the public hearing. Ray said we need time to analyze the information. Councilman Whitton added that the prohibited items proposed law were from an existing law and we need to take the comments and rework the law.

Steven Rathjen – the school shootings have a common thread, the shooter having mental illness. Creating another law on law abiding citizens is crazy. It is a leftist agenda is taking over. Good people need to stand up or bad things will happen.

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 8:51PM.

Respectfully Submitted,

Carol-Jean Mackin,
Town Clerk