

July 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, Dean Michael, Michael Whitton, and Eliot Werner. Also present was Town Clerk Carol-Jean Mackin. There were eight 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 June 12, 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.

Jodi Rathjen – questions who is allowed to carry a gun in the Town; based her reading of the proposed law, the Town can prohibit a person with a permit to carry. If you have a permit from the state, their background checks are thorough and that should be enough. Concerned that the law cannot be enforced and it will do nothing to make anyone safer. Carrying a gun is a constitutional right. Urges a no vote.

Lisa Bittner – concerned she could not find the local law to prohibit certain activities on Town property on the web and feels it is overreaching to reintroduce such a law. Town Clerk Mackin clarified that tonight the law is simply being introduced so if passed, the law will be put on the web, made available to the public and a public hearing held for public input August 14, 2018. Mrs. Bittner thought the Town Board was voting to approve the law tonight, which is not the case.

Bob Trycinski – opposed to the concept of the law to prohibit and feels this is a knee jerk reaction. Urges the Board to vote it down. Discussed people using town road signs posts for their business signs and that is illegal.

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

SUPERVISOR'S COMMENTS

The 2019 Budget process starts now for the Town. A schedule of activities will be placed on the Town web page in early August. Public workshops will be held in October to develop the Town's Preliminary Budget. Budget approve, by law, must be done by November 20.

At the recent Dutchess County Supervisors and Mayors Association meeting on July 3, there was discussion about developing a County-wide Inter Municipal Agreement (IMA) for sharing highway equipment, vehicles, and workers. When more details become available, I'll bring them forth for review and comments.

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 first week of camp has been cancelled but the rest are on schedule. New programs include the middle school camp from July 9 to August 6, basketball camp from July 23 to 27. The pavilion is in use 99% of the summer's weekends.

Supervisor Oberly said the prices are different on the camp form than they are on the flyer Nancy created. Ray is looking for the financial details on the basketball camp. Dan is on vacation so Nancy will get with him next week and get those numbers to Ray.

***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.

Supervisor Oberly said we have big expenses coming in, he needs a cash flow analysis for the highway department. Ray wants Nancy to schedule the work in the highway so we can pay for all of these items on a schedule. Nancy will talk with Theron and get back to Ray.

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

Councilman Werner said no business this month.

***LIBRARY REPORT - Whitton**

Councilman Whitton said the President of the Library Board is here and he will give the report later.

***ALTICE - Whitton**

Councilman Whitton said there was nothing to report.

***ZONING REVISION – Michael**

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Councilman Michael said the work is complete and the Town Clerk will post the work on the web so everyone can review the document. Wants to start public hearings on the zoning revision public hearings. Ray asked when the meeting will be held and who is going to take the minutes. Dean can handle taking down comments although he said that there is money in the budget for a secretary. Ray wants to know about the parts of the law that had no changes. Dean said he did not address the whole law, just parts that relate to the comprehensive plan. Dean said they re-alphabetized items for clarity. Michael Whitton asked what the approach would be. Dean said to start at the beginning of the law and move chapter to chapter. The Town Clerk will put the changes on the web and make ten copies for the public.

***PROPOSED TRANSMISSION LINES - Oberly**

Supervisor Oberly said NYS ISO (Independent System Operator) is advancing a \$1 billion project proposed by the NY Power Authority and North American Transmission consortium. This is for the transmission line going from Albany to Pleasant Valley through Clinton. The consortium being selected is expected in July. There will be no No Power Line Workshop after this Town Board meeting tonight.

***OTHER**

OLD BUSINESS

1. Discuss taking over cemeteries – Werner

We have heard from all three cemeteries and Ray will look at their financials, he will have the Town Attorney generate paperwork to approve the takeover.

2. Approve LL 3 of 2018 “Increase to Alternate Veteran’s Real Property Tax Exemption” - Michael

MM Councilman Michael, 2nd Councilwoman Cunningham that the Town Board approves the following resolution BE IT RESOLVED that the Town Board approve **Resolution No. 37 of 2018 that the Town Board hereby adopts Local Law No. 3 of 2018, entitled “Increase to Alternate Veteran’s Real Property Tax Exemption”** and directs the Town Clerk 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. The Gold Star exemption was very complex to verify one’s service and there were very few qualifiers so we decided to leave it out. All aye. Motion carried.

3. Discuss safety Committee for PERMA – Cunningham

No meeting this month said Councilwoman Cunningham. Reviewed the highway books regarding chemicals. We are in good shape with OSHA requirements. Re: education, the highway has met their requirement and they are in good shape. The building inspector did a walk around and there is a site plan being drawn up for next month. John Usher the Albany, the safety contact, will help her develop a comprehensive plan.

4. Approve introducing LL XX of 2018 “Amendments to Chapters 214 and 177 of the Town Code Regarding Prohibited Activities in Town Parks and on Town Owned Property and set public hearing” – 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. 38 of 2018 titled: Introducing LL XX titled: Amendments to Chapters 214 and 177 of the Town Code Regarding Prohibited Activities in Town Parks and on Town Owned Property** and set a public hearing on the proposed Local Law to be held at the Town Hall on August 14, 2018, at 6:00 o'clock p.m. In discussion, Councilperson Cunningham said she believes in public hearings but asks what another PH is going to do; we have seen where the public stands on the issue of guns, does not see a need for this version, it's been talked it to death, we've heard from our people, lets put it away and move on. Eliot agrees we should vote for the public hearing to be held; this version of the proposed law is different than then the last version. Mr. Werner explained that he and the Town Attorney eliminated inconsistencies and this is a pared down version, and although the basis is the same, it is a different law. Dean Michael said, what has not changed is what the spirit of this law is - it is a feel-good law. We are not gong to provide security or monitoring Town property to stop someone with a gun. How can we deny someone from defending themselves? He commented that there are already laws on books that restrict the firing of a gun and cited one that says one can't fire a gun within 500 feet of a residence. We don't need another law. In addition, he said that we have no plan to notify people who come to Town Hall of our law and they would then be in violation and subject to federal consequences if caught with a gun. Councilman Whitton asked if we are we legally allowed to skip the public hearing. He thinks we need to put this law to a public hearing, so it is available to the public to comment on this version and then the Board can vote to adopt it or not after the public hearing. Nancy Cunningham said a lot of work has gone into this; it is a no-win situation, if we need to have public hearing then maybe we should. Ray Oberly commented that the gun part of the law restricting prohibited activities is a separate issue, there are other items as it is written that are problematic. It is the actual words of the law that a court looks at to enforce the law and he sees certain words that don't make sense and cited the section on parking on roads as an example. Eliot Werner said he submitted this draft to the Board members six weeks ago and he received no response of a substantive nature. He followed up three weeks ago and asks why these comments are coming now as we have had six weeks to discuss this. Councilman Whitton commented that if there are technical objections to the law, they can be addressed at the public hearing next month.

ROLL CALL VOTE:

Werner	AYE
Whitton	AYE
Oberly	NAY
Michael	NAY
Cunningham	NAY

3 – NAY, 2- AYE. MOTION FAILS, THE LOCAL LAW IS NOT INTRODUCED.

5. Approve Benchmarking Resolution – Whitton

MM Councilman Whitton, 2nd Councilman Werner that the Town Board approves the following resolution BE IT RESOLVED that the Town Board approve **Resolution No. 39 of 2018 titled**

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Establishing energy benchmarking requirements for certain municipal buildings as amended. Councilperson Cunningham needs clarification on the power of the CAC as written. Dean said the language needs to be soften in the capacity of the CAC as they are simply an advisory board. The resolution will change the one paragraph to: “CAC Chairperson is authorized to advise the Town Board on all actions necessary to appropriately implement the provisions of this Resolution”. All aye. Motion carried.

6. Approve updates to the website - Whitton

MM Councilman Whitton, 2nd Councilman Werner that the Town Board approves the following resolution BE IT RESOLVED that the Town board approve BTC, our computer consultant, to provide web development services pursuant to BTC proposal dated July 2, 2018 at a cost not to exceed \$1100, with an additional \$1500 for web management services until December 31, 2018, (\$300 / mo). Supervisor Oberly said the money will come from contingency. Dean asks if we need a monthly management service. Councilman Whitton sees his point but offers that we don't have just one person doing updates and he sees a lack of consistency with several people doing the updates. Mr. Whitton supports Fred Shequine also for the MailChimp feature, where we can email residents all kinds of information directly. The Board and the Town Clerk discussed the need for the updated web and for our computer consultant BTS doing it. All aye. Motion carried.

NEW BUSINESS

1. Discuss SALT solution – Oberly

Supervisor Oberly e-mailed this NYS SALT Solution information to the Town Board members on June 14, 2018. As you are aware, in Fall 2017, the Federal government revised the Federal income tax rules to limit the land, school, and NYS income taxes total deduction to \$10,000. Gov. Cuomo has devised a process to give NYS, local governments, and school districts the options to establish Charitable Funds to allow taxpayers to give donations which can be fully deductible and receive credit for property taxes on the Federal and NYS income taxes. Information we are hearing and a recent advisory from the IRS is that they probably will not approve this proposal. In our case, Dutchess County and Town of Clinton would be able to establish these Charitable Funds and the Town Tax Collector would still be responsible to collect full taxes as has been done in the past. If the County establishes a Charitable Fund, the tax payer would need to go to the County to pay their County portion of taxes and get an Acknowledgement of Donation to Charitable Fund signed form for which they will get a percentage credit (50 to 95%) of their taxes paid. The taxpayer then brings the Acknowledgement to the Clinton Tax Collector and pays the difference between the Acknowledgement amount and the full tax bill (50 to 5%). The Town Tax Collector then keeps the difference (50 to 5%) and pays the taxes collected to the Town Supervisor. The same process happens if the Town establishes a Charitable Fund. Currently NYS is planning to implement a Charitable Fund for NYS Income Taxes with 85 % credit so the taxpayer would still need to pay 15% more than the original payment calculation. As of this date, Dutchess County will not establish any Charitable Funds until the IRS makes a ruling so there is no change there. The school districts were advised by their NYS Association attorney not to establish any Charitable Funds but this is a decision to be made by each school district. There are many problems associated with the proposal and process. The taxpayer will go to several places to pay their bill at the County and Town. There will be additional record

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keeping to know when the Acknowledgements were redeemed by the taxpayer. New record keeping is needed to ensure that the funds being transferred from the Charitable Fund can be transferred. There also is the question that arises if the IRS says this is not legal and the taxpayer must redo their Federal taxes a year or so later and thus incurs extra taxes to be paid, penalties, interest, and possibly other costs associated with not having properly paid their taxes. According to the SALT Solution proposal contained in the approved 2018-2019 NYS Budget, NYS was going to pay all the extra costs incurred if IRS rules against the proposed SALT Solution. There is extra work for the Town Tax Collector and for the Supervisor/Comptroller to administer this process and will be reflected as an increased expense to the Town. There are many other problems associated with this NYS SALT Solution proposal that are being found with more discussion. NYS has not finalized all aspects of the process and there is no date for that information. California, Connecticut, and New Jersey have all proposed similar Charitable Fund solutions for their taxpayers thus reducing the Federal taxes being collected and there is also the question as to what a charitable use of the Charitable Funds is collected for Town expenditures.

We are seeking more details and awaiting the IRS ruling. The Town Board will need to make a decision at the August 14 Town Board meeting if they wish to follow the proposed SALT Solution. A local law and a resolution must be enacted before 2019 and anticipated added costs must be included in the 2019 Town Budget. Most other Towns in Dutchess County are not going to establish the Charitable Funds until the IRS approves it. Individual tax payers are encouraged to go to their tax preparer to see if the \$10,000 tax cap has a significant impact on your projected Federal taxes and if the SALT Solution is recommended. The SALT Solution process, if allowed, would take effect for 2019 taxes.

2. Approve Consent Judgment, Coleman – Oberly

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution BE IT RESOLVED that the Town Board **approve Resolution No. 40 of 2018, that the Town Board of the Town of Clinton hereby authorizes the attorneys for the Town, Cappillino & Rothschild, LLP, to enter into a Stipulation, namely index nos. 2015-2694, 2016-51807 and 2017-51902 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 authorizes Cappillino & Rothschild, LLP to sign said Stipulation on behalf of the Town.** Councilman Michael said he and Assessor Stegner walked the property and there were no changes to the property from the time it was purchased. We have to refund money to the owner for this stipulation as does the County and the school district. Ray said in the past he asked the school districts to join in on the litigation to fight these lawsuits, which cost a lot of money, and they are hands off. They won't cooperate with the towns to fight these, so the Town bears the financial burden alone. All aye. Motion carried

3. Approve Colleen McGarry attending annual court clerk training – Oberly

MM Supervisor Oberly, 2nd Councilman Werner that the Town Board approves the following resolution BE IT RESOLVED that the Town Board approve **Colleen McGarry attending annual court clerk training in Lake Placid from Sept. 16-19 at a cost not to exceed \$810 plus mileage.** All aye. Motion carried.

4. Discuss Didi Barrett Grant – Oberly

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Supervisor Oberly submitted a grant request to Assemblywoman Didi Barrett on January 11, 2018 for replacement of the old asphalt shingled roof on the original Highway garage for \$28,900 and 62 more solar panels for \$93,311 for a total of \$122,211. A meeting was held with Assemblywoman Barrett on May 17, 2018 to add more projects to the grant request. Two additional grants were requested on June 14, 2018 for a new front door entrance and ramp for the Library for \$81,600 and a 150 KW stand-by generator for the Town Complex for \$107,500 for a total of \$189,100. At the meeting, there was no discussion of a maximum for the total of the grants and all assumed the grant total of \$311,311 was acceptable. In early July, 2018, I discovered talking with Assemblywoman Barrett's staff Richard Stein that the total they are giving the Town in grants would be \$125,000. The decision now is which projects should we propose for the \$125,000 Grant. My suggestion is to do the Highway garage roof and the generator for a total of \$136,400 which would leave \$11,000 to be funded by the Town. The additional solar panels for \$93,311 would be funded by the Town by using the existing GF Fund Balance and can be accomplished in 2018 with no impact on the Town's property tax. Dean Michael said the solar panels can be used throughout the year, the generator is used once in a while so solar is the wiser choice. Councilman Whitton talked with Didi's rep Rich to discuss the total amount we are to receive; he thought we would choose to do the roof and the solar, if we are going to change, we should talk with the Library. Councilman Whitton feels we are cutting out the Library and the handicapped ramp is very important. Nancy Cunningham said the generator keeps coming up and Supervisor Oberly said he will keep it coming up as it is a priority. Nancy said there are generators in Town that we can use in an emergency. Ray said those do not keep these buildings warm. Dean Michael said if we have solar, that will carry the buildings. Ray does not think we can have enough solar to run the heat pumps. Dean Michael said solar panels offer immediate results and will cut into the electric bill. Whitton said none of us knew there was a limit on the amount Didi was giving in the grant. Dean said Ray has been trying to build the fund balance and Ray said we are good there so we can handle the cost of the solar project this year with our budget. The Board members discussed their priorities. Nancy disagrees with the generator for the grant as we can have a contract with the fire district to use their facility to communicate with the public. Supervisor Oberly is concerned about the water pipes freezing. Dean wants to use the current generator we have and hook it to the geothermal pipes to keep a minimum temp. Supervisor Oberly said that is not big enough to power the complex.

MM Supervisor Oberly, 2nd Councilperson Michael to approve the following resolution BE IT RESOLVED that the Town Board approves submitting these projects (replacement of the old asphalt shingled roof on the original Highway garage for \$28,900 and installation of a new 150KW generator for the Town Complex for \$107,500) for a total of \$136,400 to Assemblywoman Didi Barrett for her \$125,000 Grant. Town Funds will cover the \$11,400 Grant shortage. All Aye, except Councilman Werner who voted NAY. Motion carried.

MM Supervisor Oberly, 2nd Councilperson Michael to approve the following resolution BE IT RESOLVED that the Town Board approves the installation of 62 more solar panels on the Town's salt shed for a cost of \$93,311 using the existing GF Fund Balance and can be accomplished in 2018 with no impact on the Town's property tax. All Aye, except Councilman Werner who voted NAY. Motion carried.

5. Discuss Good energy and set workshop date - Oberly

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Community Choice Aggregation (CCA) is the concept where municipalities have the right, acting alone or with other municipalities, to aggregate the electric loads of their residents and businesses to gain greater buying power in states with deregulated competitive energy markets as is allowed in New York. The Association of Towns of NYS (AOT) and the NY Conference of Mayors (NYCOM) have created the New York Municipal Energy Program (NYMEP) and selected Good Energy to administer the program. Good Energy has many operational programs in the United States. Typically, they determine the usage for all the Town's residents and businesses and separately for Town government. They then go out for bid to purchase this amount of electricity and get a reduce rate due to the volume of usage. Individual residents and businesses can opt out if desired. The Town must pass a local law and some resolutions to enable the process to begin. Good Energy develops a fixed price contract with an electricity supplier for two or more years. All the people in the CCA program then automatically get their electricity rates reduced. Good Energy will come to a public workshop to describe the program in more details and answer questions on Tuesday, July 24 or Wednesday, July 25 at 7 p.m. in the Town Hall and on Cablevision. The specific date will be placed on the Town's web page and posted. All are invited to participate.

OTHER ITEMS

1. Resignations and appointments

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution BE IT RESOLVED that the Town Board approve **Resolution No. 41 of 2018, additional seasonal summer volunteers**. All aye. Motion carried.

2. Approval of Warrants

MM Councilman Michael, 2nd Councilman Werner to approve the following resolution BE IT RESOLVED that the Town Board approves the July General Fund Warrant, vouchers numbered 251 through 292 A-N, totaling \$ 22,979.50 and the July Highway Fund Warrant, vouchers numbered 129 through 152A, totaling \$ 87,868.59. All Aye. Motion carried.

3. Supervisor's Report

MM Supervisor Oberly, 2nd Councilman Michael to approve the June 2018 Supervisor's Report. 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 42 of 2018, a motion to move funds at the July 10, 2018 meeting**. All Aye. Motion carried.

OTHER

Eliot Werner received information from the sheriff regarding the active shooter workshop. Eliot wants to set a date; do we want to wait for fall? The Board likes September, Wednesdays, Nancy wants to use the youth center of the church next door.

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Ray said it is open to everyone, not just Clinton residents. Nancy thinks it is imperative to offer as education, awareness and prevention is key. We will use Fred, the computer consultant and the new web system to take reservations and the Town Clerk will work with the other Town Clerks to announce it.

PUBLIC DISCUSSION

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

Matt Pfister – president, Clinton Library gave a 6-month review in the June report, which is on file and attached to these minutes.

Katherine Mustello – summer camp director. Clarifying details, three weeks of camp left. Nancy thanked Katherine for her work.

Steve Rathjen – asked if we maintain cemeteries now. Ray said no the transition will be in January, 2019. The Library needs work it is looking pretty shabby; was hoping for the handicapped ramp to be on the list of Board-supported grant items, but it's not. Regarding holding the active shooter workshop, said the Church has activities on Wednesdays so double check their calendar. Asked about generator details. Re: SALT solution, please vote no to this.

Joel Tyner – blamed the SALT issue, blamed it on President Trump's decision to lower the property deduction. Discussed broadband in the community and wants people to respond to him to get a picture of where broadband is available. Promoting a bike share program, like that in other towns. Talked about issues before the county legislature. DCC budget is increasing its tuition and he would like to see the county executive use some fund balance to have no increase.

Lisa Bittner – thanked the Board for their work on the prohibited law, thinks it still needs to be changed.

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 8:32 PM.

Respectfully Submitted,

Carol-Jean Mackin,
Town Clerk

