

September 11, 2018 Town Board Meeting
September 11, 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 three people in the audience.

Supervisor Oberly called the meeting to order at 6:30 PM and led the Pledge of Allegiance. A moment of silence on the 17th year anniversary for the people who died both during and after the 9/11 terrorism attack on the United States.

APPROVE MINUTES

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the August 14, 2018 regular Town Board meeting. All Aye. Motion carried.

DISCUSSION

None.

SUPERVISOR'S COMMENTS

The macadam work for the driveway, parking areas, and paths has been completed. The Highway Department will soon start the landscaping around the new macadam areas. We thank you for your cooperation during the paving operations.

The Town Board Workshops on the 2019 Tentative Budget will be held on Thursdays, October 4 for the Highway Budget and October 11 for the General Fund Budget. They both start at 7 PM in the Town Hall.

I called NYS Assemblywoman Didi Barrett on September 7 to see the results of our grant requests. She will be funding a new ramp and automatic door for the main entrance of the Library and the replacement of the old highway garage roof. We did not get the funding for more solar panels and for the Town Complex stand-by generator.

A public workshop was held on September 5 with Joule Assets, Inc. to hear their proposal for their Community Choice Aggregation (CCA) Program. The program would have all the electric usage consumed in the Town and currently provided by Central Hudson be totaled and they would then go on the open market to get a fixed reduced price for several years. To further explore this opportunity, they will return in mid-November to provide the presentation to the Town Board and community. It will be broadcast live when done.

As part of Dutchess County's Year of the Veteran, they are having a Veterans' Parade on Sunday, September 30 at 1 PM step off at Market/Cannon Streets down Main Street to Waryas Park in the City of Poughkeepsie. A special event honoring Gold Star Families will be held at the Park. Any veteran can march in the parade, no uniform required, with your Town's veterans. If you would like to march or need more information, call Division of Veterans Services at 845-486-2060.

REPORTS

***PLANNING BOARD - Werner**

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

September 11, 2018 Town Board Meeting

***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 said the meeting is tomorrow at 4 pm. Deer and your garden presentation in combination with the Library.

***RECREATION COMMITTEE - Cunningham**

Councilwoman Cunningham read from the report which is on file in the Town Clerk's office. There was a Lifeguard shortage this year. Pursuing using the basketball courts for leagues in the future. Dean asked if we should offer a certification for lifeguards to attract new guards for next year.

***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. The new truck has been delivered.

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

Councilman Werner said they reviewed a two-lot subdivision on Rymph Road, no objection.

***LIBRARY REPORT - Whitton**

Councilman Whitton said the meeting is rescheduled for September 17 due to the Rosh Hashanah holiday.

***ALTICE - Whitton**

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

***ZONING REVISION – Michael**

Councilman Michael said there is nothing new.

***SAFETY COMMITTEE – Cunningham**

Councilwoman Cunningham said she met with the Safety person and went over requirements for training and compliance with OSHA, we are in good shape, particularly with the highway department. Proposes that safety report not be on the agenda monthly, but rather just report to other board members and report quarterly instead to the public.

***CEMETERIES - Werner**

Councilman Werner said spoke with town attorney and came up with a plan to take over the cemeteries. The Town Attorney will prepare two resolutions; one covering the abandonment of Pleasant Plains and Provident Cemeteries, as required by law, including the maintenance and ownership of the two cemeteries. Regarding the Schultsville Cemetery, they want to own it through April of 2019 but in meantime they want the

September 11, 2018 Town Board Meeting

Town to maintain it beginning Jan 1. The attorney will prepare that agreement as well. Additionally, the attorney wants to transfer the property from the Association to the Town. Working with Dan Harkenrider and Theron Tompkins to develop a budget to maintain the cemeteries. Asked the board if they agree with the plan. Nancy wants to review the equipment needed and asked for a meeting before the budget. Dean said Theron thinks we need a new truck, trailer and lawnmower to do this maintenance. Eliot said we will also take over their money as the money will be transferred from the cemeteries to the town. It does not need to be escrowed, it can be used to maintain the properties.

***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 was expected in July but not proposed yet. My guess there will be no information available until after the November General Elections. There will be no Power Line Workshop after this Town Board meeting tonight.

***WIC REPORT - Whitton**

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

***OTHER**

The hard copies of the revised zoning law are ready and will be picked up and distributed.

OLD BUSINESS

1. Announce Active Shooter Seminar – Werner

Councilman Werner announced Active Shooter Seminar - Sept 12, 2018 from 6 – 8 pm, here at the Town Hall.

NEW BUSINESS

1. Discuss RFP for 2019 Town Engineer - Whitton

Councilman Whitton said we have used Morris for many years and feels we should periodically check in on to be sure we are getting the best services. He would like to consider a two-year agreement or add an extension clause to create a set schedule to review these contracts periodically. Dean asked why he is targeting the engineer for the RFP. Mike Whitton said he is not. Dean Michael feels that what sparked this concern is the Planner, we bid out the plan and got several bids and the current planner came in at the lowest price. Dean said he has heard nightmares and price is not always the best barometer. We have been happy with Morris and there is no increase in their prices so we are happy awarding to them every year. We have used others' services for the comprehensive plan and open space plan for example. Councilman Whitton feels we have not done our due diligence. Ray Oberly said we are not required to go out for a bid for the engineer as it is a professional service. Mike Whitton hopes Morris is the lowest priced and that we keep them, but we should be looking. Nancy said there are arguments on both sides, she feels Morris does good work and

September 11, 2018 Town Board Meeting

knows us well, but it is reasonable to ask the question; spending tax dollars wisely is not alienating anyone. Councilman Whitton plans to look at other services getting bids also. Dean Michael comments if you're happy with the service with no increase in price, then there was no reason to look outside. Ray asked for clarification on exactly what service Councilman Whitton is asking to RFP, the town engineer or the planner to the planning board who works for Morris Associates. Whitton said we should look at both positions. Dean asked if we should look at the town attorney also. Eliot said there are a number of factors to consider and we should look at other professionals, if the ones we are already using are the best game, then stick with them. Dean suggests staggering the review of professional services so they don't all change at once, if that is to happen.

MM Councilman Whitton, 2nd NONE to approve the following resolution: **BE IT RESOLVED** that the Town Board authorizes the Town Clerk to advertise for sealed bids for Town Planning and Engineering Services. Bid packets will be available September 27, 2018. The bids must be returned by 10:15 am on October 25, 2018 and opened at 10:30 on that date. The bid will be awarded on November 13, 2018 at the regular Town Board meeting.

Town Clerk Mackin asked about the bid package as there is not one developed yet, Councilman Michael and supervisor Oberly discussed which are we bidding, the engineer position or the planner, who is also a Morris Associates employee. Mr. Whitton discussed going to bid of the planner for the town board with a one-year contract. He will present a bid package for the planner next month.

2. Approve putting on table LL to override tax cap – Oberly

MM Supervisor Oberly, 2nd Councilman Werner to approve the following resolution: **BE IT RESOLVED** that the Town Board approves proposed **Resolution No. 46 of 2018, entitled “A Local Law to Override the Tax Levy Limit for Fiscal Year 2019, Setting a Public Hearing on October 9, 2018 at 6:25 PM and Directing the Town Clerk to Cause Publication of such.** All aye. Motion carried.

3. Approve Justice Seelbach attending conference - Oberly

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: **BE IT RESOLVED** that the Town Board approves Justice Seelbach attending mandatory training from September 23 to September 26, 2018 in Niagara Falls at a cost not to exceed the budgeted amount. All aye. Motion carried.

4. Approve purchase of Tax Collector's computer - Oberly

MM Supervisor Oberly, 2nd Councilman Werner to approve the following resolution: **BE IT RESOLVED** that the Town Board approves the purchase of a new computer, a Dell Optiplex 3060 Intel i5 PC for the Tax Collector at a cost not to exceed \$1361.42 NYS bid. All aye. Motion carried.

5. Approve letter of support for Historical Society - Oberly

September 11, 2018 Town Board Meeting

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves a letter of support be sent to the Clinton Historical Society for their Technical Assistance Grant application to be used for guidance on needed improvements to the Creek Meeting House. Dean Michael takes exception with the last sentence categorizing them as one of the most active volunteer groups in the town. All aye. Motion carried.

OTHER ITEMS

1. Resignations and appointments

2. Approval of Warrants

MM Councilman Michael, 2nd Councilwoman Cunningham to approve the following resolution BE IT RESOLVED that the Town Board approves the September General Fund Warrant, vouchers numbered 347 through 346377 A-L totaling \$ 26,939.99 and the September Highway Fund Warrant, vouchers numbered 181 through 204A, totaling \$ 34,499.74 and the September Capital Project Warrant, number 2 totaling \$213,803.48. All Aye. Motion carried.

3. Supervisor's Report

MM Supervisor Oberly, 2nd Councilman Michael to approve the August 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 47 of 2018, a motion to move funds at the September 11, 2018 meeting.** All Aye. Motion carried.

OTHER

PUBLIC DISCUSSION

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

Kim Puchar and Husband– 24-year residents of Deer Ridge Dr., disappointed and disturbed that the ZEO in last month's report said the smoke issue on Deer Ridge Drive has been resolved and further disturbed that the continued letters and complaints she continues to send to him have been ignored. Her quality of life has been disturbed by certain neighbors; these offenders were brought to court, charges were brought and the ruling by the Clinton Town Justice was they were not guilty. Complained that the neighbors have caused a huge difference in the quality of life for all the neighbors and in particular in her health. The Town has laws in place to protect them and they are not

September 11, 2018 Town Board Meeting

being followed up. The smoke is blowing into the windows, her laundry smells of smoke. Disturbed the Zoning Officer did not include the matter in his report tonight. She asked to be on the agenda and she was ignored. The board needs to look at the Zoning Administrator to look closer at the law and to seek guidance from the Board and the Attorney before he makes the decisions. She sent her complaint and got no feedback from anyone on the most recent complaint of August 24, 2018. The Town did not pursue the best strategy in her opinion for the litigation they ensued on the matter in the past. She wants a correction in the report that the issue was not resolved. It is a very serious situation; her home is no longer a safe haven. She is not against burning, but you should not be able to affect neighbors with your burning. The zoning officer refused to view her latest video. Begging for the Town's help.

Joel Tyner – repair café in Rhinebeck town hall, Saturday. Hosting a blood drive Sept 22 at Rhinebeck town hall. Discussed county legislature business including rebidding county contracts.

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 7:34 PM.

Respectfully Submitted,

Carol-Jean Mackin,
Town Clerk