

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 ten 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 January 9, 2019 Reorganizational Mtg. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the January 9, 2019 Regular Town Board. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the January 17, 2019 Zoning Revision Workshop. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the January 24, 2019 Special meeting Exec Session. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the January 31, 2019 Public Hearing Creek Mtg House. All aye. Motion carried.

PUBLIC DISCUSSION

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

Cynthia Koch – thanked the Board for the Public Hearing and the opportunity to designate Creek Meeting House as landmark status. Hopes that they follow through this evening and sees a lot of supporters here tonight.

Judy Canham - supports the landmark designation, wonderful opportunity to legitimize the historic value of the property. Gives legitimacy and importance to the community and helps to be proud of where we live. Creates many positives for the Town.

Bernadette Duquette – in favor of historic landmark designation; when first moved to Town two years ago, this was one of first places that people told her to go see.

Merida Wells – seconds all other comments. Wrote an article that included a story on the Creek Meeting House and she found it fascinating. She takes all her guests there to see it.

Dick Coller – has been involved with the Creek Meeting House for decades. Many people worked to maintain the 242-year-old building; it recently had a modern high-tech roof installed. Please support the resolution.

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

SUPERVISOR'S COMMENTS

On February 18 Presidents Day, the Town Offices, Highway Department, Court Office, and Court will be closed.

Justice James Brands was appointed by the Clinton Town Board to fill the vacant Town Justice seat on January 24 effective February 3 to December 31, 2019 (due to the resignation of Town Justice Russell Tompkins).

Brennan Kearney was appointed by the combined Clinton and Rhinebeck Town Boards to fill the vacant County Legislative District 11 seat on February 6 and effective until December 31, 2019 (due to the resignation of Joel Tyner). She is a Rhinebeck resident.

REPORTS

***PLANNING BOARD**

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

***ZONING BOARD OF APPEALS**

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

***CONSERVATION ADVISORY COMMITTEE**

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

***RECREATION COMMITTEE**

Councilwoman Cunningham read from the report which is on file in the Town Clerk's office. The camp dates will be posted on the website. Planning on hosting Community Day again this year.

***BUILDING INSPECTOR**

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

***ZONING ADMINISTRATOR**

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

***HIGHWAY**

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

***SCENIC AND HISTORIC ROADS ADVISORY COMMITTEE**

Councilman Werner said no activity.

***LIBRARY REPORT**

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

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***CABLEVISION Altese**

Councilman Whitton said nothing to report.

***ZONING REVISION**

Councilman Michael said workshop meetings began January 17, 2019 starting with the first three sections. The latest meeting discussed the process to make the revisions clearer on the web for the public. Eliot Werner discussed that all sections now are formatted the same, so they are in numerical order on the web. He also created a table of contents and expanded on the descriptive copy on the website to explain the process. Dean Michael said comments made via email will be reported after meeting discussion. Comments made after the meeting will be discussed at the beginning of the next meeting; comments received later will be held for discussion at a final public hearing when all sections have been covered. Ultimately the attorney will get the work and then a final public hearing will be held.

***PROPOSED TRANSMISSION LINES**

Supervisor Oberly said NYS ISO (Independent System Operator) is advancing a \$475 million project proposed by Transco to transport 2,100 megawatts of electricity. This is for the transmission line going from Albany to Pleasant Valley through Clinton. NYS ISO's final decision is expected in March 2019 then the PSC will begin the Article 7 review process and the local governments and others then can offer comments after reviewing the proposal. There will be no No Power Line Workshop after this Town Board meeting tonight.

***OTHER**

WIC meets tomorrow, Councilman Whitton will attend.

Dean Michael suggests going to executive session in March to discuss items for the Highway contract as the negotiations are starting.

OLD BUSINESS

1. Approve of Landmark Designation for Creek Meeting House – Oberly

The Clinton Historical Society wants to have the Creek Meeting House designated as a Landmark building by the Town so they can obtain funds to improve and maintain the building. The Town Board accepted their petition, held a public hearing, and now can approve the designation. The designation and its inherent restrictions stay with the building not with the owner.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: **BE IT RESOLVED that the Town Board approves Resolution No. 10 of 2019 authorizing that the Creek Meeting House located at 2433 Salt Point Turnpike (Parcel Identification No. 132400-6566-02-562787-0000) is hereby designated as a Town of Clinton historic landmark pursuant to Section 250-55 of the Town Code.** All aye. Motion carried.

2. Approve RFP HVAC – Oberly

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This RFP is for a 3-year contract for the geothermal heating and air conditioning systems for the Town Complex buildings. This is for twice yearly maintenances and for repairs when needed. It is effective **from June 1, 2019 to May 31, 2022.**

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves soliciting sealed proposals from qualified HVAC firms for a three year the geothermal maintenance contract. Bids must be submitted to Carol Mackin, Town Clerk, 1215 Centre Road, Rhinebeck, NY 12572 by 10 AM on Tuesday March 5, 2019, The Town Board will vote on the submissions at the regular meeting March 12, 2019. All aye. Motion carried

3. Approve RFP Elevator – Oberly

This RFP is for a 3-year contract for the 5 elevators/ lifts in the Town Complex buildings. This is for twice yearly maintenances and for repairs when needed. It is effective from January 1, 2019 to December 31, 2021.

MM Supervisor Oberly, 2nd Councilman Michael hat the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves soliciting sealed proposals from qualified elevator firms for a three-year elevator maintenance contract. Bids must be submitted to Carol Mackin, Town Clerk, 1215 Centre Road, Rhinebeck, NY 12572 by 10 AM on Tuesday March 5, 2019. The Town Board will vote on the submissions at the regular meeting March 12, 2019. All aye. Motion carried

4. Approve Fee Schedule for Cemeteries – Werner

MM Councilman Werner, 2nd Councilman Whitton that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 11 of 2019 the Town of Clinton Fee Schedule amended February 14, 2019 with the addition of the Cemetery fees.** Councilman Michael wants clarification on overtime and what dictates it. Eliot Werner said the way the process works, is the vendor sends a price list every year to the cemetery, the fees are increased by the cemetery and the cemetery keeps the profit with that money going for future maintenance and care. Outside of general burials, we should not get involved with fees. Dean wants the last line changed that overtime fees are between the individual plot owner and vendor. Ray is concerned about certain fee amounts for burying infants and burying cremated remains as well as being concerned about the endurance of the foundation under the tombstone. Who pays for the headstones if they fall off their foundation? Eliot said it is a Town expense. Nancy said the original discussion was that the highway department would do it. Eliot said the tombstone company does the foundation so we know it is done right. After discussion, the board decided to reverse the charges on burying cremated remains and burying an infant. All aye. Motion carried.

5. Approve LL for Community Choice Aggregation Program – Oberly

The Town Board must enact a local law to allow a Community Choice Aggregation (CCA) program to exist for the Town of Clinton. After passage of the Local Law, then a CCA Administrator is appointed to determine the electric supply rates, supplier(s), and length of

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contract for the rates. The appointment of the CCA Administrator and the Agreement will be scheduled for approved at the March 12 Town Board meeting. A final CCA Administrator is then appointed by the Town Board to implement the process. The approval of the supplier will probably not be done until early summer.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 12 of 2019 adopting Local Law No. 1 of 2019, entitled “Community Choice Aggregation Program”** a copy of which is attached hereto and made a part of this resolution. Dean Michael said the hydro plant in Wappingers is now open, he will check it out. Joule, a supplier we are considering, has been in discussion with them. All aye. Motion carried.

7. Accept receipt of 2018 Tax Collector Audit and Supervisor Audit – Oberly

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves accepting the 2018 audits of the Tax Collector and Supervisor finances. All aye. Motion carried.

NEW BUSINESS

1. Approve two tax Certioris: Zelnick/Pumpkin Ln Properties – Michael

PUMPKIN LANE:

MM Councilman Michael, 2nd Councilwoman Cunningham that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 13 of 2019** that the Town Board of the Town of Clinton hereby authorizes the attorneys for the Town of Clinton, Cappillino, Rothschild & Egan LLP, to enter into a Stipulation INDEX NO. 2018-52189, with the attorney for petitioner, Van DeWater & Van DeWater, LLP, Kyle W. Barnett, Esq., the terms of which are set forth in the attached Stipulation and hereby authorizes the attorneys for the Town of Clinton, Cappillino, Rothschild & Egan LLP to sign said Stipulation on behalf of the Town of Clinton. All aye. Motion carried.

ZELNICK:

MM Councilman Michael, 2nd Councilwoman Cunningham that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 14 of 2019** that the Town Board of the Town of Clinton hereby authorizes the attorneys for the Town of Clinton, Cappillino, Rothschild & Egan LLP, to enter into a Stipulation INDEX NO. 2017-51913 with the attorney for petitioner, Van DeWater & Van DeWater, LLP, Kyle W. Barnett, Esq., the terms of which are set forth in the attached Stipulation and hereby authorizes the attorneys for the Town of Clinton, Cappillino, Rothschild & Egan LLP to sign said Stipulation on behalf of the Town of Clinton. All aye. Motion carried.

2. Discuss Zoning Law Amendment for solar farms and windmills – Whitton

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Councilman Whitton has taken the current law, which combines solar and wind, and separated them. He has been working on splitting the law into two pieces: the wind portion, which remains the same, and the solar portion which creates a tier 3 addition – allowing solar farms on lots of 10 acres or more. He reviewed it with Supervisor Oberly and asked the Town Board members for their input to create a draft before sending it to the Attorney for review. The Board members discussed the document with Supervisor Oberly going page by page pointing out questions and inconsistencies and asking for better definitions, including:

- Panels being installed parallel to the roof, Supervisor Oberly wants clarification in the section to make sure the panels are eight inches equidistant on the roof as the pitch rises;
- Signs, “no trespass” signs must be allowed on the panels for legal purposes;
- The amount of energy a homeowner uses may exceed the limits allowed on Tier 2 systems, so the section should be clarified;
- Zoning district lot size requirements for accessory structures, typically three accessory structures are allowed, Supervisor Oberly asked how do you count the panels? Dean Michael said solar systems are exempted as accessory structures.
- Tree cutting, Supervisor Oberly wants to law to instruct the homeowner on how to measure the diameter and height of the tree to be cut;
- How to restore the land if the panels are ever removed;
- Maintaining the native vegetation on the solar farms, Supervisor Oberly questioned what is native and what is non-native vegetation and further commented on the list of wildlife they support;
- Asks Councilman Whitton to talk to the Fire Districts for their snow removal requirements; Councilman Michael pointed out that we have two fire districts and then we may have two sets of criteria; Councilman Whitton asked what is the snow removal requirement for a home? Supervisor Oberly said the driveway must be cleared or your house burns, so Councilman Whitton asks what would be different for a solar farm?
- The decommissioning of a solar farm after 12 months of non-usage;
- Solar farms in the cluster residential zone. Supervisor Oberly thinks they should be allowed, in keeping with the theory that a cluster development will have a community water and sewer system. Eliot Werner is concerned about the visual impact of such solar panels. Dean Michael objects to them in this area and objects to using farmland with an agricultural exemption for a solar farm. Councilman Whitton said it may be a good use if farming is no longer viable as the owner may age, but it is better than creating a subdivision.
- Concerning wind power, Councilman Michael said it is not viable here(in our area) and potentially kills birds, so wind turbines are restricted in the zoning law. Supervisor Oberly asked Councilman Whitton to consult DC Soil and Water department for guidance and input on using open land for energy. Councilman Whitton will incorporate the changes. Councilwoman Cunningham complimented Councilman Whitton, the document is well written, understandable and he did a good job.

3. Approve obtaining an M&T credit card – Oberly

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When we changed banks from Chase Bank to M&T Bank several years ago, we also planned to change the credit card. The new M&T Credit Card is now available so we are doing the change with an overlap period to allow all Chase charges to clear.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board authorizes and approves the change from the Chase VISA Business Credit Card to an M & T Bank Business Credit Card pending the completion, submission and bank approval of the M & T Bank Business Credit Card application. All aye. Motion carried.

4. Approve letter on AIM funding elimination – Oberly (Annual Aide to Municipalities)

Governor Cuomo in his proposed 2019/2020 Budget has proposed the elimination of the annual Aid to Municipalities (AIM). This funding is based on some NYS formula and has existed since the 1980's. It has been generally around the \$17,000 for the last several years. If passed as part of the NYS Budget, Clinton will not receive the \$17,000 which is in current 2019 Budget as revenues. This will mean something will be cut to account for the lost revenue. In the 2020 Budget, this lost revenue can increase the Town tax rate by about 2.5 cents. The letter is being sent to our NYS Legislators to oppose this elimination of AIM funding.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Supervisor be authorized to write a letter on behalf of the Town on AIM funding elimination. All aye. Motion carried.

5. Approve appointment of Ray Oberly as Town delegate to Assoc. of Towns meeting – Oberly

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves appointing Ray Oberly as Town delegate to the Association of Towns meeting in NYC authorizing him to vote on behalf of the Town. All aye. Motion carried.

6. Discuss Central Hudson lighting replacement – Whitton

The Lime Energy Assessments are attached to the minutes.

Councilman Whitton explained that Lime Energy did an assessment of our lighting, including Town Hall, highway and each of the two parks. Lime Energy, working with Central Hudson installs LED lighting and offers suggestion to make the buildings energy efficient. They estimate a cost of \$23,400 to change all lights, and each building will see savings in electricity cost over time. (The attached assessments give specific costs and savings to each of the four properties.) The Board members discussed the savings to switch to LED lighting; they base the savings on 14 cents savings. The Town is paying 4.7 cents per kw, but Councilman Michael said you have to add ten cents for the delivery charge, so the savings are less if you compare to the actual number and the payback longer. Councilman Whitton added that grants are not available to make the upgrade to LED lights as the grants are for street lights changeover, so our lights are not eligible. The Town hall payback is a little more than four years; Councilman Michael said we

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don't have these costs in this year's budget to do the upgrade. Also the replacement units are dimmable and we don't have dimmable lights. Ray Oberly wants to know if there are cheaper options that are not dimmable. Supervisor Oberly also pointed out that we have lights in Town Hall and Masonic Hall that are unique, so they have to be very carefully chosen. Councilman Whitton said we need to start considering the lighting in the Library as those lights are obsolete and as they burn out they cannot be replaced. Supervisor Oberly wants to move ahead if the Board agrees, as this project will reduce our electric bill. Ray suggests lumping together the parks to start the changeover. Dean wants to see if we can buy the poles there as they are now own by Central Hudson and we will be paying to upgrade them. Ray suggests taking money from Recreation development funds to upgrade the two parks which may allow us to then get a green energy grants. Nancy objects as we have earmarked the Rec park fund for future purchases. She suggested that we still have building repair money budgeted for this year, Ray agreed. Councilwoman Cunningham suggests looking at moving ahead with changing just the Library lighting. Councilman Whitton will follow up and come back with a list of priorities and suggestions. The Board will look at CDBG grants to change out the Fran Mark Rec Park lighting.

7. Approve replacement of Server

The existing server has out-lived its useful life and needs to be replaced. The new serve will be purchased from Dell off NYS Bid. The Funds are in the 2019 Budget.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board authorize the purchase of the new server at a cost not to exceed \$3,739.26. All aye Motion carried.

OTHER ITEMS

1. Approval of Warrants

MM Councilman Michael, 2nd Councilman Cunningham to approve the following resolution BE IT RESOLVED that the Town Board approves the February General Fund Warrant, vouchers numbered 18 through 68, totaling \$183,473.45 and the February Highway Fund Warrant, vouchers numbered 5 through 38, totaling \$106,206.76. All aye. Motion carried.

2. Motion to Move funds

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves Resolution **No. 15 of 2019 a motion to move funds at the February 14, 2019 Town Board meeting.** All aye. Motion carried.

3. Supervisor's Report

The February 2019 Supervisor's Report will be approved when the 2018 books are reconciled.

Other

PUBLIC DISCUSSION

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

Brennan Kearney – new legislator, shared phone number, reviewed work at the legislature including appointments and the potential purchase of Lake Walton. The legislature will consider term limits and proposed changes to the ethics law.

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 8:22 PM.

Respectfully Submitted,



Carol-Jean Mackin,
Town Clerk