

March 12, 2019 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 Dean Michael, Michael Whitton, and Eliot Werner. Also present was Town Clerk Carol-Jean Mackin. Councilwoman Cunningham arrived at 6:42 PM. There were six 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 February 14, 2019 Public Hearing. All aye except Councilwoman Cunningham who was absent. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the February 14, 2019 Regular Town Board. All aye except Councilwoman Cunningham who was absent. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the February 21, 2019 Zoning Revision Workshop. All aye except Councilwoman Cunningham who was absent. Motion carried.

PUBLIC DISCUSSION

none

SUPERVISOR'S COMMENTS

none

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 the report, which and on file in the Town Clerk's office, after she arrived at the meeting. She apologized for her lateness that was due to a family emergency. Katherine Mustello will not continue as Camp Director. We are looking for a new Director. We need a Nurse for Camp also and are working on putting the camp activities together. Contact Dan Harkenrider or Nancy if interested in either position.

***BUILDING INSPECTOR**

Councilman Michael read from the report for Councilwoman Cunningham in her absence, 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**

Councilman Michael 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.

***CABLEVISION Altese**

Councilman Whitton said there was no new report

Councilwoman Cunningham arrived at 6:42 PM

***ZONING REVISION**

Councilman Michael wants to consider linking the County maps to the website to help people understand the zoning revision work. The maps were referenced in the Comprehensive Plan, so they are not official Town maps but ones created by the County Planning Department. We will create a link to the Comprehensive Plan and maps. Councilman Michael announced the next sections to review at next Thursday's meeting.

***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 Power Line Workshop after this Town Board meeting tonight.

***OTHER**

WIC REPORT

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

Councilwoman Cunningham is attending a training session: "How to train the trainer."

OLD BUSINESS

- 1. Approve RFP HVAC – Oberly**

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**. Only one RFP was received so we will not accept it and will go out for another RFP to receive more RFP's to choose from.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board rejects the one bid received and plans to rebid so the Town Engineer can send the RFP's out to a list of vendors. All aye. Motion carried.

2. 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**. No RFP's were received and we will go out for another RFP to receive more RFP's to choose from.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board rebid so the Town Engineer can send the RFP's out to a list of vendors. All aye. Motion carried.

3. Discuss Central Hudson Lighting Replacement – Whitton

Councilman Whitton wants to consider replacing the lights in the Library at an estimated cost of about \$9000. The whole Town Hall lighting replacement is approximately \$12,000. Councilman Whitton thinks we should consider the whole Town Hall replacement, to which Supervisor Oberly agrees. Mr. Whitton asked if there was a fund balance to pay for this item now as it was not budgeted. Ray said yes there is money, and we also have funds on hold purchasing the speed limit signs, whose budget is approximately \$7000, we can look at that. Councilman Oberly said the funds in the unexpended balance will be used to pay for it now. Councilwoman Cunningham is concerned about losing the speed limit sign money.

MM Councilman Whitton, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves the Lime Energy proposal of \$11,049.38 to upgrade the lighting in the Town Hall with the money coming from the unexpended balance. All aye. Motion carried.

4. Accept receipt of 2018 Town Clerk Audit – Oberly

MM Supervisor Oberly, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves accepting the 2018 audit of the Town Clerk's finances. All aye. Motion carried.

1. Approve resolution to support Parkinson's Disease – Oberly

MM Supervisor Oberly, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 16 of 2019 naming April the World-Wide Parkinson's Awareness Month.** All aye. Motion carried.

2. Approve Todd Martin request for 6-month unpaid leave -Oberly

Todd Martin from the Highway Department asked for a 6-month unpaid leave of absence which is allowed in the CSEA Contract. Highway Superintendent Theron Tompkins agreed with the request. The Town Board must give their final approval for the request.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve Todd Martin's request for 6-month unpaid leave from the Highway Department beginning March 15, 2019 and ending September 16, 2019. He will return to the position of HMEO at his current rate of pay of \$26.06/hr. with the same years of service. All aye. Motion carried.

3. Discussion on Hwy Superintendent request for medical coverage for two at time of retirement – Oberly

Supervisor Oberly read the following draft motion as a starting point for Highway Superintendent Theron Tompkins' request to receive a single plus spouse medical coverage when he retires. The past policy for Highway Superintendents allowed only a single medical coverage. The previous policy required 24 years as elected Highway Superintendent while Theron has 16 years. All other conditions would be met

DRAFT: "MM Supervisor Oberly, 2nd Councilman that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves changing the policy for the medical benefits for the retired Highway Superintendent to a minimum of 16 years as an elected Highway Superintendent, be given a single plus spouse medical coverage, and will convert to Medicare when eligible for Social Security coverage. A more complete detailed policy will be presented at a later Town Board meeting for incorporation in the Employee Handbook. All aye. Motion carried. "

The Board members discussed the draft motion and items that should be included:

- Dean Michael said total years of service should be considered, not just their time as Superintendent; Someone moving up the ranks is then not penalized by switching positions.
- Councilwoman Cunningham said the Medicare clause is an important piece. She points out that Theron has 26 plus years as a highway worker/Superintendent.
- Ray Oberly wants the resolution to speak to the years of service only in the Superintendent job.
- The consensus of four Board members, including Werner, Whitton, Michael, and Cunningham is to consider the total length of service; Supervisor Oberly wants only elected Superintendent years to be considered.
- Supervisor Oberly will bring an updated motion to the April meeting for consideration.

4. Discussion on moratorium for zoning law for weddings and other social events – Werner

Councilman Werner wants the Town Board to consider a local law for a moratorium for weddings and other social events. The Zoning Law (ZL) regulates conference centers in a minimal way right now and that is the section that would pertain to these types of events. The moratorium would only apply to the conference center section as the other items are already not allowed. There are a lot of requests for rural events including weddings, graduation parties, and engagement parties. The ZA has ruled that wedding venues and these other events are not allowed in the zoning law so Dean asked why have a moratorium, why not go right to the creation of a law to regulate these events?

Councilman Werner said the Planning Board is asking for the moratorium to stop where we are with any new applications. He made the argument for a moratorium saying it will buy us time to develop a law to regulate rural events. The moratorium will apply to any new applications, like we did with the solar panels.

Dean Michael is concerned about the overreach of a moratorium, let's focus on the law. Eliot said the law is not designed regulate a family graduation party, etc. We are looking at limiting a commercial enterprise.

Dean asked if we are going to exempt those conference centers already in process. Dean is concerned about a lawsuit from these if we impose a moratorium. Ray suggested wording that would exempt those in the permitting process.

Eliot will go to the Attorney to draft a moratorium and come back next month.

5. Airflow – Removed Town Engineer will need to do more follow up.

6. Executive Session – Oberly

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Supervisor call an Executive Session to be held on Tuesday March 26, 2019 at 6:30 PM in the Supervisor's Conference Room in the Schoolhouse for the purpose to conduct interviews for ZBA, Plng Bd, and CAC positions, then followed by discussion on any changes to the Highway CSEA Contract. In discussion, Eliot said for a month ago, we interviewed candidates for the Justice and the two who were not chosen were encouraged to apply for the PB and ZBA positions, and they did. They are anxious to start, we should have voted on them at the February Meeting but we agreed to wait until this month as a formality. How can we not appoint them now? There is no need for interviews again for these two positions. Mike Whitton agrees. Nancy asked what was done in the past. Dean said there are two other candidates now. Ray was concerned about if we needed had to have interviews in an open forum. Dean said we never spoke to them (the Justice candidates) about these particular positions. Eliot Werner and Michael Whitton said they should have been voted on last month, Eliot said we made an informal commitment to them and this is unconscionable. Dean said we

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did not interview for these positions, we interviewed for the Justice. Councilman Whitton said a person interested in CAC sent a resume weeks ago and was lost, he is baffled by that. Nancy took responsibility for bringing up the idea that these two positions could be filled by the Justice candidates who were not chosen.

ROLL CALL VOTE: Werner, No; Whitton, No; Oberly, Aye; Michael, Aye; Cunningham, No. MOTION FAILS.

MM Councilman Whitton, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that an Executive Session be held on Tuesday March 26, 2019 at 6:30 PM in the Supervisor's Conference Room in the Schoolhouse for the purpose to conduct interviews for CAC, followed by discussion on Highway CSEA Contract. All aye. Motion carried.

7. Approve PERMA training – Oberly

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves Supervisor Oberly's attendance at the annual PERMA meeting in Albany on May 23 & 24, 2019 at no cost to the Town. All aye. Motion carried.

OTHER ITEMS

1. Resignations and appointments

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board accepts the resignation of Macy Sherow from the ZBA effective March 1, 2019. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Werner that the Town Board appoints Virginia Morrow to the ZBA replacing Macy Sherow for a term of March 12, 2019 to December 31, 2025, filling the vacancy. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Werner that the Town Board appoints Justin Carroll to the Planning Board for a term of March 12, 2019 to December 31, 2021 filling the vacancy. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Whitton that the Town Board reappoints Jean MacAvoy to the CAC for a term of March 12, 2019 to December 31, 2020. All aye. Motion carried.

2. Approval of Warrants

MM Councilman Michael, 2nd Councilman Cunningham to approve the following resolution BE IT RESOLVED that the Town Board approves the March General Fund Warrant, vouchers Numbered 69 through 122, totaling \$606,064.49 and the March Highway Fund Warrant, vouchers numbered 39 through 64, totaling \$115844.17. All aye. Motion carried.

3. Motion to Move funds

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MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves Resolution **No. 17 of 2019 a motion to move funds at the March 12, 2019 Town Board meeting**. All aye. Motion carried.

4. 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 Michael to open the meeting to public discussion. All aye. Motion carried.

Brannan Kearney- worked on the code of ethics at the legislature; term limits of legislators, County Executive, and Comptroller capped at 12 years passed. Lake Walton is now a county park, adjacent to the rail trail. She came to the transfer station to meet people last Saturday and will return. Attended the NDA breakfast and talked about fundraising.

Merida Welles – asked if we are going to include health insurance for the Highway Superintendent spouse in his retirement and the additional cost. Ray said yes, we will write the resolution for next month; the additional cost is \$800 per month.

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 7:42 PM.

Respectfully Submitted,



Carol-Jean Mackin,
Town Clerk