

June 11, 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, Nancy Cunningham and Eliot Werner. Also present was Town Clerk Carol-Jean Mackin. There were 16 people in the audience.

Supervisor Oberly called the meeting to order at 6:54 PM, led the Pledge of Allegiance and asked for a moment of silence for Tim McCormack, past Chief of the ECFD, who died on June 10, 2019 in a helicopter crash.

APPROVE MINUTES

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

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the May 14, 2019 public hearing - moratorium. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the May 14, 2019 Town public hearing - solar. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the May 14, 2019 Town Board meeting. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the May 16, 2019 Zoning Revision workshop. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the June 4, 2019 executive session. All aye. Motion carried.

PUBLIC DISCUSSION

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

Russ Tompkins – asked about an item on the agenda concerning the transportation committee study, asked for clarification on the acronym. Asked about the overpayment of the cemetery fee, Eliot Werner said we overcharged for a burial and we need to reimburse that cost; asked about the process to waive the liquor license for the Schultzville store. Supervisor Oberly clarified the issue for him.

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

SUPERVISOR'S COMMENTS

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The Town of Clinton offices, Court, and Highway Department will be closed on July 4 Holiday, Thursday, July 4. The Town Recycling Center will be open on Saturday, July 6 as usual from 7:30 a.m. to noon.

The Towns of Clinton and Hyde Park will again hold their Dutchess County Office for the Aging Senior Picnic on Wednesday, July 10 (rain or shine) at noon in the Frances Mark Memorial Park on Clinton Hollow Road. Reservations are required by calling 845-486-2555 by Thursday, June 27. You should have received a postcard in the mail with more details.

The Town of Clinton has received a Certificate of Achievement from PERMA for having no Workers Compensation claims during 2018. Thanks are given to all employees for their safety efforts.

Thanks are given to the Clinton Friendship Garden Club for their placement of Memorial Day wreaths on the Town Complex doors. The recognition of all our veterans is greatly appreciated.

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 report on file in the Town Clerk's office. Received the benchmarking report today tracking energy usage of Town buildings over 1000 square feet. Electricity accounts for 54 percent of energy but 28 percent of greenhouse gases. The report will be on the CAC webpage.

***RECREATION COMMITTEE**

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

***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 complimented Theron and the Highway crew for a safe injury free 2018 year; 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.

***ALTICE – Formerly Cablevision**

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

***ZONING REVISION**

Councilman Michael said the meetings are ongoing; spent time working on an event law. June 20 is the next meeting and then July 4 there will be no meeting.

***PROPOSED TRANSMISSION LINES**

Supervisor Oberly said NYS ISO (Independent System Operator) has approved Transco's project on April 8, 2019 to transport 2,100 megawatts of electricity. This is for the transmission line going from Albany to Pleasant Valley through Clinton that is east of Centre Road. A Transco workshop will be held on June 27 with details following later in the agenda. There will be a No Power Line Workshop following this Town Board meeting tonight.

***CEMETERIES**

Councilman Werner said there is little to report. There are several stones in Schultzville Cemetery falling down or in disrepair. We will get an estimate to repair them from Cemetery Services Corp. The attorney is continuing to work on the title search for the Schultzville Cemetery. We need to also discuss the vendor insurance issue.

***OTHER**

OLD BUSINESS

1. Approve proposed LL 2, new Solar Law – Whitton

Councilman Whitton thanked those who met with him. He reviewed the significant changes that were made; said we are not a leader on solar, every town around us has a tier 3 solar farm law on their books and they are not plagued with solar farms. Ours is more comprehensive. Central Hudson can only accept so much hosting capacity which will naturally limit the size of a solar farm; talked about opting out of the RPT law 487, we can't just opt out of the tax break for a solar farm, the law calls for an opt out to be for all solar so it may not be an appropriate opt out as that would eliminate the tax break for small arrays too. Ray Oberly said people are essentially precluded from hooking up their solar farm to Central Hudson as it is expensive. Mike Whitton said that the changes to the proposed law are substantive so he wants to keep the public hearing open. Dean Michael questioned if opting out of the real property 487 law would lose the tax incentives for the homeowner. On the capacity, if the solar farm maxes out the capacity, would they cut out the homeowner adding solar, Ray said no they build in a buffer. Ray Oberly discussed his understanding of the 487 law, and mulled over whether it is a law that the Town adopted years ago that allows for a graduated increase in taxes for a commercial building.

MM Councilman Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve the public hearing be

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held open for July 9, 2019 at 6:15 PM in the Town Hall so the public can comment on the additional changes. All aye. Motion carried.

2. Approve RFP for painting exterior of Schoolhouse building – Whitton

The Board discussed and agreed to minor changes, which Town Engineer Pete Setaro will make before the RFP is sent out.

MM Councilman Whitton, 2nd Supervisor Oberly that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve an RFP as amended for the painting of the exterior of the Schoolhouse building, due to the Town Clerk by 10:00 AM July 2, 2019. All aye. Motion carried.

3. Approve replacing DCTC Application for Transportation - Oberly

Supervisor Oberly sent a letter requesting the DCTC to replace the study for the Salt Point Turnpike Path with the new one for Slate Quarry/Bulls Head Road Accidents. This change was requested by DCTC staff due to the more than 40 accidents occurring in the study area of the road. The evaluation team will be meeting and be reviewing the situation during the end of July. Public input and comment workshops will follow to establish the needed corrective actions to help reduce the number of accidents. The following resolution authorizes the change. The Salt Point Turnpike Path study will be submitted next year. Dean Michael and Eliot Werner support the application for a study to be done for SPT planning assistance because people walk there. Mike Whitton said there are more deaths on Slate Quarry Road though, if we can reduce the fatalities there starting with this study, we should support it.

MM Councilwoman Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves replacing the DCTC application for transportation planning assistance for Salt Point Turnpike path with Slate Quarry/Bulls Head Road accidents application. All aye except Eliot Werner who voted Nay. Motion carried.

4. Approve Summer Camp schedule, forms for 2019 – Cunningham

MM Councilwoman Cunningham, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve Summer Camp information, attached, including Camp Dates and forms. All aye. Motion carried.

NEW BUSINESS

1. Approve waiver of 30-day liquor license hold for the Golden Russet Café and Grocery – Oberly

The Schultsville General Store has changed operators in May, 2019. The new operators will call it the Golden Russet Café and Grocery. In the process they will need a new

liquor license to sell beer and other beverages. They are planning to open around July 4 and quickly need their liquor license so the following resolution waives the 30-day delay and supports their application.

MM Supervisor Oberly, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves a waiver of the 30-day liquor license hold for the Golden Russet Café and Grocery, LLC and consents to the issuance of the liquor license. All aye. Motion carried.

2. Approve workshop by Transco on their proposed transmission line replacement on Thurs, June 27 at 7 PM in Town Hall – Oberly

A public workshop by Transco will be held on Thursday, June 27 at 7 p.m. in the Town Hall for the community to hear their proposal, schedule, and impact on the community. Everyone is invited to attend to learn and seek answers to their questions. There will be follow up workshops as the project advances through the Article 7 process.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves holding a workshop by Transco on their proposed transmission line replacement on Thurs, June 27 at 7 PM in Town Hall. All aye. Motion carried.

3. Approve Bike NY using Town Hall campus as rest stop – Oberly

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves the use of the Town complex as the staging area for the bike club Bike NY on June 30, 2019. They have been using the Town Hall property for many years. All aye. Motion carried.

4. Approve reimbursement of overpayment of cemetery fee - Werner

MM Councilman Werner, 2nd Councilman Whitton that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve the reimbursement of the \$250 overcharge of burial costs to Abigail Batchelder of the Lossee family. All aye. Motion carried.

5. Approval of one Lenovo desk top computer – Oberly

The Town is upgrading their Windows 7 PC's to Windows 10 PC's over the course of this year and next, because Microsoft is discontinuing support for their Windows 7 product. The plan is to buy 3 new desk top computers with Microsoft 10 Pro operating system PC's, with 22" LED LCD monitors, and Microsoft Office 2019 Home & Student software for not to exceed a total cost of \$5,100, from CCB Technology, Racine, WI. The plan is to replace all the Town's existing computers this year and in 2020. Councilman Werner asked what happened to the first computer purchase we approved in April, we were going to see if it meets the town needs before purchasing more. Supervisor Oberly said the cost was more than the approved amount as the estimate was received early on in the year and the price went up, these three replace that one. The new computers will go to zoning, building and TBD.

MM Supervisor Oberly, 2nd Councilwoman Cunningham that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves the purchase of 3 desktop computers with Microsoft 10 Pro operating system, with LED LCD monitors, and Microsoft Office 2019 Home & Student software for not-to-exceed a total cost of \$5,100 from CCB Technology, Racine, WI. All aye except Councilman Michael who voted Nay. Motion carried.

6. Discussion of new Local Law to regulate event venues – Werner

Eliot Werner wants to discuss a procedural issue on how to go forward with changes to the draft; concerned to know how much lead time does the Board want as we want to give time for comments. A cut off will be this week to receive comments. Nancy wants a group working together to create a draft, not just Eliot creating a document. Eliot said had a group discussion at the ZRC workshop to have input from numerous people. Dean said we created the zoning revision committee to bring stakeholders together and feels Eliot did not do that, but rather Eliot worked individually to create this document. Whitton said it is on the website so people can have a say but the problem is that the workshop went amok; we should have done a line by line review. Eliot said this was a collaborative effort. The document was available in a reasonable time for review by the public. There will always be last minute comments. Whitton agrees to an ad hoc committee to create the law if the Board agrees that they want to create an event law. The Board agreed that the event law is necessary. The Board members discussed who should be on the ad hoc committee: Dean suggested Russ Tompkins, Rich Morse, a member from Naylor Farm, a member from Adrience Farm, Dean, Eliot, Ian Shrank, Robert Marrisodi and a PB member, a ZBA member, and a ZRC member, scheduled for June 20 at 7 pm in the Masonic Hall. The new ad hoc committee will meet to create the draft. Councilman Whitton said we have people already in violation of the law (holding weddings) and we need to move this along. The ZRC will meet again on July 18.

OTHER ITEMS

1. Resignations and appointments

As part of the Rec Park Summer Camp Staffing, we will need to establish another Recreation Assistant position.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves establishing another Recreation Assistant position. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves changing Samantha Smith's wages from \$280 per week to \$16.00 per hour effective June 12, 2019 as Recreation Leader. All aye. Motion carried.

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MM Supervisor Oberly, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves accepting Tim Lawlor's resignation effective June 5, 2019. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 29 of 2019 appointing additional seasonal employees.** All aye. Motion carried.

2. Approval of Warrants

MM Councilman Michael, 2nd Councilwoman Cunningham to approve the following resolution BE IT RESOLVED that the Town Board approves the June General Fund Warrant, vouchers Numbered 226 through 268, totaling \$ 44,574.33 and the June Highway Fund Warrant, vouchers numbered 127 through 148, totaling \$44,158.46. All aye. Motion carried.

3. Motion to Move funds

MM Supervisor Oberly, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 30 of 2019 a motion to move funds at the June 11, 2019 Town Board meeting.** All aye. Motion carried.

4. Supervisor's Report

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the May 2019 Supervisor's Reports. All aye. Motion carried.

PUBLIC DISCUSSION

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

Chris Juliano – wants to be on committee for creating the event law. Talked about his experience. Applauds Nancy to promote the teamwork process to find a solution.

Rich Morse – regarding the solar law, feels the allowed acreage use regulation would eliminate solar for most and the requirements for fencing makes it impossible for anyone to have a solar farm. Recommends using the 10-acre minimum and we should focus on screening.

Carol Hughes – lives next to an eventual event venue and the traffic is already troublesome. Eliot Werner said the draft event law does not allow events on Town roads; Councilman Werner told her to complain to the zoning officer that these events are ongoing unpermitted.

Ann Gayles - complained about the saw mill across the street from her home. The problem was not resolved as Mr. Werner read in the Zoning Administrator's report. She

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has been complaining for 15 months, a wall will not eliminate the noise, she has not agreed to anything. Mr. Werner will follow up.

Brennan Kearney – Legislator, offered condolences for Tim McCormack. Salary raises were approved at the County level, she voted no. in Albany lobbying for guidelines for water source testing. Also advocating for point of sale well testing for our community.

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 8:46 PM.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Carol-Jean Mackin".

Carol-Jean Mackin,
Town Clerk