

July 9, 2019 Town Board Meeting

July 9, 2019

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 11 people in the audience.

Supervisor Oberly called the meeting to order at 6:30 PM, led the Pledge of Allegiance.

APPROVE MINUTES

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the June 6, 2019 Zoning Revision Workshop All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the June 11, 2019 Solar Law public hearing. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the June 11, 2019 Town Board meeting. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the June 20, 2019 Zoning Revision workshop. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the June 28, 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.

None

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

SUPERVISOR'S COMMENTS

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. I hope you made your reservation to come and the weather is supposed to be beautiful.

This month the 2020 Town Budget preparation process will begin with the Tentative Budget being available by the end of September 2019.

The Dutchess County Transportation Council (DCTC) will start their study of Slate Quarry/Bulls Head Road accidents. This change was requested due to the more than 40 accidents occurring in the study area of the road from Eighmyville to Milan Hollow Roads. The evaluation team will be

July 9, 2019 Town Board Meeting

meeting during July 24 and 25 to review the situation. Public input and comment workshops will follow to establish the needed corrective actions to help reduce the number of accidents.

This is an alert that the Fiddlers Bridge Road bridge at the intersection of Long Pond Road has recently been reduced to a 15-ton limit. Alert any deliveries coming to you exceeding that limit to find alternate delivery routes. I am writing a letter to Dutchess County Department of Public Works (DPW) to determine their future actions to return the bridge to 20-ton capacity.

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.

***RECREATION COMMITTEE**

Councilwoman Cunningham met with Dutchess County DOH; the Park passed all requirements for the camp which started July 8. There are four committed, energetic volunteers working, Director Samantha Smith is doing a fabulous job. Installing playground equipment and replacing dugouts. Thanked Josh Martin to be Aquatics Director which allowed Camp to open.

***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 said they don't meet in July but a Trustee will address the Board later in the meeting.

***ALTICE – Formerly Cablevision**

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

***ZONING REVISION**

Councilman Michael said there has been two meetings concerning the event venue document. Next meeting is July 18 with another draft available. Residents expressed concern about events that are disturbing to others in town, so balancing rights is a priority – to allow events but not disturb neighbors; noise and traffic are the major points to consider.

***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 was held on June 27. There will be a No Power Line Workshop directly following this Town Board meeting tonight to give some of the details from the workshop.

***CEMETERIES**

Councilman Werner said the agenda will address issues later in the meeting.

***OTHER**

OLD BUSINESS

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

Councilman Whitton said the Town is working on community choice aggregation to fund locally sourced energy, so he hopes the Solar law and CCA will work together. Happy to see that locals can make money from solar farms on their property. Ray Oberly made several comments, pointing out typos, making clarifications.

MM Councilman Whitton, 2nd Councilman Werner that the Town Board approves the following resolution: **BE IT RESOLVED** that the Town Board approves **Resolution No. 31 of 2019 hereby adopting Local Law No. 2 of 2019, entitled “Solar and Wind Energy Systems Law”** a copy of which is attached hereto and made a part of this resolution; and **Be It Further Resolved**, that 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. In discussion Councilman Michael said the law opens up the Town for commercial uses; not opposed to solar farms or use, concerned that the pilot program regarding assessing the solar parcel appropriately should be listed in the law, not fair for rest of town to subsidize these parcels, so not in favor of the law for these reasons. Councilwoman Cunningham is in favor of solar farms, not in favor of turbines. Councilman Whitton said the wind portion of this law is the same as the one that exists, there has been no change. Dean Michael said the wind power is not practical in this area. Councilman Whitton is respecting the past legislation so he left it alone. **All aye except Councilman Michael voted Nay. Motion carried.**

2. Approve RFP for painting exterior buildings – Whitton

Councilman Whitton said no bids were received. Considering reissuing the rfp after calling around and getting interest.

July 9, 2019 Town Board Meeting

MM Councilman Whitton, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves reissuing the RFP to paint the exterior of the Schoolhouse building, due to the Town Clerk on August 6, 2019 at 10 am. All aye. Motion carried.

3. Discussion on local law to regulate event venues – Werner

The subcommittee is continuing working on the draft with the goal of August 13 for discussion by the Town Board for review.

**4. Approve resolution for additional funds for purchase of truck – Cunningham
(2019 FORD F-350 TRUCK WITH DUMP BODY)**

MM Councilwoman Cunningham, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 32 of 2019 authorizing the expenditure of Nine Thousand Dollars (\$9,000.00) from the Town General Fund for the purpose of using these funds towards the purchase of a 2019 FORD F-350 TRUCK WITH DUMP BODY**; and that the Town Highway Superintendent is authorized, directed and empowered to take all actions necessary to acquire the vehicle. Ray Oberly pointed out that the money is from the highway fund, not the general fund. Ray does not want be directed to purchase it so the motion is amended to instruct the highway superintendent to purchase the truck. All aye. Motion carried.

NEW BUSINESS

1. Approve request for extension for Greenway grant for zoning revision – Oberly

This extension is required so we can eventually get the remaining \$1,000 part of the grant. This \$1,000 will not be given to us until we pass the proposed zoning revisions, thus we need an extension.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve the Town Supervisor asking Hudson River Valley Greenway for a two-year extension of the MOU for the Town of Clinton Zoning Law Revision project grant. All aye. Motion carried. **The MOU expired 5-12-2019.**

2. Approve ceremonial road name for Chief Tim McCormack for Firehouse Lane – Oberly

It was suggested to do a ceremonial road naming for Chief Tim McCormack at the intersection of Firehouse Lane and Salt Point Turnpike. The action was made to recognize his long term serving in the East Clinton Fire Department especially for his years as Chief and his other community service activities. The details for the dedication ceremony will be provided on the Town web page when finalized later this month.

July 9, 2019 Town Board Meeting

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve placing a ceremonial road name sign for Chief Tim McCormack Way on the Firehouse Lane post at the intersection of Salt Point Turnpike and Firehouse Lane. Nancy Cunningham did not know him but she wishes she had known him as he was a wonderful man. Councilman Whitton said it is one of his happiest votes. All aye. Motion carried

3. Approve \$150 for Recreation Assistant for Wilderness First Aid training – Oberly

With the appointment of a new Recreation Assistant for the Town's summer camp programs, the Assistant needs a Wilderness First Aid not the standard one she had taken already. This training completes her job requirements.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve \$150 for the Recreation Assistant to have Wilderness First Aid training. All aye. Motion carried.

4. Approve rental of Lexmark XM3250 copier for Assessor's office – Oberly

The Assessor's Office has printer and FAX difficulties. The very old FAX machine can only send. The desk top printer is very temperamental by printing what part of a page it wants to print. The Assessor and Clerk must go upstairs to an office to do their printing many times a day. The proposed leased printer is a Lexmark XM3250 copier with regular and legal paper trays, black only, print, copy, scan, and FAX capabilities. We only supply the paper and everything else is covered by the lease.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve the rental of Lexmark XM3250 copier for Assessor's office at a cost not to exceed \$45.10 per month off of NYS bid. All aye. Motion carried.

5. Approve official abandonment of Schultzville Cemetery – Werner

MM Councilman Werner, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 33 of 2019 accepting the abandonment of the Schultzville Cemetery Association and the transfer of all cemetery assets to the Town of Clinton.** All aye. Motion carried.

6. Approve access easement regarding Schultzville Cemetery – 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. 34 of 2019 authorizing the Town Supervisor to execute the access easement with the Clinton Alliance Church for access to the Schultzville Cemetery over Church property.** Nancy said there may be a need to revisit this issue as the church may relocate to access point in the future; the church will pay for that. All aye. Motion carried.

7. Approve payment to repair headstones at Schultzville Cemetery – Werner

MM Councilman Werner, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve the payment to repair headstones at the Schultzville Cemetery at a total cost not to exceed: \$1856; \$800 to Kol-Roklea Memorials to move the headstones and \$1056 to Jim Winters to remove and replace existing foundations.

Nancy asked if the payment comes from perpetual care, Eliot there is only one fund now no longer perpetual care fund. Dean to what extent are we responsible for the maintenance of these headstones. Pointed out homeowner's insurance covers headstone replacement. We can do this but we need to define what the responsibilities of the town should be. Dean feels we are setting a precedent. Eliot said he looked at all the stones and these there jumped out as needing repair. It will be up to the town to decide what we want to do when others need repair. Dean said we need a standard of when to repair for all three cemeteries. Nancy said if vandalism we prob have insurance. But general maintenance we need a policy. Whitton said we need to consider many issues when creating a maintenance policy. Ray said Providence Cemetery has stones in all stages of placement. All aye. Motion carried.

8. Approve Colleen McGarry's attendance at the Annual training – Oberly

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve Colleen McGarry's annual court clerk training held in Syracuse, NY from Sept 29 to October 2, 2019 at a cost not to exceed \$825.00, which is approved in the budget. All aye. Motion carried.

9. Approve Vendor Insurance Contract – Werner

Eliot Werner said the insurance agent and the town attorney agree we should have a vendor insurance contract. If a vendor won't sign, we will just ask for a certificate of insurance as we do now or we won't hire you. Ray Oberly said these types of insurance issues are covered in an rfp. Ray questioned the pollution liability section for more detail and explanation. Ray feels this vendor contract will be difficult to monitor, asks if is a must. Eliot said the insurance agent feels it is. Dean Michael thinks we should do this, we need to define the pollution standard for a particular vendor who it applies to. Ray Oberly said the coverage should not be in effect for five years after the completion of the job as that is excessive, perhaps one year. Supervisor Oberly asks who is going to monitor this paperwork as the Supervisor and the Clerk are already overloaded, he feels we need to address the workload of all these requirements. The Board agreed to revisit this issue next month.

10. Discussion on short-term rentals – Whitton

Councilman Whitton distributed an outline on the subject, said we put this off to try to take advantage of draft laws from surrounding towns' who are already working on this issue. He has heard from many residents who want to have a law sooner rather than later. The Board members discussed what should be included in the potential draft law. Councilman Whitton will work on a draft; it will be on the agenda for August.

11. Approval/Discussion of adding a Clean Energy Community page to the web – Whitton

The CAC Chair would like a page on the website to contain the extensive amount of information on the subject. She will meet with Fred our computer consultant; he said he could do it as part of his monthly charge or at most \$250. Councilman Whitton will come back next month with Fred's cost. If free, Fred can create the page right away.

12. Approve Cyber Liability insurance – Oberly

Our computer consultant has advised Supervisor Oberly of a local government that did not have any Cyber Security insurance and were hacked and are now paying many \$1,000's to recover. This is becoming a problem for local governments and the hackers are going after small businesses and local governments where it is hard to control how each person operates their own computer. The penetration can come in in the form of an innocent e-mail and the system then becomes hacked. Our Town Attorney and our insurance agent both recommend the purchase of Cyber Security insurance.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve purchasing cyber liability insurance from Chubb/Ace Insurance Program at a cost not to exceed \$2500. Dean said typically the insurance payment is for the monitoring and notices that are sent out. Councilman Whitton said we are making a decision without the NYMIR quote. The Board agrees to delay until August when they can see a quote from NYMIR. **No vote, Delay until august.**

OTHER ITEMS

1. Resignations and appointments

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 35 of 2019 appointing additional seasonal employees.** 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 269 through 314, totaling \$ 47,708.11 and the July Highway Fund Warrant, vouchers numbered 149 through 164, totaling \$ 16,499.59. All aye. Motion carried.

3. Motion to Move funds

July 9, 2019 Town Board Meeting

MM Supervisor Oberly, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 36 of 2019 a motion to move funds at the July 9, 2019 Town Board meeting.** All aye. Motion carried.

4. Supervisor's Report

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

PUBLIC DISCUSSION

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

Tim Sullivan - trustee from Library gave update that the Director Teresa McGuirk is retiring and Carol Bancroft is the new Director. Read a letter from the Library Board thanking Theresa for her tenure. Highlighted July happenings at the Library.

Kim and Keith Punchar - commented about the smoke that continues to cross onto their property from a neighbor's yard. Feels the town is not enforcing the law to stop the numerous continuing violations; said the town changed their minds three times in determinations on this issue and feels the town lacks consistency. Their persistent burning is not tolerable. Disagrees with the ZBA's recent decision on this matter. Discussed items and issues found in rural communities that the town is enforcing but they not enforcing the smoke infiltrating onto their property.

Ann Gayle – asked about the statement made by the ZA concerning the wood lot across the street from her house. Feels the zoning regulations are not being enforced which has allowed the firewood business to expand. Eliot will follow up with the ZA and reread the report aloud. She feels this home business is creating a disturbance to the neighbors.

Councilman Whitton said Legislator Brennan Kearney could not make it tonight see her Facebook page for updates.

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 8:30 PM.

Respectfully submitted,



July 9, 2019 Town Board Meeting

Carol-Jean Mackin,
Town Clerk