

August 13, 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 30 people in the audience.

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

PRESENTATION BY REBUILDING TOGETHER, Angela Scileppi

Rebuilding Together provides no cost home repairs and fire safety to income-qualifying homeowners. Information is on the website and available from the Town Clerk.

APPROVE MINUTES

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the July 9, 2019 Solar Law public hearing. All aye. Motion carried.

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

PUBLIC DISCUSSION

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

Jeff Demanski – represents Joule, a CCA program. Has 6 communities in his program using 100% Clean renewable energy. Prices are about 8 percent less than the typical Central Hudson bill.

Carol Hues – there was a big wedding last week on her road, Schultzhill Road with a lot of traffic and busses delivering attendees. Looking forward to the event local law to regulate these events.

Scott Hues – the wedding on Schultzhill was loud until after 11 pm. The buses were a nuisance.

Mike Parella – the driveway to the party was next to his house and he saw lights coming and going until late at night. This is a commercial operation in a residential neighborhood.

Debra LaPoint –Centre Road resident, there are many homes used as Airbnb's, which is a commercial use of a home and these weddings are commercial events; all are very disturbing to the neighborhood, looking for local laws to ensure residential not commercial neighborhoods.

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

SUPERVISOR'S COMMENTS

The Town offices, court, and highway will be closed on Saturday, August 31 and on Memorial Day Monday, September 2. Recycling and trash collection will be open on Saturday, August 31 as usual from 7:30 a.m. to noon.

The Dutchess County Transportation Council (DCTC) did their evaluation during July 24 and 25 of Slate Quarry/Bulls Head Road accidents and road conditions. 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. They are currently investigating more data and possible recommendations. Their draft report will be available for committee comments in fall 2019.

The Fiddlers Bridge Road bridge at the intersection of Long Pond Road has recently been reduced to a 15-ton limit. The preliminary schedule is to have the design work and bidding being done this fall through summer 2020. Construction and replacement will occur during fall 2020 to spring 2021 with the bridge being opened in the summer of 2021. We have been working with the East and West Clinton Fire Districts and Dutchess County DPW to allow only fire trucks to cross the bridge under certain conditions. Thus, mutual emergency aid can be done between the two Fire Districts. This capability assumes the bridge does not deteriorate further due to overweight vehicles crossing and damaging the bridge.

The Towns of Clinton, Milan, and North East did not get the two Shared Services Grants for a grader with a side wing plow and a dirt roller with trailer.

The Chief Tim McCormack Way road sign dedication was well attended even though there was a light drizzle. It was held on August 7. The Clinton Volunteer Fire Department marched from their firehouse to the intersection with Salt Point Turnpike while wearing their parade uniforms. Several people made short speeches and refreshments were served later in the firehouse.

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 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 reported 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.

***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. Starting Thursday to review the zoning law again.

***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. Transco is working on completing their design work for their preparation for the Article 7 proceeding this fall. They are also continuing to do site inspections and boring within their power line right-a-way. Transco workshops are being scheduled for Friday, September 20 at the Pleasant Valley Fire house at 11 a.m. to 1 p.m. and 4 to 7 p.m. and Saturday, October 5 at Milan Town Hall at 10 a.m. to 1 p.m.. I am trying to get a workshop scheduled in our Town Hall. There will be no No Power Line Workshop directly following this Town Board meeting tonight.

***CEMETERIES**

Councilman Werner said no report. The Board discussed using perpetual care funds to maintain stones. Eliot agrees to use Town funds to maintain the headstones.

***OTHER**

Dean Michael discussed the highway contract and it is pretty close to completion. One point still in discussion is on the drug policy; needs further clarification.

WIC

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

OLD BUSINESS

1. Approve RFP for painting exterior buildings – Whitton

No bids were received. Ray said the 2019 money will go into surplus in the 2020 budget.

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

Dean Michael said the Town Attorney had concerns about certain sections. We want a local law but doing it right is more important; waiting for NYS Ag and Markets with their comments, expect them next month. Table this until September. Ray Oberly wants discussion before September. Councilman Whitton said the public tonight said this event law should address venues on more than just county and state roads, as the problems we are seeing tonight were on a town road. Dean said the code is defined to address these concerns; we have a noise, light and speed ordinances to be applied and enforceable by the police. Nancy commended the committee on the law, but we must wait for the final product with Ag and Markets comments.

3. Discussion on local law for short term rentals – Whitton

Councilman Whitton reviewed the comments he received. Waiting on fines and fees to see what wording is in the events law for consistency. Talked to the County to share their information on short term rentals which they gather to be sure they get lodging tax due. This could help our ZA follow up on local rentals. Reviewed different sections.

Discussed how to move forward with this local law. A committee would take too long, Michael would like to continue handling it and collecting information from the community and making changes. Councilwoman Cunningham asked several questions that Councilman Whitton addressed. Supervisor Oberly suggested forms be developed, Councilman Whitton agreed.

NEW BUSINESS

1. Approve 30-day liquor license waiver for 18 Hollow Rd – B&B – Oberly

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 18 Hollow Rd – B&B and consents to the issuance of the liquor license. Dean asks why? Supervisor Oberly said this is standard. All aye except Councilman Michael who voted Nay. Motion carried.

2. Approve Teresa Stegner's attendance at NYSAA Annual conference and approve reappointment – Oberly

MM Supervisor Oberly, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve Teresa Stegner's attendance at NYSAA Annual conference from 9-22 to 9-25-2019 at a cost not to exceed \$500.00. The Town of Somers will cover the balance. All aye. Motion carried.

- **Teresa Stegner – reappointment**

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the reappointment of Teresa Stegner as Sole Assessor effective October 1, 2019 – September 30, 2025. All aye. Motion carried.

3. Approve renewal of Clinton Vineyards’ liquor license with no objection – Oberly

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves the renewal of the Clinton Vineyards’ liquor license with no objections and consents to its continuance. All aye. Motion carried.

4. Approve 2020 budget calendar – Oberly

The 2020 Budget calendar is very similar to previous years with the exception of the starting times of some of the meetings being at 6:30 p.m. to allow the Zoning Revision meetings to be run later that evening.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the 2020 budget calendar. All aye. Motion carried.

5. Approve CCA Agreement with Joule – Oberly

Over the last year we had several discussions and workshops on doing a Community Choice Aggregation (CCA) program for the Town and its residents. The purpose of CCA is to get non-fossil fueled electricity supplied to residents while getting a reduction in their electricity bill. Several other local governments in the region are being included in this program to get a larger purchasing power thus getting a larger reduction in electricity bills. The agreement is to allow Joule Assets Inc. to implement and manage the program.

MM Supervisor Oberly, 2nd Councilman Whitton that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves the CCA Municipal Energy Services Agreement between Joule and the Town of Clinton and authorizes the Town Supervisor to sign the contract. All aye. Motion carried.

6. Approve Altice Settlement Agreement – Oberly

Over the last year we had several discussions and workshops on doing a Community Choice Aggregation (CCA) program for the Town and its residents. The purpose of CCA is to get non-fossil fueled electricity supplied to residents while getting a reduction in their electricity bill. Several other local governments in the region are being included in this program to get a larger purchasing power thus getting a larger reduction in electricity bills. The agreement is to allow Joule Assets Inc. to implement and manage the program.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves the Settlement and Release Agreement between the Town of Clinton and Cablevision, Altice USA for the terms mutually

agreed to as listed in the Agreement. Dean said Troy and Banks gets a portion of the money for their work. All aye. Motion carried.

7. Approve continued membership in CLASS -Oberly

On April 15, 1997, the Town of Clinton joined NY CLASS as a way to place funds until needed at a better rate of interest than is available at usual saving accounts. Since we joined so long ago, NY CLASS wanted a Resolution showing the Town's desire to continue participation in their plan.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 37 of 2019 approving its continued participation in the NY CLASS investment program.** All aye. Motion carried.

8. Approve Cyber security Insurance – Oberly

With all the hacking going on in local governments, businesses large and small, individuals, and other organizations, our IT consultant recommended that we obtain Cyber Security Insurance. We received two quotes for \$500,000 coverage – NYMIR \$428.56 and Chubb \$2,353.00. Chubb has a more robust coverage but our IT consultant recommended the NYMIR insurance as being adequate for the Town.

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 NYMIR for \$500,000 in coverage at a prorated cost of \$428.56 effective August 6, 2019 to May 15, 2020. All aye. Motion carried.

9. Discuss 2020 CDBG proposals – Cunningham

No specifics to report. Will meet with the grant coordinator to understand the limits of the grant. The money will be used at the Fran Mark Park. Dean Michael suggested applying for money for different work projects, so maybe we get a better shot of getting one. Ray said the limit is \$150,000.

10. Discuss Shared Services for flail mower – Cunningham/Oberly

Last year, discussions were held to do a shared services purchase of a flail mower head attachment to be used with the Shared Services mini-excavator we obtained in 2017. This is not a grant purchase but a payment of about \$2,500 for each Town – Clinton, Milan, Red Hook, and Rhinebeck. We are working out the details but a draft IMA has been written, Red Hook would purchase the item, and Clinton would do the insurance, maintenance, storage, and schedule its use. This would provide a backup for Clinton for our existing tractor mounted flail mower and will allow Clinton to do roadside mowing quicker with two mowers. Since Clinton is the owner of the mini-excavator, so it seems reasonable to keep all the attachments together with the mini-excavator. The funding was

left off the 2019 Budget so we'll take the funds from the Highway Fund surplus. We'll approve the IMA and funding at a later meeting.

OTHER ITEMS

1. Resignations and appointments

- **Marripodi resignation**

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board accepts the resignation of Robert Marripodi from the position of Zoning Administrator effective August 8, 2019. All aye. Motion carried.

- **Discussion on search for ZA**

Councilwoman Cunningham will conduct the search for ZA candidates.

- **Burden resignation**

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board accepts the resignation of Joseph Burden as part time Constable effective September 30, 2019. All aye. Motion carried.

- **Laurenzano – appointment**

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the appointment of Larry Laurenzano as part time Constable at a rate of \$21.83 per hour effective September 3, 2019. All aye. Motion carried.

- **Martinetti – appointment**

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the appointment of Chloe Martinetti as Rec Assistant effective August 5, 2019 at \$11.10 per hour. All aye. Motion carried.

- **Smith – increase in pay**

MM Supervisor Oberly, 2nd Councilman Whitton that the Town Board approves the increase in hourly pay for Samantha Smith, Supervisor Secretary from \$16.00 per hour to \$18.00 per hour effective August 4, 2019. Councilwoman Cunningham thinks she does a good job and wants to look at longevity and equity; it is soon to upgrade her salary. Ray Oberly said she make less than a laborer in the highway department. Dean Michael thought initial \$16/hr. was low, but wondered if now is the right time for the increase. All aye except Councilwoman Cunningham who voted Nay. Motion carried.

- **Additional summer employees**

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 38 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 August General Fund Warrant, vouchers Numbered 315 through 363, totaling \$ 25,387.94 and the August Highway Fund Warrant, vouchers numbered 165 through 193, totaling \$74,021.52 and the August Capital fund warrant voucher number 1 only, totaling 2578.04. All aye. Motion carried.

INTERIM ZA – Eliot Werner discussed appointing an interim ZA, our Building Inspector Louis Fiorese. Louis would be amenable to taking on this position. Ray said he can work max 29 hours per week total. A special meeting will be held Thursday, August 15, 2019 to make the appointment. Nancy said she is looking at having the BI be the backup administrator to the Highway Superintendent.

3. 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. **39 of 2019 a motion to move funds at the August Town Board meeting.** All aye. Motion carried.

4. Supervisor's Report

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

PUBLIC DISCUSSION

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

Brennan Kearney – County Legislator – gave her report from the County Legislature.

Matt Pfister – Library President of Board of Trustees, thanked the former Director and welcomed the new Director. Announced upcoming events at the Library.

Ernestine Martin – With no ZA can venues have their activities? Councilman Michael said these venues are not in compliance, so they are not supposed to be having these events. Large properties are not all technically farms.

Scott Hues – we need enforcement and the quality of his life is going down with the wedding venue ongoing next door. The building inspector asked him to leave the office last week and get a lawyer when he came in to complain about the wedding next door. The previous weekend. He wants to know what his next move is.

Kim Puchar- said the police won't act if they don't see a violation themselves. Complained about ongoing issues with a neighbor that the zoning officer has deemed allowable. We need to be considerate of our neighbors. Airbnb's should be in commercial areas. Complained of lack of enforcement and said that violations of the law that are not being addressed by the ZA. We are being denied protections as a resident from the town. The town is obligated to act in a timely way and the Town does not comply.

Dean said to say there is no enforcement by the ZA is wrong, just read his reports. He was doing a good job, but we need an interim.

Lenore Maroney and Pat Diletto – hear rumors that the Town will require horse manure be put in certain containers, Eliot Werner said the ZA asked a resident to move the manure dumpster away from the front of the property, perhaps that is the rumor she heard.

Joyce Morse – wants to talk about an inappropriate post on Facebook about a Democrat candidate, Ray Oberly said that is a political issue, we don't address that issue at the Town Board. Ray asked her to stop speaking. Councilman Whitton said it is a human issue, a resident was attached who is a member of the LGBTQ community. Eliot Werner wants to allow Ms. Morse to continue, Councilman Michael said she can continue to speak if she takes out the political comments. The post was disappointing and was a horrible homophobic attack on a neighbor. Dean Michael said she should speak to the publisher about the post. She wants the Town Board to make a statement about LGBTQ people to encourage fairness. Nancy Cunningham said we consider all people by their actions; we don't need to make a statement.

Justin Carroll – commented that there are at risk LGBTQ teens in our community, referenced a young at risk LGBTQ man who reached out to him for support; many LGBTQ teens are homeless and try to commit suicide. There are many teens in our community who may be suffering and he is here for them.

Nancy Drago - commented about respect in 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 8:33 PM.

Respectfully submitted,

August 13, 2019 Town Board Meeting

A handwritten signature in purple ink, reading "Carol-Jean Mackin". The signature is written in a cursive style with a large initial "C" and "J".

Carol-Jean Mackin,
Town Clerk