

September 10, 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 twelve people in the audience.

Supervisor Oberly called the meeting to order at 6:30 PM, led the Pledge of Allegiance. A moment of silence was held for 9/11.

APPROVE MINUTES

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the August 13, 2019 Town Board meeting. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the August 15, 2019 special meeting. All aye. Motion carried.

PUBLIC DISCUSSION

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

Ron Curtis – wants to know why the Town Board has created a law for short term rentals. Councilman Whitton explained if an item is not in our zoning law, it is not allowed. So all Airbnb's are operating illegally and neighbors want some regulation on this issue. Mr. Curtis asked for clarification on certain sections of the STR law and feels certain requirements are onerous.

Jack Auspitz – supports Short Term Rental law. Pointed out typos and is confused by definition of dwelling. Wants "good cause" defined to include the types of causes; urges the fee charged be substantial enough to cover enforcement. On the Events law: regarding access on certain roads, feels any event will have an adverse impact on the neighborhood. Want to limit access to major or access roads.

Eve Ashworth – unhappy about the wedding venue on Schultzhill Road. Feels the Town cannot control the amplification of the sound from the venue. Traffic needs to flow from major roads to these venues, not town roads.

Linda Curtis – they have an Airbnb, to survive here they need the income. It is owner occupied; most are Omega patrons. Please consider a low fee. Councilman Michael explained that her home is a B and B, which are legal already.

Phillipa Weiland – re: the events law; she is confused by the way the law is written regarding the number of events allowed.

Mark Forsciotti – asked for certain definitions to be clarified.

Merida Welles – concerned about the number of reports the ZA will have to write if these laws are passed. Who is going to do this, who is going to enforce them?

Phillipa Weiland – asked if the town requires adequate insurance of the owner of an STR? The answer is yes.

Ann Tyson – her concern about STRs is that our town will become a town of investors, not owners, concerned about enforcement; a neighbors Airbnb is not a noise issue but a traffic issue and a garbage issue. There is no enforcement now.

Denise Truszcz – two Airbnb's on her road; there are issues with garbage, so much more traffic on the road; people are trespassing on her property. She has a problem with commercial uses in residential areas.

Kin Puchar – agrees with owner occupied Airbnb, un-owner-occupied Airbnb commercial use is unacceptable in our community. She offered personal issues with the Town regarding enforcement. Feels that career criminals are attracted to these STR homes and possibly the neighbors' homes, with little protection from the Town. Feels the town is resistant to enforcing the code. The special permit for an STR should require a special notice to the adjacent property owners and a public comment period.

Art Weiland – asked for clarification on major road and collector roads, Dean Michael said the town attorney defined them in the law. For the event law, he would like to see the boundary of the event property defined with signage to keep event goers on the property.

Eve Ashworth - many weekenders who have invested millions in their homes are concerned about the event law as well.

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

SUPERVISOR'S COMMENTS

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. Preliminary draft findings of safety issues are vehicle operating speeds, wet weather crashes, improve traffic signage, side roads and road shoulders, major intersections improvements, and adding more guiderails. Their draft report will be available for committee comments in fall 2019.

The 2020 Tentative Budget workshops occur on Thursday, October 3 for the Highway portion of the Budget and on Thursday, October 10 for the General Fund part of the Budget. Both workshops start at 7 p.m. in the Town Hall. The public is encouraged to attend and make comments on the Budget items. The changes made during the workshops will be reflected in the Preliminary Budget. For other Budget meetings, go to the Town's webpage for the details. A meeting was held with the Masons and the Library to discuss the renovation of the kitchen area. The Masons were considering paying for the replacement of the electric stove and the

refrigerator. There was discussion on adding a dish washer and replacing the existing counter cabinets. A community survey was considered for possible future users of the kitchen and having a fund raiser dinner to cover these costs. The Library has a concern for a few years for the quality of the tile floor in the kitchen, meeting room, and hall way where tiles keep coming up at their edges and are causing tripping hazards. This will be a major expense so I am considering placing it in the 2020 Town Budget. The floor replacement should be done before the counter cabinet work is undertaken.

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 said no meeting so no report.

***RECREATION COMMITTEE**

Councilwoman Cunningham said they have been working on the budget; camp was successful and final report in October will review the summer rec program.

***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; next meeting on Sept. 19, the sections are on the web.

***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 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 we have a burial coming up and Kol Rocklea has repaired the stones at the Schultzville Cemetery. Eliot sees many headstones in disrepair at Pleasant Plains Cemetery.

***OTHER**

***WIC**

Councilman Whitton read from the report which is on file in the Town Clerk's office. A watershed meeting is being held on the management plan with speakers on Oct. 8th from 6-8 pm at the Farm and Home center.

OLD BUSINESS

1. Approve introducing local law to regulate event venues "EVENTS LAW"– Michael

Tonight's draft does not include DC Planning comments, but both NYS Ag & Markets and County Planning feel the draft is overly restrictive.

Ray Oberly reviewed his comments aloud. Eliot Werner discussed his concerns. Nancy Cunningham expressed that the Zoning Administrator will be overwhelmed. Mike Whitton said if we don't pass either law (STR), the ZA will still have to enforce the current law for these entities, which are considered to be illegal now. If we pass the laws then we can collect fees to offset the cost of enforcement.

MM Councilman Michael, 2nd Councilwoman Cunningham that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 40 of 2019 entitled "Events Law"**; the Town of Clinton will hold a Public Hearing on said proposed law Tuesday, October 8, 2019 at the Town of Clinton Town Hall, 1215 Centre Rd, Rhinebeck (Town of Clinton), New York at 6:00 p.m. Supervisor Oberly asked what document will be used that the public will review. Dean will make the changes and the revised draft available for the public. All aye. Motion carried.

2. Discussion on local law for short term rentals STR – Whitton

Councilman Whitton – with this draft law, we are trying to control some of the activities for str's. Councilman Whitton is using definitions in this proposal that are found in the current

zoning code. The Town Board members discussed the differences between a B and B and an Airbnb. The Board members discussed their comments and Mike Whitton will make the changes suggested.

3. Discussion of flail mower - Oberly

An Intermunicipal Agreement (IMA) Amendment is being written by our Town Attorney to have the Town of Red Hook purchase the mower with all four towns (Clinton, Milan, Red Hook, and Rhinebeck) splitting the cost, and the Town of Clinton will store, schedule, and do maintenance on the mower. This IMA amends the original Mini-Excavator IMA (dtd March 3, 2016). The expected Town's cost is about \$2,500. This would provide a backup for Clinton's existing tractor mounted flail mower and will allow Clinton to do roadside mowing quicker with two mowers. All will be approved at a later meeting.

NEW BUSINESS

1. Approve Boy Scouts selling Christmas trees at transfer station – Oberly

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves Boy Scout Troop 228 selling wreaths at the transfer station on Saturday November 30 and Saturday, December 7 from 7:30 AM until noon with the proper certificate of insurance in place. All aye. Motion carried.

2. Approve introducing local law to exceed tax cap – Oberly

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 41 of 2019, entitled "A Local Law to Override the Tax Levy Limit for Fiscal Year 2020, Setting a Public Hearing on October 8, 2019 at 6:25 PM.** All aye. Motion carried.

3. Approve Change order for Snow and Ice Control – Oberly

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 42 of 2019 authorizing the Town of Clinton to enter into a contract with the County for continued participation in the County Snow and Ice Control Program and authorizes the Supervisor to sign the contract.** All aye. Motion carried.

4. Approve Special meeting – Oberly

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the Special meeting on October 1, 2019 at 8:30 AM in the Town Hall for the purpose of distributing the 2020 budget. All aye. Motion carried.

OTHER ITEMS

1. Resignations and appointments

- **Rudy Schrull resignation**

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board accepts the resignation of Rudy Schrull from the position of HMEO effective September 1, 2019. All aye. Motion carried.

- **Matt Frye – appointment**

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the appointment of Matt Frye as HMEO effective September 1, 2019. 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 September General Fund Warrant, vouchers Numbered 364 through 404, totaling \$36,278.47 and the September Highway Fund Warrant, vouchers numbered 194 through 213, totaling \$22,232.02. All aye. Motion carried.

3. Motion to Move funds
NONE

4. Supervisor's Report

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the September 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 of Library. 9-22 book sale and touch a truck event. They are taking donations. Annual tag sale is the same day as the book sale. Local author Jennifer Donnelly coming to read from her book in the Library Sat. Oct. 5th at 11:30 am.

Ernestine Martin – had questions on the event law regarding the boundaries of the properties used for events, asking who sets the limits. Dean Michael said the Town sets the limits.

Brennan Kearney – talked about events available to the community. Passed an independent redistricting law to better represent the voters of the county. Working on a renewable energy pledge.

Kim Puchar – Re: STRs, limit them to commercial areas only. Feels the non-conforming Airbnb's are better for the townspeople who complain as they are not allowed so the ZA can order a cease and desist. Otherwise with the STR law we will need a full time ZA. Discussed the ZA report and made comments about certain items. Discussed a foil request she made regarding a neighbor's complaint about a neighboring Airbnb that the Town said it did not have on file. This is incorrect and asks the Town to follow up on the

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Airbnb on Deer Ridge Dr. She read aloud correspondence she sent to the Zoning Administrator to refute the za's report concerning a complaint made against her property.

Ray Oberly asked her to stop; she would not stop commenting about complaints she made to the ZA that she feels the Town is ignoring.

Arlene Campbell – re: foil request mentioned by Mrs. Puchar, there were no documents in the ZA files, but after seeing the email reply from Mrs. Puchar pointing out a neighbor sent a letter of complaint to the ZA, she went back to the files and went back and found the envelope with the complaint in the Zas office; she never saw it before today.

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 9:08 PM.

Respectfully submitted,

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

Carol-Jean Mackin,
Town Clerk