

October 8, 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 6:32 PM and led the Pledge of Allegiance.

### **APPROVE MINUTES**

MM Supervisor Oberly, 2nd Councilman Werner to approve the minutes of the September 10, 2019 Town Board meeting. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the October 1, 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.

Carol Hues – asks a question that is not on the agenda so it will be addressed at the end of the meeting.

Russ Tompkins has questions about STR and and plot deeds for cemeteries, that will be answered during the meeting

Patricia Smith – question on Airbnb and Rhinebeck's law. Stays in airbnbs across the country and objects to those not owner occupied.

Tiffany Preck – should not pass anything you can't enforce. Its all in the wording. Laws are obeyed if they are simple.

Carmine Di Bernardo – Deer Ridge Drive is not a good road for an Airbnb, there are unknown people in the neighborhood, it does not belong on their road. Strangers cause problems in their neighborhood.

Kim and Keith Puchar – Complained about the Airbnb across the street saying the number of bedrooms exceed the BOH allowance. Louis Fiorese is applying building code to address a zoning code complaint. Reviewed aloud various definitions in our Code regarding homes/hotels/dwellings, etc. Discussed the differences between building codes and zoning codes. Wants town to enforce the current law for these prohibited activities. Airbnbs should not be allowed in agricultural areas.

Samantha Coon - respects all airbnbs when she travels there are strict rules at these private homes, does not see a problem with them in Town.

Denise Truszcz – owner occupied homes have accountability, feels we are zoned residential and these airbnbs are commercial uses in a residential district. There are trespassing issues with the Airbnb on Deer Ridge Dr.

Nancy Cunningham – we have been struggling with zoning enforcement with three officers in the past year. The Board is working to find an officer, the town does allow bed and breakfast, according to Eliot Werner and they are permitted through the town.

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

### **SUPERVISOR'S COMMENTS**

The next 2020 Tentative Budget workshop will occur on Thursday, October 10 for the General Fund part of the Budget. The workshop starts 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 and the 2020 Budgets, go to the Town's webpage for the details. The current Tentative 2020 Budget has a 1 cent increase in tax rate (less than 0.5% increase) to \$2.18/\$1,000 of assessment and is \$25,339 under the 2% Tax Cap.

A meeting was held with the Masons and the Library to discuss the renovation of the Town Hall kitchen area. The Masons were considering paying for the replacement of the electric stove and the refrigerator. A community survey is being considered for identifying possible future users of the kitchen and also having a fund raiser dinner on the evening of Saturday, November 16 to cover these costs (cabinets, counters, and a dish washer). The Library has had a concern for a few years for the quality of the tile floor in the kitchen, meeting room, and hallway where tiles keep coming up at their edges and are causing tripping hazards. This will be a major expense so I have placed for consideration in the 2020 Tentative Town Budget. The floor replacement should be done before the counter cabinet work is undertaken.

On Columbus Holiday on Monday, October 14, the Town offices, Court, and the Highway Department will be closed. The Town recycling center will be open as usual from 7:30 to noon on Saturday, October 12.

The 2020 Census will be conducted differently this time. Census takers will not routinely visit your home but a mailing will be sent to your home with a PIN so you can use the internet to provide the requested information. If you do not have a computer and/or an internet connection, you'll be able to come to the Clinton Community Library to use their computers to provide the requested information. The process will start in March 2020. Everyone is requested to provide the Census information since the information is used to allocate funds to states, counties, and local governments. More information will be placed on the Town's web page [www.TownofClinton.com](http://www.TownofClinton.com) as it becomes available.

The Town seeks a part time handyperson to do small jobs at the Town Complex; replace batteries in smoke detectors, painting, carpentry, small landscape maintenance, sheet rock work, clean gutters, etc.. You work as needed as a Town employee. If interested, contact the Town

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Supervisor with a short resume at TownSupervisor@TownofClinton.com. By phone, contact his Secretary at 845-266-5721 ext 130 with your name and phone number.

## **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 said does not have a report. Getting ready to close park for the season.

### **\*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 next meeting is November 21.

### **\*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 plans that on or about October 18, 2019 they will file their Article VII application with the NYS PSC. Later the application will be placed in the Clinton Community Library. The application will contain lots of technical information about the monopoles, environment, etc. The upgrade of the transmission line is expected to be

completed by the end of 2023. The Town in cooperation with the Hudson Valley Smart Energy Coalition (HVSEC) will work to ensure the transmission upgrade does not seriously impact our Town. There will be no No Power Line Workshop directly following this Town Board meeting tonight.

**\*CEMETERIES**

Councilman Werner said there are two issues to be discussed later. Received a compliment from a resident for the way we are maintaining the cemeteries.

**\*OTHER**

**\*WIC**

Councilman Whitton said there was no activity since our last meeting.

**OLD BUSINESS**

**1. Approve adopting local law to regulate event venues “EVENTS LAW”– Michael**

Postponed until November to wait to receive the Dutchess County Department of Planning comments expected by October 16, 2019, the statutory 30 days from the day it was received by them.

Ray Oberly offered the following comments: balloons, we should discourage them from being released; bon fires, should not be allowed, only small campfires; he has not seen the site permit application form. Dean Michael met with Louis Fiorese that he is the best person to develop the form. He is working on it.

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

Councilman Whitton said Lou Fiorese the BI/ZA sent many comments. There were issues that caused major changes to the law. Councilman Whitton reviewed the changes. The vast majority of STRs currently operating are not a problem in their neighborhoods. STRs are here, people are doing it, we need to deal with enforcement, banning them won't stop them, we need to regulate them with fines and the permitting process. The Town doesn't collect occupancy tax, we are not creating this law for the Town to get rich. This is to figure out a way to live together with airbnbs. Dean Michael commented: we are taking out the words Airbnb vs bnb, choosing rather to use owner-occupied or non-owner-occupied short term rentals.

**3. Approve adopting Tax Cap Override local law - Oberly**

MM Supervisor Oberly, 2nd Councilman Werner to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 43 of 2019, entitled a resolution authorizing the adoption by the Town of Clinton, New York of local law no. 3 of 2019 entitled “A Local Law to Override the Tax Levy Limit for Fiscal Year 2020” and that the Town Clerk be directed to 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.** All aye. Motion carried.

## **NEW BUSINESS**

### **1. Approve plot deeds for cemeteries - Werner**

MM Councilman Werner, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves the attached deed forms for use when selling cemetery plots and filing the signed contracts with the Town Clerk. All aye. Motion carried.

### **2. Approve reimbursement of plot fee to an individual - Werner**

MM Councilman Werner, 2nd Councilman Whitton to approve the following resolution: BE IT RESOLVED that the Town Board approves reimbursing the original \$300 fee for the purchase of a cemetery plot in Pleasant Plains Cemetery to Anne Ferenz. Dean Michael is not crazy about buying back plots, Eliot Werner said it is better if the Town controls the ownership of plots and buys them back rather than have them sold independently and then it will be more work to have to research plots and their locations if they are sold off. Nancy Cunningham sees this differently, she does not think that we will need to buy back many. All aye, except for Dean Michael who voted **nay**. Motion carried.

### **3. Approve waiving the charge for a Marriage license to active military– Oberly**

The cost of a marriage license in NY is \$40.00; \$22.50 of every license is sent to the State; the Town keeps \$17.50. The Town Clerk reports that the Governor recently signed legislation waiving the State's portion allowing Towns to waive its fee by resolution. The Town Clerk recommends waiving the fee.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 44 of 2019 authorizing the Town Clerk to waive the fee for a marriage license certificate when either of the parties making application for such certificate is a member of the armed forces of the United States on active duty.** All aye. Motion carried.

## **OTHER ITEMS**

### **1. Resignations and appointments**

None.

### **2. Approval of Warrants**

MM Councilman Michael, 2nd Councilwoman Cunningham to approve the following resolution BE IT RESOLVED that the Town Board approves the October General Fund Warrant, vouchers Numbered 405 through 450, totaling \$53,714.90 and the October Highway Fund Warrant, vouchers numbered 214 through 233, totaling \$68,652.97. All aye. Motion carried.

### **3. Motion to Move funds**

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MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves **Resolution No. 45 of 2019 a motion to move funds at the October 8, 2019 meeting.** All aye. Motion carried.

#### 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.

Dean Michael – received a draft CSEA highway contract, sent to the Town Attorney for comment.

#### **PUBLIC DISCUSSION**

MM Supervisor Oberly, 2<sup>nd</sup> Councilman Whitton to open the meeting to public discussion. All aye. Motion carried.

Carol Hues – wants information on the CCA meeting. Michael Whitton explained the situation and what the plan offers and how to opt out if you want.

Bill Gannon – thanked Ray for being the veteran interface. Many people in his neighborhood do not live there full time. There are other towns with worse issues than we have here. Many people have zoning violations, we need to work to live together. The town is changing.

Judy Canham – Brennan Kearney is ill tonight and can't be here. Michael Whitton read her report including her working on a bill expanding the County's response to the opioid crisis, and announcing drop in Narcan training on Oct. 23 at the Stabilization Center.

Denise Trusz – re: tax cap override, she talked about the items that may cause the budget to exceed the 2% tax cap. Dean explained the budget process.

MM Supervisor Oberly, 2<sup>nd</sup> 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 7:50 PM.

Respectfully submitted,



Carol-Jean Mackin,  
Town Clerk

