

November 12, 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 25 people in the audience.

Supervisor Oberly called the meeting to order at 6:35 PM and led the Pledge of Allegiance.

APPROVE MINUTES

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the October 3, 2019 Highway workshop meeting. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the October 8, 2019 PH Events law meeting. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the October 8, 2019 PH Tax Cap Override meeting. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the October 8, 2019 regular TB meeting. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the October 10, 2019 General Fund workshop meeting. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the October 17, 2019 Special TB meeting to adopt the Preliminary budget. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the November 7, 2019 PH 2020 budget. All aye. Motion carried.

PUBLIC DISCUSSION

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

Jeff Newman – regarding ag event venues, he does not think the Events Law overly restricts the farm operation but that uses what is spelled out in Section 305 A that already protects a farm operation, meaning these events must be incidental to the farm operation. He sees this law for someone who has an ag exemption that wants to have events beyond what is allowed under section 305 A.

Russ Tompkins - on the ag event on Schultz Hill Road, this law will eliminate that event venue. It would allow Naylor Farm and the Old Adrience Farm. Wants the town to move along with the event law.

Jeff Newman – wants the County Planning comments sent to him via email. The Events Law represents a way to help deal with certain issues to protect the community and neighbors outside of noise ordinance and traffic. Explains the two sample laws sent from the County regarding event venues are for singular events, our law is for the event venue with many events. Our law regulates infrastructure like roads and parking. The sample law from Southhold would be more restrictive as it would require more work for the Town needing to review every event.

Samantha Coon - could an event apply for a variance if this law passes and they don't comply? Dean said they would need a variance for many items that take place at the venue. Samantha wants neighbors to work together so everyone is happy. Appreciates the work of the Board.

Chris Juliano – worked on the Events Law as a member of the ZRC, the purpose of an annual review is to try to protect neighbors to make sure they are not adversely affected.

Arlene Campbell – With the County rejecting our Law, asks if the County will allow Event Laws in other towns. Councilman Michael said Hyde Park and Rhinebeck both passed Events Laws. We are trying to address the concerns of our residents.

Zack snow – re budget, library is listed as a special district, we are not a special district. Ray understands this.

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

SUPERVISOR'S COMMENTS

The Clinton Thanksgiving Holiday schedule follows. The Clinton Town Offices, Highway Department, Justice Court Office, and Court will be closed for the Thanksgiving Holiday on Thursday and Friday, November 28 and 29. On Saturday, November 30, the Town Offices will also be closed, but the Town recycling center will be open as usual from 7:30 a.m. to noon. The Clinton Community Library will be closed on Thursday and Friday, November 28 and 29 but will open regular hours on Saturday, November 30.

The Town of Clinton is accepting letters of interest for Town wide Boards and Committees for appointment in 2020. Positions include membership on the Planning Board, ZBA, BAR, CAC, Recreation Committee, the Scenic and Historic Roads Committee, and Cemetery Committee to oversee the operation of the Town's newly acquired three cemeteries. Letters of interest with contact telephone numbers and related experience should be sent to Town Supervisor Ray Oberly by e-mail at townsupervisor@townofclinton.com or by mail to Town Supervisor, Town of Clinton, 1215 Centre Road, Rhinebeck, NY 12572 by December 2, 2019. Interviews will be scheduled for early December at the Town Hall. For any questions, call the Town Supervisor at 845-266-1251 ext. 105 in the mornings, Monday through Thursday or his Secretary Samantha at 845-266-5721 ext. 130.

The Town has a Local Law requiring no parking on public roads from November 15 to April 15 to allow the Highway crew to safely snowplow and do ice control. You may be fined or have your vehicle towed so comply.

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 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 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. We may talk about the event law if necessary, at that time.

***PROPOSED TRANSMISSION LINES**

Supervisor Oberly said Transco submitted their plans on October 18, 2019 and filed their Article VII application with the NYS PSC. Copies of the application are available in the Town Clerk's Office and in the Clinton Community Library. The application contains lots of technical information about the monopoles, environment, etc. The application is contained in about a two feet high stack of notebooks. 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 no report.

***OTHER**

***WIC**

Councilman Whitton will be attending the quarterly meeting on Friday.

OLD BUSINESS

1. Discuss local law to regulate event venues “EVENTS LAW”– Michael

Councilman Michael sent out to Board members the Town Attorney’s comments and some sample legislation, which does not really apply to our Town. Read from the County Planning comments that we should separate conference center law from agritourism type law as they are not compatible in certain aspects. Also, they cited that there was a lot of duplication in the law. We tried to overly explain our intent, so we constantly drove home an item. Because of the County rejection, we need to have a majority plus one to pass this existing law. In the meantime, he has had the Town Attorney develop a new law with the County and Ag and Markets to try to satisfy their concerns. He wants to hear from the Board. Ray Oberly said take away distance measured from houses to property lines instead, then the ZA won’t need a court order to get on the other property to do measurements. Dean said you can use the parcel access mapping program to measure and it may be difficult for the ZA to find the property line if he is not a surveyor. Does not want to change that item; we went bldg. to bldg. there is a buffering built in to control some of the typical disturbances.

Eliot Werner has a philosophical concern; how restrictive do we want it to be? Anything new will be less restrictive.

Mike Whitton – did you look at Hyde Park and Rhinebeck’s laws? Dean said they are pro-events. Eliot agreed, Hyde Park is very nonrestrictive, Rhinebeck less so. Their laws were not what we wanted to do and any accommodation we make to County Planning criticism will make it less restrictive. Councilman Whitton said we want to take care of the residents of this town, Councilman Whitton is concerned about the legal challenge if we pass this without considering the County Planning comments. Dean Michael agrees. Eliot Werner said you must make a claim and stake it, do what you think, not that it might be challenged or not. Councilman Whitton said the red flags are there; it is good to have a law but also good not to put ourselves in a position to spend thousands on an attorney defending it. Supervisor Oberly said, assuming we pass the law, what is the basis of the override of the County’s comments. Dean said it would be that the majority of the people wanted us to pass the law. The technical basis being that all sides want the law, we formed a committee, created a law, the people commented and are encouraging its passage. Dean Michael noted that many complaints are

already handled by other laws, noise and lights for example. Councilman Whitton said put more teeth in the fee schedule and maybe certain issues would be lessened. Supervisor Oberly said the fees and fines have boundaries, so we need to be careful how we develop our fines. Nancy sees two issues, the law itself and the enforcement issue. Dean said this would give people running events guidance to work with and with the annual renewal we can make it more streamline, if there are no complaints it can be seamless. Councilman Werner said traffic is not covered by the current law nor is proximity to neighboring properties. Supervisor Oberly said he did not see a check list to get the permit, which he asked for. Councilman Michael said acting ZA/ BI Fiorese is working on the checklist. Councilman Whitton wants to see the reasoning (required by County Planning) written out before we adopt this law, otherwise we are inviting trouble. Ray Oberly agrees and feels the reasoning is too loose. This is not trivial, and asks can the law be overturned if the basis is not acceptable to the County? The Board discussed whether they needed a more substantive reason to adopt this law. Councilman Whitton wants the Town Attorney to continue to work and create two documents, feels we are not there yet. Councilman Michael said we will wait until next month for the Town Attorney's new version. Councilwoman Cunningham said when in doubt, don't, there have been enough issues raised so we should wait for a new version. Councilman Whitton agreed and if done right, the law will be in effect for a long time. Dean Michael added that we are adding a zoning assistant to increase zoning enforcement across the town.

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

Councilman Whitton said the original text was a 2-tiered system based on number of nights rented; it was confusing, and he reworked the document. Next month we can introduce it. The new version is 2- tiered based on hosted/not hosted, owner occupied, non-owner occupied. Ray Oberly suggests discussing it at the zoning revision meeting of Nov 21st; Councilman Whitton agreed. Nancy Cunningham asked for clarification on the STRs. Councilman Whitton explained there are two types: Type 1, owner occupied requires a permit like a B&B; and Type 2, which requires a special permit and a Planning Board process.

3. Approve adopting 2020 budget – Oberly

The 2020 Clinton Town Budget has a \$0.01 increase in the tax rate to \$2.18 due to the reduction in the taxable assessed value for the Town. The Town is still under the tax cap by \$25,479.

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 46 of 2019, titled: A Resolution Adopting a Budget for the Fiscal Year commencing January 1, 2020 and ending December 31, 2020 making appropriations for the Conduct of the Town of Clinton Government and Establishing the Rates of Compensation for Officers and Employees for such period.** All aye. Motion carried

4. Approve resolution for adding \$6000 supplemental funds in 2020 budget for Library ramp grant - Oberly

During the DASNY review of the Grant application they requested that we do another cost estimate for the project since the original one was done in early 2018. The current new estimate came to be \$6,000 higher than the earlier estimate. These \$6,000 funds are contained in the 2020 Adopted Budget but DASNY wanted a resolution to show that the funds are in the 2020 Adopted Budget.

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 47 of 2019, titled adding \$6000 supplemental funds in 2020 budget for Library ramp grant.** All aye. Motion carried.

NEW BUSINESS

1. Approve flail mower IMA- Oberly

The final IMA between the Towns of Clinton, Milan, Red Hook, and Rhinebeck has been agreed to so Clinton needs to approve. The new IMA is very similar to the one done previously for the Mini-Excavator, but the funding is not from a Shared Services Grant.

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves the **IMA authorizing the purchase of a flail mower.** All aye. Motion carried.

2. Approve bidding Highway Materials - Cunningham

MM Councilwoman Cunningham, 2nd Councilman Whitton to approve the following resolution: BE IT RESOLVED that the Town Board approves the following resolution: the Town Board authorizes the Town Clerk to advertise for sealed bids for highway materials; the sealed bids are due by 10:30 am on Monday, December 2, 2019, opened at 10:45 am on that date and awarded at the regular Town Board meeting on Tuesday, December 10, 2019 to the lowest responsible bidders. All aye. Motion carried.

3. Discussion on Town Hall kitchen remodeling project – Oberly

The Warren Lodge Masons with the help of the Friends of the Kitchen are spearheading the remodeling the Town Hall kitchen. To help fund this project, they are holding a fund-raising dinner on Saturday, November 16 from 5 to 7 p.m. in the Clinton Alliance Church's Youth Center. CIA Chef Walter Grote will be preparing the meal of apple wood smoked brisket and it is served buffet style. Call Art Pritchard for reservations at 845-702-1774. Come and help support this project to improve the Town facilities. The cost estimate for the initial work is \$2,600 with the Masons also paying for the four-burner range. A design team is working on the details of the remodeling. It is hoped to be done by April 2020.

4. Approve new MVP Contract for 2020 - Oberly

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MM Supervisor Oberly, 2nd Councilman Whitton to approve the following resolution: BE IT RESOLVED that the Town Board approves the new MVP EOP Gold 2 HDHP medical coverage contract for full time highway employees in 2020. All aye. Motion carried.

OTHER ITEMS

1. Resignations and appointments

MM Supervisor Oberly, 2nd Councilwoman Cunningham to appoint Daimyn Potts as seasonal Highway MEO. 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 November General Fund Warrant, vouchers Numbered 451 through 506, totaling \$159,043.48 and the November Highway Fund Warrant, vouchers numbered 234 through 268, totaling \$153,893.46. All aye. Motion carried.

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. 48 of 2019, a motion to move funds at the November 12, 2019 meeting.** All aye. Motion carried.

4. Supervisor's Report

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the October 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.

Zac Snow - Library Trustee, programs continue to be well attended; the new director is off to good start; people seem to like new look with its more open feeling. Concluded election day raffle, annual appeal underway. Looking for one or two trustees, he is stepping down, it's been a privilege to serve. Cited successes during his tenure, including having a balanced budget thanks to voters, special thanks to Teresa McGuirk and Board President Barbara Burns.

Carol Hues – regarding party venues and Airbnb's, she asks shouldn't we have a public vote if we want these venues? Dean Michael explained the process of referendum.

Joanne Schmitt – thanked the Board for their hard work.

Patricia Smith – asked for a clarification on Airbnb's, Mike Whitton responded.

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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 7:48 PM.

Respectfully submitted,

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

Carol-Jean Mackin,
Town Clerk