

January 14, 2020 Town Board Meeting
January 14, 2020

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 Nancy Cunningham, Dean Michael, Michael Whitton, and Chris Juliano. Also present was Town Clerk Carol-Jean Mackin. There were 8 people in the audience.

Supervisor Oberly called the meeting to order at 7:05 PM and led the Pledge of Allegiance. Moment of silence for former Councilman Mike Appolonia, who passed away.

APPROVE MINUTES

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

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the Dec. 30, 2019 Annual Mtg. All aye. Motion carried.

PUBLIC DISCUSSION

NONE

SUPERVISOR'S COMMENTS

It is with great sadness that I must report on the passing of Michael Appolonia, former long-term Clinton Deputy Supervisor and Councilman, on January 3, 2020 at his new home in South Carolina.

Clinton will be holding a workshop on Thursday, January 23 at 7 p.m. in the Town Hall on the new process for conducting the 2020 Census. John Penny, Chairperson of Dutchess County Complete Count Committee, will describe the process to be followed and Library Director Carol Bancroft will discuss the Library's role in the Census process. In short, the 2020 Census will send a card with a personalized ID number to every person in Town. You must complete the 2020 Census form either on-line or by telephone or by a paper form. If you have no computer or on-line access, the Library can help you. There will not be any canvassers coming to your door asking questions as has been done in the past. It is important to have an accurate count of the Clinton population since many Federal funds (road, CDBG, Medicaid, and others) are allocated on the basis of population.

The Clinton Town Offices, Highway Department, Justice Court Office, and Court will be closed for the Martin Luther King Jr. Holiday on Monday, January 20. The Clinton Community Library will be open on the same day. The Recycling Center will be open as usual from 7:30 a.m. to noon on Saturday, January 18. Do not forget to pick up your Clinton Recycling/ Rec Park sticker from the Town Clerk.

REPORTS

***PLANNING BOARD**

Councilman Michael read from the report, on file in the Town Clerk's office.

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***ZONING BOARD OF APPEALS**

Councilman Michael read from the report, on file in the Town Clerk's office.

***CONSERVATION ADVISORY COMMITTEE**

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

***RECREATION COMMITTEE**

Councilwoman Cunningham said they are recruiting more Board members; the bon fire is scheduled for January 18, 5:30 PM.

***BUILDING INSPECTOR**

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

***ZONING ADMINISTRATOR**

Councilman Michael 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 Juliano said no report.

***LIBRARY REPORT**

Councilman Whitton from the report which is on file in the Town Clerk's office. The Director sent a letter on executing the 10-year extension of the rental contract. Dean Michael said we need to consider if the Library will start paying some utilities.

***ALTICE**

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

***ZONING REVISION**

Councilman Michael said workshop meetings will begin January 16, 2020 discussing sections 250 - 67 68 and 62

***PROPOSED TRANSMISSION LINES**

Supervisor Oberly said Transco submitted their plans on October 18, 2019 and filed their Article VII application with the NYS PSC. Clinton will be holding a workshop on Tuesday, January 28 at 7 p.m. in the Town Hall on the status of the new transmission lines going through Clinton. This is part of NY Transco's outreach program to keep the communities informed of the status and activities being done as part of the upgrading of the transmission lines. A PowerPoint presentation will be given by NY Transco and it will be followed by questions from the audience. Everyone is invited to come to learn about what is happening and when. It will also be broadcast live on TV and placed on YouTube for snow birds and other to see the presentation. There will be no Power Line workshop after this meeting.

***OTHER**

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***CEMETERY:** Councilman Whitton commented that there should be a cemetery committee, two people is ideal. Eliot Werner, Custodian, will put together a financial report.

OLD BUSINESS

1. Approve introducing Agricultural Events Law – Michael

Hold for next month: hold over the PH until Feb. 11th at 6:00 PM (Motion to continue PH was made at PH previous to this regular meeting) so the correct version can be posted and people can comment.

2. Approve introducing STR Law – Whitton

Councilman Whitton - we may want to review the fee schedule as this will add additional work. Ray Oberly agreed; there are 100 Airbnb's in town, so the permitting process will add a lot of work. Dean Michael said the Planning Board will limit the number of Airbnb's coming in front of the Board so not to inundate their workload.

Ray Oberly said there is nothing about glamping. Councilman Whitton said the law will add no tents or camping as the Airbnb rental has to be a board of health approved home. Ray Oberly went through each page and made comments regarding traffic and noise, suggests the building inspector and the ZA both have the power to inspect the Airbnb residence; permits should not be limited to the number of home one owns; special use permits should be long term, not annual; STR should have to be in a building with a CO; add "call 911" for emergencies; add trash handling to be in compliance with town code; wants more definition for the type of fire extinguisher that is required with annual inspections.

Nancy Cunningham has a problem with type 2 – non owner occupied, Chris Juliano disagrees, said you would be restricting someone from using their property for income. He feels we would be challenged, and we can address the concern of people coming and going to have a minimum stay of one week or so. Dean Michael said the concerns are addressed in our town code; we just need to enforce them. Councilman Whitton said there are rating systems for owners and tenants so there is a self-policing practice from Airbnb.

MM Councilman Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: **BE IT RESOLVED** that the Town Board approves **Resolution No. 8 of 2020 introducing LL XX of 2020 titled STR Law and a public hearing be held in relation to the proposed Local Law at which all citizens shall have an opportunity to be heard, to be held at the Town Hall on February 11, 2020, at 6:15 o'clock PM.** All aye. Motion carried.

3. Approve CPL Engineers bid for services – Whitton

PLANNING BOARD:

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Supervisor Oberly would like to see the heading specify the rates are for 2019, 2020 and 2021

MM Councilman Whitton, 2nd Councilperson Michael to approve the following resolution BE IT RESOLVED that the Town Board appoints CPL Engineers as Town Engineer for the Planning Board at the rates provided on the attached 2020-2021 Basis of Fees for Clinton Planning Board. All Aye. Motion Carried.

TOWN BOARD:

MM Councilman Whitton, 2nd Councilperson Michael to approve the following resolution BE IT RESOLVED that the Town Board appoints CPL Engineers as Town Engineer for Municipal Services at the rates provided on the attached 2020 Basis of Fees for Clinton Municipal. All Aye. Motion Carried.

NEW BUSINESS

1. Approve Hepatitis B Immunization contract with Emergency One – Hyde Park – Oberly

NYS PESH requires that employees who may come in contact with human bodily fluids during the course of their job's activities must be offered a Hepatitis B immunization. This is a new requirement and applies to custodians, lifeguards, and summer camp volunteers and employees and others.

MM Supervisor Oberly, 2nd Councilperson Michael to approve the following resolution BE IT RESOLVED that the Town Board approves the Hepatitis B Immunization contract with Emergency One – Hyde Park and authorizes the Town Supervisor to sign the contract. All aye. Motion carried.

2. Approve 2020 EAP contract with Mid-Hudson Regional Hospital – Oberly

The Employee Assistance Program (EAP) provides assistance to the employee and their family with problems that typically include, but not limited to alcoholism, drug abuse, emotional, family, marital, financial, legal, etc.

MM Supervisor Oberly, 2nd Councilperson Juliano to approve the following resolution BE IT RESOLVED that the Town Board approves the 2020 EAP contract with Mid-Hudson Regional Hospital of WMC and authorizes the Town Supervisor to sign the contract. All aye. Motion carried.

3. Approve request for AUD extension for two months – Oberly

The 2-month AUD extension is needed to allow two 2019 NYS reimbursement checks to be received as 2019 receivables and included in the 2019 AUD.

MM Supervisor Oberly, 2nd Councilman Juliano that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves requesting an extension to file the AUD for proper accounting of the 2019 finances. All aye. Motion carried.

4. Approve 2020 Contract with Pine Plains Vet – Oberly

We yearly approve using Pine Plains Vet as the holding place for collected dogs. It is significantly cheaper than using the SPCA and is closer for travel.

MM Supervisor Oberly, 2nd Councilperson Michael to approve the following resolution BE IT RESOLVED that the Town Board approves the 2020 Contract with Pine Plains Vet for shelter services and authorizes the Town Supervisor to sign the contract. All aye. Motion carried.

5. Discuss Waste Oil Heating unit status – Juliano/Cunningham

Chris Juliano -we have been spending a lot of money to maintain this unit that is 15 years old. We should go out to bid for a propane furnace. Dean said we have been collecting the oil from the townspeople. What will happen to all of this stored oil? Councilman Juliano there are a lot of regulations and the environmental concerns with storing oil. Dean wants to continue to collect it and have a company come and take it from us. Chris Juliano said companies usually charging a fee to get rid of this waste, but he found a company that will take waste oil away for free.

Chris Juliano proposes we go to bid the propane furnace and will come back next month with the proposal.

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves of the free disposal of existing 55-gal drums of used waste oil. All aye. Motion carried.

6. Discuss Fund Balance Policy – Whitton

Councilman Whitton explained that the fund balance is our excess funds, which ensures against shortfalls, adequate cash flow, and a good bond rating. He is suggesting a policy, which is good for transparency. We have over \$1 million in our fund balance. The NYS Comptroller advises that towns should have a fund balance policy. Red Hook has one that is 70 percent of their budget which the Comptroller thinks is too high. There is no guidance on what the balance should be. Michael Whitton feels the policy would enable better planning with less guess work and better consistency. Dean said having a plan of maintenance is also important, so the policy matches the plan. Councilman Whitton said we can split the policy for the highway fund and the general fund; currently the fund balance is about 33% of our budget. Dean Michael feels this is not enough because there are a lot of things we need to do that are deteriorating. To cover the first three months of payroll and bills, Ray Oberly needs \$800,000. Councilman Whitton said our taxes should pay for 12 months, Dean said we zero out in December, so we need a fund balance to carry us through the collection of taxes in the beginning of every year.

7. Approve Workshop on 2020 Census process, Jan. 23 7-9 PM – Oberly

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MM Supervisor Oberly, 2nd Councilperson Michael to approve a Workshop on the 2020 Census process, Jan. 23, 2020 from 7-9 PM in the Town Hall. All aye. Motion carried.

8. Approve third year extension on PERMA workers comp. insurance – Oberly

Currently we are under a 2-year contact and this action would extend it for a third year. We would be saving about \$1,000 or more a year on premiums in addition to the reductions due to having no reportable injuries.

MM Supervisor Oberly, 2nd Councilperson Cunningham to approve the following resolution: BE IT RESOLVED that the Town Board approve a third-year extension on PERMA worker's compensation insurance. Dean Michael said he sees other towns put out to bid their insurance. We have never put our insurance out to bid. Ray Oberly there are only three workers comp programs, they are not as proactive or accessible as PERMA. Ray said the Dutchess County program is not solid, are underfunded with high premiums. **AYE: Oberly, Cunningham. NAY: Juliano, Whitton, Michael. MOTION FAILED.**

9. Approve Workshop on NY Transco's presentation on Power Line upgrade Jan. 28 7 PM – Oberly

MM Supervisor Oberly, 2nd Councilperson Michael to approve a Workshop on NY Transco's presentation on Power Line upgrade Jan. 28, 2020 at 7 PM in the Town Hall. All aye. Motion carried.

10. Approve Ecotec work for gas tank compliance – Cunningham/Juliano

Nancy Cunningham said there are a lot of reporting requirements to do and we need to repair and upgrade many of our tanks.

MM Councilperson Cunningham, 2nd Councilperson Juliano to approve the following resolution: BE IT RESOLVED that the Town Board approve the contract with Ecotec for petroleum bulk storage compliance work as described in the January 10, 2020 estimate at a cost not to exceed \$5000.00 Dean asked what it includes, Councilman Juliano said it addresses the issues with bulk tanks that we have to address. Highway Superintendent Martin said the gages on the tanks need updating also. All aye. Motion carried

OTHER ITEMS

1. Approval of Warrants

MM Councilman Michael, 2nd Councilman Cunningham to approve the following resolution BE IT RESOLVED that the Town Board approves the January General Fund Warrant, vouchers numbered 1 through 27, totaling \$ 53,790.42 and the January Highway Fund Warrant, vouchers numbered 1 through 11, totaling \$ 53522.69. All aye. Motion carried.

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2. 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. 9 of 2020 a motion to move funds at the January 14, 2020 Town Board meeting.** All aye. Motion carried.

3. Supervisor's Report

The January 2019 Supervisor's Report will be approved when the 2018 books are reconciled.

PUBLIC DISCUSSION

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

Jeff Newman - concerned about glamping also; the STR law prevents glamping. Pointed out details in the definitions and areas that need clarification.

Arlene Campbell – RE: STR, does the use permit change to the new owner if sold. Councilman Whitton said special use permits stay with the property.

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 8:45 PM.

Respectfully Submitted,



Carol-Jean Mackin,
Town Clerk