

February 11, 2020 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 Nancy Cunningham, Dean Michael, Michael Whitton, and Chris Juliano. Also present was Town Clerk Carol-Jean Mackin. There were 15 people in the audience.

Supervisor Oberly called the meeting to order at 6:45 PM and led the Pledge of Allegiance.

### **APPROVE MINUTES**

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the **January 3, 2020** Reorganizational Meeting. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the **January 14, 2020 PH Ag Events Law**. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the **January 14, 2020 TB meeting**. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Juliano to approve the minutes of the **January 15 SP executive session meeting**. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the **January 23, 2020 SP/WKSHP – Census meeting**. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Juliano to approve the minutes of the **January 28, 2020 SP/WKSHP – Transco meeting**. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the **January 30, 2020 SP executive session meeting**. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Juliano to approve the minutes of the **February 5, 2020 SP meeting**. All aye. Motion carried.

### **PUBLIC DISCUSSION**

None

### **SUPERVISOR'S COMMENTS**

The Clinton Town Offices, Highway Department, Justice Court Office, and Court will be closed for the Presidents Holiday on Monday, February 17. The Clinton Community Library will be open on the same day.

This is a 2020 Census reminder that you will be receiving a mailing from the Census organization with your personal ID number that is to be used to complete your census information by on-line computer, telephone, or paper form. The details will be included in the mailer. You should receive this important mailer during March 2020. There will not be people

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coming to your house to do the Census this year. The Clinton Community Library will have their computers available for residents to use and will provide help in completing the on-line Census.

## **REPORTS**

### **\*PLANNING BOARD**

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

### **\*ZONING BOARD OF APPEALS**

Councilman Michael said no meeting so no report.

### **\*CONSERVATION ADVISORY COMMITTEE**

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

### **\*RECREATION COMMITTEE**

Councilwoman Cunningham said there was no meeting. Recruiting for summer positions.

### **\*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 there is no meeting in February. On April 18, the Town will host a Town wide clean up day, volunteers welcome.

### **\*LIBRARY REPORT**

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

### **\*ALTICE**

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

### **\*ZONING REVISION**

Councilman Michael said workshop meetings will start again Feb 20.

### **\*PROPOSED TRANSMISSION LINES**

Supervisor Oberly said Transco is doing preliminary work on the transmission line to do test borings where the monopoles will be placed and studying the environmental areas. Intervenor funds will be available to allow us to employ technical specialists to question some of the technical aspects of building and seeing the new monopoles, impact on sensitive environmental areas, strength of the EMF (ElectroMagnetic Field) at ground level, and other areas of interest. Their PowerPoint presentation and related materials are on the Town's web page. There will be no Power Line workshop after this meeting.

### **\*OTHER**

**\*CEMETERY**

Councilman Whitton from the report which is on file in the Town Clerk's office. Volunteers for the Cemetery Board are welcome.

**\*WIC**

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

**OLD BUSINESS**

**1. Discuss Agricultural Events Law – Michael**

The Public Hearing will continue in March.

The Board members discussed changing the amplified sound issue. Others want to consider changing the renewal process. There was discussion on the 500 feet setback and whether it should be from the property line vs neighboring building structures. Councilman Whitton agrees with 500 ft setback from the neighbors' building structures. Dean feels we are hung up on this issue when each event set up is unique; he wants to address the concern if it bothers neighbors as many farm buildings are lumped together near the property line, leaving more farmland. Dean Michael said using the structures as the reference is better as you can see it on the parcel access and they are permanent.

Annual renewals should be a review process according to Councilman Michael; would like to use the same process as the renewal of the campsites. Councilman Whitton said we can take pressure off residents of the possibility of losing the permit by just having a review process. Councilman Juliano feels the inspection process will protect the safety aspects necessary for the event. Supervisor Oberly said the renewals for the permits will incur costs due to the site visits, public hearing notifications and the time it will take on the planning board agenda. Dean said perhaps we should consider that the renewal does not need the site plan review with the notices to neighbors. Councilman Michael will make the necessary changes for the continued public hearing in March.

**2. Approve adopting STR Law – Whitton**

The public hearing will continue March. Councilman Whitton will make the necessary changes for the March public hearing.

**3. Discuss replacing highway garage furnace – Juliano/Cunningham**

Councilman Juliano said it is on the back burner until the maintenance issued with the trucks is addressed. Councilman Juliano is going to redesign the furnace to be more efficient. Cunningham agreed the highway department is stressed with the truck maintenance issue. We will go to bid to replace the furnace in March.

**4. Discuss Fund Balance Policy – Whitton**

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Councilman Whitton discussed the process he used to develop the policy. Wants the Board members to consider what the low and high limits should be for our fund balance. He reviewed the budget numbers for 2018 and 2019 - the current level fund balance is at 30% of the total budget. He suggests the fund balance should be a low level of 25% and the high level up to 35%. Councilman Juliano said the state is pushing for these types of policies. Dean Michael suggested the fund balance limit should be determined with a five-year plan for maintenance and other expenditures, so we may need to extend the limit to plan for maintenance. Councilman Whitton said we can put rules in the policy to use moneys for certain purposes. Dean Michael suggested we have a higher limit to err on the side of having enough for emergencies. Supervisor Oberly said the unexpended balance is the money we use to write checks in the first quarter of the year and that he needs about \$600,000 to \$800,000 for payroll and bills. Councilman Whitton explained the policy addresses that. Councilman Whitton is looking for consensus on a low number - the board members are considering 25% as a low threshold. Councilman Whitton suggests rules for how money will be used if the upper threshold is at a higher level. Councilmen Whitton and Michael suggest a high level at 45%. Supervisor Oberly can't comment until he does an analysis of the numbers. Councilman Juliano said we need to set financial goals for our equipment.

## **NEW BUSINESS**

### **1. Approve purchase of windows 10 replacement computers – Oberly**

The Town still has many Windows OS 7 computers which are used by the staff. Microsoft announced that they will not be supporting and upgrading them effective January 2020 so to maintain the security of the computers by buying Windows OS 10 computers, we will improve our security against ransom ware and other breaches of security. The funds were placed in the 2020 Budget to cover this replacement.

MM Supervisor Oberly, 2nd Councilman Whitton that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves purchasing the following computers: 4 desktop Lenovo 256GB SSD and 2 desktop Lenovo 500 GB SSD from CCB Technology, Racine, WI and 2 Dell laptops at a combined cost not to exceed \$12,500.00. All are at or below NYS bid. Dean Michael said why can't we upgrade software and why using solid state hard drives, monitors too? Ray said the new monitors are necessary for windows 10. Whitton said highway computers are in desperate need to be upgraded. Ray will research buying disc drives vs SSD units to see if we can save money for a similar item. All aye except Dean who voted nay. Motion carried.

### **2. Discuss Town using MailChimp and appoint Carol Mackin administrator – Oberly**

The Town is trying to improve its outreach to the community and is considering using the free MailChimp service. This is a form of social media. Residents can be added to the distribution list and receive timely information on events and actions needed. To this end and to provide proper control, an administrator and a policy would need to be written. This is an expansion of the way the Town can directly communicate with the residents.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves using MailChimp to communicate with residents through email blasts and appoints Town Clerk Carol Mackin as administrator to manage the Mailchimp service. Dean said the web takes email addresses. Whitton said we revamped the web and we have collected those addresses and we will use those with mailchimp. All aye. Motion carried.

**3. Approve TOC as intervenor Status for Article VII process for Transco Transmission Upgrade – Oberly**

Dean Michael is concerned about spending funds on this issue feels they will do what they want in the end. Supervisor Oberly said we write the checks and then we are reimbursed by the State. Supervisor Oberly is concerned as we don't know how they will handle our environmental areas when they are building new poles. Ray feels paying the lawyer to act as and intervenor fighting for us is stronger and he wants to be ready to go if we have an issue we want to act on.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves TOC as intervenor Status for Article VII process for Transco Transmission Upgrade. All aye. Motion carried.

**4. Approve update to fee schedule – Whitton**

Councilman Whitton discussed we don't need tier 3 fee for solar, it is a special permit and there is a fee for that. Councilman Michael said tier 3 solar farms are a utility – like natural gas and power plants whose fee is \$2500. Councilman Whitton disagrees with this number.

Councilman Whitton said STR needs an application fee for hosted, perhaps \$150 as they are getting an STR certificate, like a pool. Councilman Juliano said the STRs are commercial ventures so he suggests \$300. The Board members discussed the fees for special permits in general. Councilman Whitton does not want to single out STRs for higher fees when they are all special permits.

Councilman Whitton suggested non hosted STRs should be special permit fee of \$275 like other special permits. Ray Oberly suggests Councilman Whitton talk to BI Lou Fiorese to see how much time it takes to permit these STRs. The permit fee should be reflective of the cost to do the work necessary to issue the permit. He will also ask BI Fiorese to estimate the time it takes to permit Ag Events.

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**5. Approve RFP for Schoolhouse Painting – Whitton**

MM Councilman Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves the RFP for the painting of the Schoolhouse building and authorizes the Town Clerk to place a bid notice for proposals being received by Carol Mackin, Town Clerk of the Town of Clinton, 1215 Centre Road (County Rte. 18) Rhinebeck NY until 10:00 AM on Tuesday, March 3, 2020. Proposals can be mailed, hand delivered, or e-mailed to Carol Mackin at [townclerk@townofclinton.com](mailto:townclerk@townofclinton.com). Ray does not see a non collusion statement, one will be added before distributing the RFP. All aye. Motion carried.

**6. Approve Consent Judgment Tax Cert. for Chik Realty – Michael**

MM Councilman Michael, 2nd Councilperson Cunningham to approve the following resolution BE IT RESOLVED that the Town Board approves **Resolution No. 10 of 2020 authorizing the Consent Judgment between the Town of Clinton and Chik Realty**. All aye. Motion carried.

**OTHER ITEMS**

**1. Resignations and appointments**

MM Supervisor Oberly, 2nd Councilman Whitton that the Town Board appoints Michael Whitton and Dean Michael to negotiate the Library Contract ten-year extension effective January 23, 2020. All aye. Motion carried.

MM Councilwoman Cunningham, 2nd Councilman Whitton that the Town Board rescinds the motion from the Jan. 23, 2020 special Town Board meeting to appoint Susan Michael to the BAR due to the term of office being incorrect. All aye except Councilman Michael who recuses himself. Motion carried.

MM Councilwoman Cunningham, 2nd Councilman Whitton that the Town Board appoints Susan Michael to the position of BAR member, replacing Chris Juliano who resigned, for a term of office of January 28, 2020 to September 30, 2020. All aye except Councilman Michael who recuses himself. Motion carried.

MM Councilwoman Cunningham, 2nd Councilman Juliano that the Town Board appoints Ron Mustello to the position of ZBA member, replacing Chris Juliano who resigned, for a term of office of February 11, 2020 to 12-31-2024. All aye. Motion carried.

MM Councilwoman Cunningham, 2<sup>nd</sup> Councilman Juliano to approve the following resolution: BE IT RESOLVED that the Town Board creates the position of Municipal Code Enforcement Officer to assist the Zoning Administrator with field inspections. All aye. Motion carried.

MM Councilwoman Cunningham, 2nd Councilman Whitton that the Town Board appoints John Fenton to the position of Municipal Code Enforcement Officer with a term of office of beginning February 11, 2020 at an annual salary of \$14,040.00 for a minimum of ten hours per week. Ray Oberly wants him to work 15 hours per week to make the hourly rate equal to other employees. Nancy Cunningham said we are sharing him with two other towns and he is well qualified. He

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expects to work more than 10 hours but with three jobs it may be difficult. The hourly rate is more but the budget is not higher than the budgeted number. Councilman Juliano explained why we need this position. Ray Oberly said he was agreeable to the budgeted salary at 15 hours a week. All aye except Councilman Michael who recused himself due to a professional relationship with Mr. Fenton and Supervisor Oberly who voted NO. Motion carried 3-2.

## 2. Approval of Warrants

MM Councilman Michael, 2nd Councilman Cunningham to approve the following resolution  
BE IT RESOLVED that the Town Board approves the February General Fund Warrant, vouchers numbered 28 through 78, totaling \$ 182,933.58 and the February Highway Fund Warrant, vouchers numbered 12 through 40, totaling \$ 97,312.77. All aye. Motion carried.

## 3. Motion to Move funds - 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. 11 of 2020 a motion to move funds at the February 11, 2020 Town Board meeting.** All aye. Motion carried.

## 4. Supervisor's Report

Draft of December 2019 distributed, and the January 2020 Supervisor's Report will be approved when the 2019 books are reconciled.

## PUBLIC DISCUSSION

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

Todd Martin - Highway Superintendent - we are in a desperate need to replace two trucks; three vehicles are over 20 years old. Very expensive to maintain and repair them. Suggest replacing them with two vehicles. They will be year-round trucks, not just winter use trucks. Looking at municipal financing for a five-year plan at \$70,000 per year. The highway surplus would cover the cost this year and then the Board could budget for the next four years. He has secured an interest at 2.85% for \$450,000. Ray will see what M&T interest rate is. Dean Michael wants to approve this tonight. Todd wants to move on this by March. A permissive referendum is necessary to make the purchase. The Board agreed to hold a special meeting on **Feb 20, 2020 at 6:30 pm in the Town Hall- special meeting to approve the permissive referendum.**

Jeff Newman – the fee schedule's fees should match for similar permits and our fees are low. The STR law will help the homeowner who is often new to this type of venture, to navigate this type of business. On setbacks for event law, made suggestions for how to measure boundaries.

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Kevin Magus- all airbnbs are not the same, they are commercial but there are many who use their homes for occasional rentals to defray expenses. He is concerned about older homes having to be brought up to code before a permit is granted. Councilman Whitton said he is not looking to make onerous rules but the code requires certain things like fire extinguishers and smoke detectors which are a good and safe thing to have. Councilman Juliano agrees. Dean Michael said we should ask BI Louis Fiorese his opinion.

Josh Martin – asked about the mailchimp service and thinks the cost of the computers is high.

Brannan Kearney – talked about Legislature rules whereby people need to wait to speak at the end of the meeting and wants that changed to allow a public discussion at the beginning of the meeting. She does not think it's fair that the chair can cut items off the agenda at his discretion; sponsored legislation to extend line of duty benefits for probation officers, which they don't currently have. Also, she is working with Scenic Hudson fighting for access to the Hudson River to fight Amtrack putting up fences at public access points.

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, 2<sup>nd</sup> Councilman Michael that the Town Board adjourns the meeting. All aye. Motion carried. The meeting was adjourned at 9:00 PM.

Respectfully Submitted,



Carol-Jean Mackin,  
Town Clerk