

March 10, 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 18 people in the audience.

Supervisor Oberly called the meeting to order at 7:22 PM and led the Pledge of Allegiance.

### **APPROVE MINUTES**

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the **February 11, 2020 Public Hearing Ag Events Law**. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the **February 11, 2020 Public Hearing STR Law**. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the **February 11, 2020 regular TB meeting**. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the **February 20, 2020 special meeting**. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the **February 27, 2020 special executive session meeting**. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the **February 27, 2020 special meeting, truck purchase**. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the **March 3, 2020 bid opening**. All aye. Motion carried.

### **PUBLIC DISCUSSION**

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

Kim Punchar – paid a fee to be heard at ZBA meeting for an interpretation of the ZA’s decision. She was not allowed to speak nor was her or attorney allowed to make a statement. The application was determined to be the same as a previous application made in June, 2019. She feels she was double charged. She wants to be heard with additional evidence at the next ZBA meeting if the fee is not returned. The ZBA treated it like a rehearing, it was not, it was a different neighbor with different source of issue and a different law. Thinks the ZBA did not even read her complaint.

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

### **SUPERVISOR’S COMMENTS**

This is a reminder that the DEC regulations prevent open burning from March 16 through May 14 to prevent grass and brush fires. It is important to remember that there is a prohibition for burn barrel burning for the whole year. If an outside fire starts, please call 911 to have the fire department come and extinguish the fire.

County Executive Marc Molinaro has started weekly telephone calls to keep local government officials informed of the COVID-19 virus in Dutchess County. There have been no reported confirmed cases in Dutchess County and there are 15 residents currently under supervision. The Dutchess County web page [www.DutchessNY.gov](http://www.DutchessNY.gov) has more information on the virus. The procedure to be followed is if you feel sick, call your family doctor first or the hot line provided on the County web page then if very serious call 911 for EMS service to go to a hospital. Start to stock up on food so if you must be quarantined at home, you'll have enough to stay in your home for two weeks. If you feel sick, do not go to work to reduce the virus spread.

This is a 2020 Census reminder that you will be receiving a mailing in the next weeks 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. There will not be people 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.

The Town Hall kitchen renovation project received a cost estimate for the replacement of the floor surface. It has come in higher than the budget with several options that are being reviewed to see how best to proceed.

There is a proposed NYS Law that would allow defendants for vehicle and traffic violations to have their fines paid on the installment plan for many months or years. This would cause an increase burden on the Town Court in processing and managing these installment payments and a significant delay and reduction in the Town's revenues

## **REPORTS**

### **\*PLANNING BOARD**

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

### **\*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 read from the report which is on file in the Town Clerk's office. Recruiting for summer positions.

### **\*BUILDING INSPECTOR**

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

### **\*ZONING ADMINISTRATOR -**

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

**\*HIGHWAY**

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

**\*SCENIC AND HISTORIC ROADS ADVISORY COMMITTEE**

Councilman Juliano said on April 18, 2020 the Town will host a Town wide clean up day, volunteers welcome.

**\*LIBRARY REPORT**

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

**\*ALTICE**

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

**\*ZONING REVISION**

Councilman Michael said workshop meetings will continue March 19 discussing sections 250 – 81, 82, 83, 84, 86, 88, 95, 96.

**\*PROPOSED TRANSMISSION LINES**

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 are being requested 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. There will be no Power Line workshop after this meeting.

**\*OTHER**

**\*CEMETERY**

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

**\*WIC**

None

**OLD BUSINESS**

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

No action. Public hearing to continue in April.

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

Councilman Whitton said he received 37 comments tonight, but we have 4300 people in Town. Discussed comments from Paul Thomas of the Planning Board. Site plan requirements for hosted should be cut from the text. Dean Michael thinks Kevin Magos' comments were valid and should be considered; the curfew requirement should be cut; regarding the insurance issue, we should simply get a notice that they have insurance vs.

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being added as an additional insured. Councilman Whitton said the Town needs to protect itself in the event of an issue. The Board agrees to eliminate the site plan review from both hosted and non-hosted. Ray Oberly commented re: ZA refusing renewal for good cause but undefined reasons. Councilman Whitton explains that the ZA should be able to consider ongoing complaints that have resolved but will continue, he will rework the section.

### **3. Approve Schoolhouse Painting Contract – Whitton**

MM Councilman Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves removing the lead paint abatement requirement from the RFP. All aye. Motion carried

MM Councilman Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves awarding the painting of the Schoolhouse contract to Robert Hollingsworth for \$14,900.00 at the recommendation of the Town Engineer and authorizes the Supervisor to sign the contract agreement. All aye. Motion carried.

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

The Town still has two 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 need is to purchase a desktop for the Deputy Zoning Administrator and a more powerful replacement for the television system operation. The funds were placed in the 2020 Budget to cover this replacement.

MM Supervisor Oberly, 2nd Councilwoman Cunningham that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves purchasing a desk top computer for the Deputy Zoning Administrator and a more functional desktop for the television system operation at a combined cost not to exceed \$4,000. All are at or below NYS bid. All aye except Councilman Michael who voted nay. Motion carried.

### **5. Discuss update on garage furnace – Juliano**

Councilman Juliano can get a below-wholesale price on two propane furnace hanging systems and vent kits at \$8200. We will bid on installation for April. Supervisor Oberly asked that the Town Engineer look at the plan.

### **6. Approve Fund Balance Policy – Whitton**

Ray Oberly offered his comments concerning the limits of the fund balance and stated his concern for the money he needs to pay bills in the first quarter of the year.

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MM Councilman Whitton, 2nd Councilperson Juliano to approve the following resolution BE IT RESOLVED that the Town Board approves **Resolution No. 13 of 2020 introducing Local Law No. XX titled: Fund Balance Policy and setting a public hearing on such for April 14, 2020 at 6:25 pm in the Town of Clinton Town Hall 1215 Centre Road Rhinebeck NY.** All aye. Motion carried.

### **7. Discuss update on Mailchimp - 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.

Carol Mackin, Mary Molly and Barbara Mansell have been trained in Mailchimp and will be sending email blasts for various events and activities to residents. Please go to the webpage and in the upper right-hand corner of the Home page, click on **subscribe** and enter your email to start receiving email blasts from the Town.

## **NEW BUSINESS**

### **1. Approve Joule contract - Whitton**

Councilman Whitton discussed the Town Attorney's concerns with the Board members. Contract signed by 8 or 9 other communities. We need to do this to get into the program starting in May. Chris Juliano not comfortable with the community being forced into the program and then they need to opt out.

MM Councilman Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves the Community Choice Aggregation Electricity Supply Agreement with Joule Assets Inc. and authorizes the Supervisor to sign the contract. Councilman Whitton said anyone who gets electric does not get a choice, it is central Hudson, other people choose other alternative suppliers and they are difficult to opt out. This is easy to opt out. Glenn Weiberg of Joule explained that this is the new default supplier, it replaces the Central Hudson default. He explained the three ways to opt out. All aye except Dean Michael who voted nay. Motion carried.

### **2. Approve fixing headstones at Pleasant Plains Cemetery – Whitton**

It will cost about \$10,000 to fix headstones. They have \$125,000 in the cemetery account. Nancy Cunningham asked how many stones are perpetual care? Whitton feels we must fix those, Ms. Cunningham agrees. Mr. Whitton feels we have an obligation to care for these. Supervisor Oberly is concerned about establishing a precedence; we need to consider the Providence Cemetery and how we will maintain those headstones. Supervisor Oberly asked Councilman Whitton to look into the policy of the cemetery to see who is responsible for fixing headstones.

### **3. Discuss refunding a ZBA fee to a Town resident - Michael**

Dean Michael said we heard from the Punchars on why they feel they are owed a refund. We also heard the reports of the PB and ZBA boards; our standard is to not refund.

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Councilman Whitton asked about the work that was done on this application. Dean Michael explained how the ZBA determined their decision. Nancy Cunningham said the Punchars need to be heard; feels if they were not heard they should have a refund.

Councilman Juliano said he was involved in the first decision as a ZBA member, so he will recuse himself. Ray said we don't normally refund, but perhaps all the details need to be reviewed before we decide. Dean will discuss with Arlene about the work she did to prep this item for the meeting and follow up with the ZBA Board members and come back with more information. Delay until April.

#### **4. Approve Parkinson's Proclamation - Oberly**

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 14 of 2020 naming April the World-Wide Parkinson's Awareness Month**. All aye. Motion carried.

#### **5. Approve Camp Forms - Cunningham**

MM Councilwoman Cunningham, 2nd Councilman Whitton to approve the following resolution: BE IT RESOLVED that the Town Board approves the necessary forms for 2020 summer camp. All aye. Motion carried.

#### **6. Approve trailer purchase - Whitton**

MM Councilman Whitton, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that after soliciting three bids, the Town Board approves the purchase of a 2020 Big Tex trailer from US Cargo, Inc. Cairo, NY at a cost not to exceed \$3095 from budget code A8810.2. All aye. Motion carried

### **OTHER ITEMS**

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

##### **Accept resignation of Municipal Code Enforcement Officer/ Appoint to Zoning Administrator**

John Fenton, who was appointed last month, will be appointed with a new title to align his duties with the Town Code.

MM Councilwoman Cunningham, 2nd Councilman Whitton to accept the resignation of John Fenton as Municipal code Enforcement Officer effective March 10, 2020. All aye. Motion carried.

MM Councilwoman Cunningham, 2nd Councilman Whitton to appoint John Fenton as Acting Zoning Administrator with a term of office of beginning March 10, 2020 at an annual salary of \$14,040.00 for a minimum of ten hours per week. All aye. Motion carried.

##### **Camp Director**

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MM Councilwoman Cunningham, 2nd Councilman Whitton to appoint Catherine Frisco as Recreation Leader/ Camp Director effective March 10, 2020 at a salary of \$3600 for a maximum of 5 weeks. All aye. Motion carried.

**Supervisor Secretary to full time status**

MM Councilwoman Cunningham, 2nd Councilman Whitton that the Town Board appoints Samantha Smith to a full-time status as Supervisor Secretary effective April 1, 2020 working 35 hours per week at a salary of \$19 per hour and benefits. Dean Michael asks her tasks. Nancy said she is doing HR and that is not getting done now. She works a lot of extra time to complete all the tasks in the Supervisor's office. Councilman Whitton said he saw the work she does, and we need a full-time person. Councilman Juliano said we are starting to see that we are at the base level and we need to reevaluate to keep budgets down, but we need to grow to better ourselves. All aye. Motion carried.

**Seasonal Maintenance Person**

MM Councilwoman Cunningham, 2nd Councilman Michael that the Town Board appoints Tom O'Brian to the position of seasonal maintenance person at \$15 per hour for 24 hours per week for a maximum of 33 weeks starting April 1, 2020. Motion carried.

**Highway appointment**

MM Councilwoman Cunningham, 2nd Councilman Juliano that the Town Board reassigns Daimyn Potts from seasonal highway worker to PT highway laborer at a rate of pay of \$17.10 per hour starting April 1, 2020. All aye. Motion carried.

**2. Approval of Warrants**

MM Councilman Michael, 2nd Councilman Juliano to approve the following resolution BE IT RESOLVED that the Town Board approves the March General Fund Warrant, vouchers numbered 71 through 138, totaling \$1,188,765.79 and the March Highway Fund Warrant, vouchers numbered 41 through 71, totaling \$ 104,826.94. All aye. Motion carried.

**3. Motion to Move funds – Oberly      NONE**

**4. Supervisor's Report**

The February 2020 Supervisor's Report will be approved when the 2019 books are reconciled.

**OTHER**

Councilman Juliano asked about having the furnaces serviced by going out for annual RFPs, he would like to reign in the costs. Chris will follow up and look at three-year contracts.

**PUBLIC DISCUSSION**

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

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Kevin Magos appreciates the work of the board on STRs. Reviewed his point of view and does not support the proposed law. Supports MailChimp.

Rich Morse – Historical Society needs volunteers to help manage old records.

Jeff Newman – helped to clarify the issues of Kevin Magos. Discussed several definitions that are in the law and made suggestions to the Board.

Todd Martin – the new trucks were ordered and arrive Oct/ November. Working on Browning Rd. And Clinton Ave. replacing culverts and catch basins. The bridge replacement on Fiddlers Bridge Rd. by station two is slated for April /May replacement; it will take 6 to 8 months. The county may close the road giving additional traffic to the side roads.

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 Juliano that the Town Board adjourns the meeting. All aye. Motion carried. The meeting was adjourned at 9:41PM.

Respectfully Submitted,



Carol-Jean Mackin,  
Town Clerk