

This is the Regular Town Board meeting on October 13, 2020 being held via teleconference using Zoom with a You Tube livestream to the public. This is due to the Novel Coronavirus (COVID-19), Emergency State and Federal bans on large meetings or gatherings, and pursuant to Governor Cuomo's Executive Order 202.1 issued on March 12, 2020 suspending the Open Meetings Law.

There is no audience participation allowed at this meeting. Members of the public may view the Board meeting as it is livestreamed on Town Board Videos page of the Town of Clinton Website.

Supervisor Oberly called the meeting to order at 6:30 PM.

NO PLEDGE/ NO FLAG PRESENT

ATTENDANCE

Supervisor Oberly took attendance to establish a quorum:

Supervisor Oberly	here
Councilwoman Cunningham	here
Councilman Juliano	here
Councilman Dean Michael	here
Councilman Whitton	here
Town Clerk Mackin	here

APPROVE MINUTES

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the **September 8, 2020 special meeting.**

ROLL CALL VOTE:

Oberly	AYE
Cunningham	AYE
Juliano	AYE
Dean Michael	AYE
Whitton	AYE

Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the **September 8, 2020 regular TB meeting.**

ROLL CALL VOTE:

Oberly	AYE
Cunningham	AYE
Juliano	AYE
Dean Michael	AYE
Whitton	AYE

Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the **October 1, 2020 special Town Board meeting.**

October 13, 2020 Town Board Meeting

ROLL CALL VOTE:

Oberly AYE
Cunningham AYE
Juliano AYE
Dean Michael AYE
Whitton AYE

Motion carried.

SUPERVISOR’S COMMENTS

The 2021 Budget process with workshops began on October 8 for the Highway Fund portion of the Budget and will continue on October 15 for the General Fund portion of the Budget. Both workshops begin at 7 p.m. and I am planning to hold them in-person in the Town Hall. The 2021 Budget will be the only item being discussed. The 2021 Tentative Budget is available on the Town’s web page (www.TownofClinton.com) after October 1, 2020 or at the Town Clerk’s Office.

I encourage residents to sign up for the Town’s free MailChimp email service to notify residents quickly for important activities or issues they wish to participate in. To get on the MailChimp service, just go to the Town’s web page www.TownofClinton.com, click on Subscribe in the upper right corner of the home page, and follow the simple instructions to get on the email list.

OLD BUSINESS

1. Approve LL #1 of 2020 tax cap override – Oberly

The Town must pass this local law to Override the Town’s Tax Cap and pass it before the adoption of the 2021 Town Budget. At this time, it is not certain we will be under the Town’s calculated tax cap so we must have the local law in place if needed.

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 41 of 2020 adopting Local Law No. 1 of 2020, entitled “A Local Law to Override the Tax Levy Limit for Fiscal Year 2021.”**

ROLL CALL VOTE:

Oberly AYE
Cunningham AYE
Juliano AYE
Dean Michael AYE
Whitton AYE

Motion carried.

2. Approve reintroducing LL xx, STR and set public hearing – Whitton

The proposed STR Law was previously introduced on January 14, 2020; two public hearings were held open and the third scheduled public hearing for April was suspended due to the Novel Coronavirus (COVID-19) and the resulting restrictions on large meetings or gatherings by Executive Order.

MM Councilman Whitton, 2nd Councilman Juliano to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 42 of 2020 reintroducing the local**

October 13, 2020 Town Board Meeting

law regarding Short Term Rentals and, further, that a public hearing be held on the proposed STR law via Zoom video conference on November 10, 2020, at 6:15 o'clock p.m.

Michael Whitton explained the rules to join the meeting. Members of the public who wish to comment at the public hearing will be able to do so by joining the meeting via Zoom – electronically or by telephone. The passcodes will be published on the Town’s website – townofclinton.com - by noon on November 9, 2020 which will enable the public to participate in the meeting. The codes can also be retrieved by emailing Town Clerk Carol Mackin: townclerk@townofclinton.com beginning November 9 until November 10, 2020 until 3:00 PM.

ROLL CALL VOTE:

Oberly AYE
Cunningham AYE
Juliano AYE
Dean Michael AYE
Whitton AYE

Motion carried.

NEW BUSINESS

1. Presentation by Dutchess Land Conservancy Erin Hoagland re: Meadowland Farm - Oberly

Karin Roux, DLC was also present via ZOOM.

Erin Hoagland from the Dutchess Land Conservancy will discuss the details and reasons for placing the Meadowland Farm (former Webster Farm) on Schultzville Road into their Land Conservancy. **SEE ATTACHMENT: Meadowland Farm**

2. Approve support for Meadowland Farm joining DLC - Oberly

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves and supports the Dutchess Land Conservancy’s efforts to purchase the Meadowland Farm’s development rights. Supervisor Oberly is authorized to sign the Town’s letter of support.

ROLL CALL VOTE:

Oberly AYE
Cunningham AYE
Juliano AYE
Dean Michael AYE
Whitton AYE

Motion carried.

3. Discuss stolen road signs – Whitton

There has been a rash of thefts of political signs; the Town Board agreed to the following statement and published it on town email which was read aloud by Councilman Whitton:

We are heading into the final stretch of a national and local election. Many

October 13, 2020 Town Board Meeting

of us are passionate about who we will support in the upcoming elections, and volunteers are working tirelessly to raise awareness for their candidates. That means we will be seeing signs along our roadways and in the yards of our neighbors, making an effort to raise the name recognition of candidates.

Over the last couple of weeks, the Town Board has been contacted regarding a rash of thefts taking place throughout our community. Lawn signs have been stolen. Some residents have had vehicles drive onto their property in order to run over signs. Several of these incidents have been captured on trail cameras, and rightfully handed over to law enforcement for investigation and prosecution.

Stealing your neighbor's lawn sign is a violation of their first amendment rights to express their opinion. These acts constitute trespassing, theft, and vandalism. Additionally, they violate the New York State Fair Campaign Law, 6201.1. Aside from the crimes, this is a violation of common decency and respect for our neighbors.

As voters, we must have faith in the process. We must know that all candidates are abiding by campaign laws and following all rules for fair campaigning. In the end, it is the candidate with the most votes who wins. We all must be mindful of the time and money spent to these ends. The Town Board encourages our community to be neighborly. Be fair. Be ethical. Behave with integrity and trust in the process for the benefit of everyone. Elections can be exciting and engaging. They can also be stressful and provoke anger. It is encouraging when we have so many who want to participate, but we all must follow the law.

4. Approve updated Fee Schedule – Oberly

The changes to the fee schedule include the dog fees to match the fees with the SPCA, for dog control and housing and to define the fee for a temporary tent structure.

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: **BE IT RESOLVED** that the Town Board approves **Resolution No. 43 of 2020 the Fee Schedule, effective October 13, 2020.**

ROLL CALL VOTE:

Oberly AYE
Cunningham AYE
Juliano AYE
Dean Michael AYE
Whitton AYE

Motion carried.

5. Approve CMA Agreement for original bonds – Oberly

October 13, 2020 Town Board Meeting

The Capital Markets Advisors has been providing this service the beginning of the \$2 million bond for the moving and improving the Town Complex facilities. They report financial information to several governmental agencies.

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves the Financial Advisory Services Agreement between the Town of Clinton and Capital Markets Advisors for a one year term ending October 13, 2021 and authorizes, empowers and directs the Supervisor to sign the agreement on behalf of the Town.

ROLL CALL VOTE:

Oberly AYE
Cunningham AYE
Juliano AYE
Dean Michael AYE
Whitton AYE

Motion carried.

6. Approve Consent Judgment- Dundas – Dean Michael

MM Councilman Michael, 2nd Councilman Whitton to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 44 of 2020 authorizing the Attorney for the Town, Shane J. Egan, Esq., to enter into a Stipulation with the attorney for petitioner Allan Rappleyea, Esq. the terms of which are set forth in Stipulation Index Nos. 2019-52893 and 2020-52029, and hereby authorizes the attorney to sign said Stipulation on behalf of the Town of Clinton.** Councilman Juliano asked for more info on the property, asking Councilman Dean Michael what the asking price on the property is, to which he replied \$3 million. Councilman Whitton said if it sells for that price, the assessment would go up.

ROLL CALL VOTE:

Oberly AYE
Cunningham AYE
Juliano AYE
Dean Michael AYE
Whitton AYE

Motion carried.

7. Approve Consent Judgment ANX Assoc.– Dean Michael

MM Councilman Michael, 2nd Councilwoman Cunningham to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 45 of 2020 authorizing the Attorney for the Town, Shane J. Egan, Esq., to enter into a Stipulation with the attorney for petitioners, Karen Hagstrom, Esq. the terms of which are set forth in the attached Stipulation No. 2020-52064 and authorizes the attorney to sign said Stipulation on behalf of the Town of Clinton.** Councilman Juliano asked for clarification on the final assessment. Dean Michael said the agreed-to assessment is the sale price of Sept. 18, 2020. Chris asked if it's a forced sale, as that is not usually a market value price; it is not a forced sale.

ROLL CALL VOTE:

Oberly AYE
Cunningham AYE
Juliano AYE
Dean Michael AYE

October 13, 2020 Town Board Meeting

Whitton AYE

Motion carried.

8. Approve Intermunicipal Agreement with Dutchess County for purchasing services – Oberly

This service became available in 2019 to help local governments process bids and group purchase of supplies. It costs \$60 per hour plus out-of-pocket costs. We pay nothing until we use them, so it is good to have them available.

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves the Intermunicipal Agreement between Dutchess County and the Town of Clinton for central purchasing services effective November 1, 2020 to October 31, 2021 and authorizes, empowers and directs the Supervisor to sign the agreement on behalf of the Town.

ROLL CALL VOTE:

Oberly AYE

Cunningham AYE

Juliano AYE

Dean Michael AYE

Whitton AYE

Motion carried.

9. Approve agreement with Dutchess County regarding certain GML 239 referrals – Oberly

This agreement with Dutchess County Planning is to reduce the number of zoning variances and Planning Board actions that need to be sent to them for approval. These are the typical ones which in the past most times were returned to the Town with no opinion, a matter of only local concern. It saves processing time and labor efforts for all.

MM Supervisor Oberly, 2nd Councilwoman Cunningham to approve the following resolution: BE IT RESOLVED that the Town Board approves the Agreement between the Town of Clinton and Dutchess County regarding the elimination of the necessity of the County's review and comment on certain local actions under GML 239 as set forth in the agreement effective January 1, 2021 until December 31, 2021 and authorizes, empowers and directs the Supervisor to sign the agreement on behalf of the Town.

ROLL CALL VOTE:

Oberly AYE

Cunningham AYE

Juliano AYE

Dean Michael AYE

Whitton AYE

Motion carried.

10. Approve updated Records Retention and Disposition Schedule – Oberly

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves adopting the Revised MU-1 Schedule for Records Retention which updates the statutory retention requirements of certain records.

October 13, 2020 Town Board Meeting

ROLL CALL VOTE:

Oberly AYE
Cunningham AYE
Juliano AYE
Dean Michael AYE
Whitton AYE

Motion carried.

11. Approve NYSDCJS Use and Dissemination Agreement related to Constable training – Oberly

NYS has developed record keeping process for the training constables receive yearly. This is to ensure constables get the required yearly training

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves the NYSDCJS Use and Dissemination Agreement related to access to the public safety credentialing and training system for Constables effective October 13, 2020 and authorizes, empowers and directs the Supervisor to sign the agreement on behalf of the Town. Dean Michael said we don't train our officers, Ray said we do but on a shared basis with other towns where they work. Nancy Cunningham said this is the judicial piece they also need to stay current on state and county requirements; this is an administrative item at no additional cost to the Town.

ROLL CALL VOTE:

Oberly AYE
Cunningham AYE
Juliano AYE
Dean Michael AYE
Whitton AYE

Motion carried.

12. Approve NY Transco request – Oberly

The Town Attorney is still negotiating the agreement to incorporate the Town's temporary road crossings requirement and associated bonding. Once these issues are resolved, it will be brought before the Town Board for approval. No action will be taken today. Dean Michael said talking to Highway Superintendent Martin, he is concerned they do not have to bring the roads back to the original conditions. Dean are we asking for them to be bonded? Ray said Shane is working on those issues. Chris Juliano said the wording on taking care of our roads is insufficient; wants to be sure we get a bond to be sure our roads are brought back to our condition.

13. Discuss Town Board meeting procedures determined by Covid-19, approve allowing public comments– Oberly

With COVID-19 restrictions being in effect into possibly next summer, I developed a procedure on how Town Board meetings can usually be run; Zoom only, possible in-person on Cablevision, and other variations. These procedures will enable the proper staffing to do the transmission of the meeting. Dean said we talked about the previous

October 13, 2020 Town Board Meeting

concern about using ZOOM for meetings was someone disrupting the meeting. Mike Whitton said it is easy to kick someone out if they are disruptive, all agreed.

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves the "Procedures for Town Meetings" dated 10-6-2020 due to Covid -19 causing a suspension of the Open Meetings Law by the Governor. Dean said we may have more people participating in our meetings as they don't need to leave their homes.

ROLL CALL VOTE:

Oberly AYE
Cunningham AYE
Juliano AYE
Dean Michael AYE
Whitton AYE

Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves rescinding the resolution of May 12, 2020 of NO public comments during Town Board meetings which was effective April 14, 2020.

ROLL CALL VOTE:

Oberly AYE
Cunningham AYE
Juliano AYE
Dean Michael AYE
Whitton AYE

Motion carried.

OTHER:

1. Resignations and appointments

**A. Resignations- Cunningham
Daimyn Potts**

MM Councilwoman Cunningham, 2nd Councilman Juliano that the Town Board accept the resignation of Daimyn Potts as full-time highway laborer/seasonal HMEO effective October 19, 2020.

ROLL CALL VOTE:

Oberly AYE
Cunningham AYE
Juliano AYE
Dean Michael AYE
Whitton AYE

Motion carried.

MM Councilwoman Cunningham, 2nd Councilman Michael that the Town Board accept the resignation for the purpose of retirement of Judy Malstrom as part time Clerk in the Assessor's

October 13, 2020 Town Board Meeting

office effective October 9, 2020. Ray wants to see the letter of resignation. Nancy has it and will send it to Ray.

ROLL CALL VOTE:

Oberly AYE
Cunningham AYE
Juliano AYE
Dean Michael AYE
Whitton AYE

Motion carried.

MM Councilwoman Cunningham, 2nd Councilman Michael that the Town Board approve reappointing Judy Malstrom as part time Clerk in the Assessor's office effective October 14, 2020, at a rate of pay of \$17.89 per hour for 10 hours per week.

ROLL CALL VOTE:

Oberly AYE
Cunningham AYE
Juliano AYE
Dean Michael AYE
Whitton AYE

Motion carried.

OTHER

Nancy Cunningham there are several job openings in the town, check the website as they are listed there.

2. Approval of Warrants

MM Councilman Dean Michael, 2nd Councilman Juliano to approve the following resolution BE IT RESOLVED that the Town Board approves the October General Fund Warrant, vouchers Numbered **427 through 490 totaling \$ 50,338.76** and the October Highway Fund Warrant, vouchers numbered **207 through 231, totaling \$ 96,767.55.**

ROLL CALL VOTE:

Oberly AYE
Cunningham AYE
Juliano AYE
Dean Michael AYE
Whitton 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. 46 of 2020 a motion to move funds at the October 13, 2020 Town Board meeting.**

ROLL CALL VOTE:

Oberly AYE
Cunningham AYE
Juliano AYE
Dean Michael AYE

October 13, 2020 Town Board Meeting

Whitton AYE

Motion carried.

4. **Supervisor's Report**

MM Supervisor Oberly, 2nd Councilman Juliano that the Town Board approves the September 2020 Supervisor's Report. Ray just received it today and will distribute it.

ROLL CALL VOTE:

Oberly AYE

Cunningham AYE

Juliano AYE

Dean Michael AYE

Whitton NAY as he has not seen it yet

Motion carried.

OTHER

Councilman Whitton said the Golden Russett had its second Cider fest and donated over \$1000 to the Library. They are collecting apples to make cider again and will donate proceeds back to the community next year when the cider is done.

Dean Michael – regarding people stealing political signs; some highway road cones were taken as well as cemetery signs, and flags taken off graves Mike Whitton said the sign broke when it was taken down and the flags are taken down by VFW on a schedule.

ADJOURNMENT

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board adjourns the meeting.

ROLL CALL VOTE:

Oberly AYE

Cunningham AYE

Juliano AYE

Dean Michael AYE

Whitton AYE

Motion carried.

The meeting was adjourned at 7:27 PM.

Respectfully Submitted,



Carol-Jean Mackin,
Town Clerk