

July 20, 2021 Town Board Meeting

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Schultzville, NY

This is the regular meeting of the Clinton Town Board postponed from the second Tuesday date of July 13, 2021 held on this day in the Town Hall. Present were Supervisor Oberly, Councilmen Dean Michael, Chris Juliano, Michael Whitton, and Councilwoman Nancy Cunningham and Town Clerk Carol-Jean Mackin. There were four people in the audience.

Supervisor Oberly called the meeting to order at 6:30 PM and led the Pledge of Allegiance.

### **APPROVE MINUTES**

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the June 8, 2021 Public Hearing on proposed LL 4 Conference Centers. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the June 8, 2021 Town Board meeting. All aye. Motion carried.

### **SUPERVISOR'S COMMENTS**

Update that the Fiddlers Bridge Road bridge near the intersection of Long Pond Road by West Clinton Station 2 will be closed to all traffic starting Monday, July 26 until November 2021. Notify your attendees coming to social activities and delivery and service providers of the closure. The detour routes are north on Long Pond Road to Lake Drive to Slate Quarry Road (CR)19). Then go east on Slate Quarry Road to Centre Road (CR 18), turn south on Centre Road until Schultzville which ends on the east side of the closed bridge.

On the COVID-19 front, the Governor announced all of his Executive Orders for COVID restrictions have been rescinded and only CDC restrictions apply.

The 2022 Town Budget has started and the Tax Cap for the 2022 Budget is 2%. The Budget process schedule is on the Town web page [www.TownofClinton.com](http://www.TownofClinton.com).

I submitted the 5 Town's Central Hudson accounts for the up to 10% reduction in the electricity bill. This same reduction is available to all residents by calling 845-859-9099 ext 1.

I have been working with Fred and Gerry to make our TV system able to simultaneously broadcast live on Cablevision and YouTube. Within a month or so, it should be operational.

I'd like to thank Town Clerk Carol Mackin and her Deputy Town Clerk Mary Malloy for setting up and operating the paper shredding operation on June 26 which was also available to the Town residents.

Thanks are given to my Secretary to the Supervisor Stefani Timpano who spent endless hours preparing the applications totaling \$41,589.42 for submission to FEMA for reimbursement of COVID PPE, supplies, and plastic barriers and also the costs incurred doing Zooming for meetings. Much time was required to find all the many pieces of paper and endless discussions with FEMA to get acceptable applications.

With the elimination of Zooming, we are returning to in-person meetings and now will require a few more operators for the TV operation for Cablevision broadcast on Channel 22. Anyone

July 20, 2021 Town Board Meeting

interested in these paid part time positions for working about 3 hours a Town Board or Public Hearing meeting, contact the Town Supervisor by email at [TownSupervisor@TownofClinton.com](mailto:TownSupervisor@TownofClinton.com). You will be trained in the operation of the electronic equipment. Computer operation knowledge is very helpful.

With the resignation of my Secretary to the Supervisor, candidates are being sought to fill that position. People and computer (WORD, EXCEL, and internet) skills are required. This is a full-time position with benefits available. Must be a self-starter to deal with new tasks as they arise. If interested, send a letter of interest and a resume of previous experience to Town Supervisor by email at [TownSupervisor@TownofClinton.com](mailto:TownSupervisor@TownofClinton.com).

### **PUBLIC COMMENTS (AGENDA ITEMS ONLY)**

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

Carol Bancroft, Library Director - thanked town for the use of town hall for book sale. On the agenda is the Library Lease renewal, the rent has been unchanged at 1 dollar, urges the Town to keep the rent the same. Discussed the variety of activities offered by the Library.

Frank Venezia – regarding Central Hudson and CCA, residents have until August 3 to opt out of the change of energy vendor. Feels the town is tyrannical to opt in residents to this CCA program. Feels this program is a scam and unethical; it is a sneaky practice to require people to opt out. Explained why people should opt out of the CCA program including that the energy is more expensive by 20%. Talked about Columbia Utilities, the vendor supplying the green energy; it is an ESCO, an unregulated corporation. They don't own the facilities that deliver the renewal energy. Renewable energy can be purchased locally; renewable energy can be purchased direct from Central Hudson who is expanding and growing their renewable energy sources.

MM Supervisor Oberly, 2<sup>nd</sup> Councilman Michael to close public comment and return to the regular order of business. All aye. Motion carried.

### **POLLINATOR PATHWAYS**

Maya Goer Palenzuela – CAC member:

Grass roots movement to create pollinator habitat for bees and other pollinators. Talked about the events the Town task force has engaged in as well as their long-term goal to connect private property to other parts of the pathway.

### **REPORTS**

#### **\*PLANNING BOARD**

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

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

Councilman Dean 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 that is on file in the Town Clerk's office. Discussed a wish list for the parks. The big equipment in the playground area in Fran Mark needs to be upgraded using money from the Subdivision fund. Working on security issues and programming. We had to limit the number of children in camp due to Covid 19. We are still looking for lifeguards and it has been hard to fill those positions. Chris Juliano added that the wages for the lifeguards is low and that is part of the problem.

**\*BUILDING INSPECTOR**

Supervisor Oberly read from the report which is on file in the Town Clerk's office.

**\*ZONING ADMINISTRATOR**

Supervisor Oberly read from the report which is on file in the Town Clerk's office.

**\*HIGHWAY**

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

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

Councilman Juliano said no activity.

**\*LIBRARY REPORT**

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

**\*CABLEVISION** Altese

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

**\*CEMETERIES**

Councilman Whitton read from the report which is on file in the Town Clerk's office. Followed up with a company to come and clean our stones, a \$150 fee for them to come to give an estimate. We are considering other alternatives.

Nancy said the parks and cemeteries are in great shape, thanks the Highway and the grounds crew.

**\*ZONING REVISION**

Councilman Michael said updates are on the web and the link to the recording is on the web. Meeting is next Thursday.

**\*PROPOSED TRANSMISSION LINES**

Supervisor Oberly said there is no change.

**\*OTHER**

**WIC**

Councilman Whitton said there is a Meeting this Friday.

**SAFETY**

No report

**OLD BUSINESS**

**1. Discuss/Approve Town wide Reval – Dean Michael**

Councilman Michael spoke to a rep at Marist, we can post a notice for interns if we want them. Has not heard from Teresa on the State feedback on a sample RFP. Waiting for the final details from the State.

**2. Approve Introduction of local law for fines and penalties and set public hearing– Dean Michael**

MM Councilman Michael, 2nd Councilman Whitton to approve the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 34 of 2021 introducing Local Law No. XX of 2021**, a local law for fines and penalties and that a public hearing be held on August 10, 2021, in the town of Clinton Town Hall, 1215 Centre Road Rhinebeck, NY at 6:25 p.m. All aye. Motion carried.

**3. Discuss Cannabis update – Oberly**

Ray Oberly – we had active public hearing with both sides and valid arguments. Any comments should be sent to Supervisor Oberly by August 10th. The information is on the web.

**4. Discuss ARPA funding update – Juliano**

Thanks the Town Clerk for her assistance to upload the form for the funds; we have been approved for about \$430,000. We need to have a meeting by Aug. 31 to develop a plan to submit. Half of the funding will be received in 2021 and half n 2022; we can't use it for highway or to reduce tax levy. We can use it for covid expenses.

MM Chris Juliano, 2<sup>nd</sup> Dean Michael to hold a special meeting on Aug 4, 2021 at 6 pm to discuss ARPA funding. All aye. Motion carried.

**5. Discuss Library lease – Whitton**

Councilman Whitton said the new lease will be 25 years with option to renew for another 25 years. Undecided is the \$1 rent for the new lease. Councilman Whitton would like it to stay at \$1. The services they provide are worthy and the Library was built by volunteers and given to the Town. Ray Oberly agrees. He added that the Library provides a lot of activities that are typically offered by a recreation committee. They are filling the gap we are missing. Nancy Cunningham agrees the community benefits with the Library activities. Her issue is utilities, they should be negotiated and the Library should pay. She sees the Library as a cost center, they recoup certain expenses. Councilman Whitton said in 2017 the 414-referendum passed; that level was chosen based on their current costs and revenue. Charging them now goes against the will of the voters. What are we fighting over, what if they don't agree, are we going to kick them out? Chris feels the Library is one of our biggest

July 20, 2021 Town Board Meeting

assets as a community center. Agrees with the \$1 rent but the utilities are a separate arena. Dean said we all agreed last year to consider utilities, we can just make it a fixed rate, as it has been difficult to determine an exact percentage of use for the Library. Dean suggests \$300 per month in utilities. Councilman Whitton said if we raise their costs, they will reduce their services or they will raise their budget, that is raised by taxes, it is the same money. Nancy said the attendance in the Library continues to increase, and asks what is the percentage of the community that uses the Library. Chris said the buildings need a lot of work and we need money in our budget to maintain these buildings. Nancy asks for \$100 per month for utilities. Dean suggests 300, Chris suggests 150 per month.

By consensus, \$150 per month - utility fee. Councilman Whitton will send the draft to the Town Attorney to update the lease and present it to the Library Board to consider.

**6. Approve addendum to 284 Agreement for Heritage Road – Whitton**

MM Councilman Whitton, 2nd Councilman Juliano to approve the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 35 of 2021, an addendum to Resolution No. 29 of 2021 the Agreement to spend highway funds.** All aye. Motion carried.

**7. Approve rules for opening offices and Rec areas – Oberly**

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approve the Policy for Lifting COVID Restrictions, effective July 21, 2021. All aye. Motion carried.

The highway department will remain closed to the public as Todd is continuing to fog his areas, he can't afford the crew to go down due to covid.

**8. Discuss Friends park CDBG Grant – Cunningham**

The Town has been awarded a CDBG grant totaling \$98,000. Funding will come in September we will upgrade Friends park, all ADA approved, putting in pathways, moving the playground closer to the parking lot and replacing the baseball fencing.

**NEW BUSINESS**

**1. Approve Fireworks permit for Steve Haggerty August 21, 2021 – Oberly**

MM Supervisor Oberly, 2nd Councilman Juliano to approve the following resolution: BE IT RESOLVED that the Town Board approve the fireworks permit for Steve Haggerty for August 21, 2021 as all the conditions have been met and the Building Inspector has approved the application. ( FYI: Young Explosives Corp. is the professional vendor.) All aye. Motion carried.

**2. Approve property appraisal to resolve an assessment – Dean Michael**

July 20, 2021 Town Board Meeting

MM Councilman Michael, 2nd Councilman Juliano to approve the following resolution: BE IT RESOLVED that the Town Board approve hiring Anne Elmes, Certified Real Estate Appraiser to complete the appraisal for Haggerty/Throm tax certiorari (Grid No. 132400-6467-00-412353-0000) for a fee of \$1350.00. All aye. Motion carried.

**3. Approve Primrose Hill Farm Conservation Easement via DLC – Oberly**

A letter of support was requested of the Town Board for 109-acre Primrose Hill Christmas Tree Farm to get a Conservation Easement from Dutchess Land Conservancy.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves the support letter for Dutchess Land Conservancy to purchase the development rights of the 109-acre Primrose Hill Farm which is primarily a Christmas tree farm. It is located at 203 Fiddlers Bridge Road, Staatsburg, NY 12580. There is no conflict of interests by the Town Board members. All aye. Motion carried.

**4. Approve Clown proclamation – Oberly**

MM Supervisor Oberly, 2nd Councilman Whitton to approve the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 36 of 2021 proclaiming the week of August 1 through August 7, 2021, International Clown Week in the Town of Clinton.** All aye. Motion carried.

**5. Approve Justice Court grant – Oberly**

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the **Board of the Town of Clinton authorizes the Clinton Town Court to apply for a JCAP grant in the 2021-22 grant cycle up to \$30,000.00.** The funds will be used to improve the Court facilities and purchase equipment. All aye. Motion carried.

**6. Approve renewal of Schreck 3 – year generator maintenance contract – Oberly**

This is to provide yearly maintenance for the Highway garage generator.

MM Supervisor Oberly, 2nd Councilman Michael approve the following resolution BE IT RESOLVED that the Town Board approve the renewal of the three-year generator preventative maintenance contract with HR Schreck and authorizes, empowers, and directs the Town Supervisor to sign the contract. All aye. Motion carried.

**7. Approve letter to PSC against National Grid CCA – Oberly**

We are sending a letter to PSC requesting them not to approve National Grid's and NYSRDA's Petition concerning gaining full control of the distribution of the benefits of community solar sites for essentially all of the viable solar scheduled. This can impact our Solar Community Program efforts of a 10% reduction in electricity bills if allowed to be granted by the PSC.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves sending a letter to PSC requesting them not to approve National Grid's and NYSRDA's Petition 19-E-0735 concerning gaining full control of the distribution of the benefits of community solar sites for essentially all of the viable solar scheduled. All aye. Motion carried.

**8. Approve purchase of computer for building department – Oberly**

With the increase in the workload due to Agricultural Events, Short Term Rental, and title searches, this computer is needed to input and search the data.

MM Supervisor Oberly, 2nd Councilman Michael approve the following resolution BE IT RESOLVED that the Town Board approve the purchase of a Dell OptiPlex 7090 Small Form Factor and monitor for the building department clerk at a cost not to exceed: \$1149.68. All aye. Motion carried.

**9. Approve remaining in 3-year CDBG consortium- Oberly**

In order to be able to get Community Development Block Grant funds, we need to renew our membership in Dutchess County CDBG every three years.

MM Supervisor Oberly, 2nd Councilman Michael approve the following resolution BE IT RESOLVED that the Town Board approve remaining in the CDBG Consortia for 2022-2024. There is an automatic renewal provision of the existing cooperation agreements. All aye. Motion carried.

**10. Approve Tax Certiorari – Dean Michael**

MM Councilman Michael, 2nd Councilman Whitton to approve the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 37 of 2021 authorizing Shane J. Egan, Attorney for the Town to enter into stipulation with Allan Rappleyea, attorney for the petitioner, the terms of which are set forth in Consent Judgment index numbers 2019-52890 and 2020-52027.** All aye. Motion carried.

**OTHER ITEMS**

**1. Resignations and appointments –**

July 20, 2021 Town Board Meeting

MM Supervisor Oberly, 2<sup>nd</sup> Councilman Michael to accept the resignation of Taylor Harkenrider as Recreation Assistant effective July 1, 2021. All aye. Motion carried.

MM Supervisor Oberly, 2<sup>nd</sup> Councilman Michael to accept the resignation of Stefani Timpano as Secretary to the Supervisor effective July 22, 2021. All aye. Motion carried.

MM Supervisor Oberly, 2<sup>nd</sup> Councilman Michael to approve **Resolution No. 38 of 2021 Additional Seasonal Summer Employees**. All aye. Motion carried.

MM Councilman Whitton, 2<sup>nd</sup> Councilman Michael to appoint Jack Persley to the Climate Smart Task Force for a term of office of July 20, 2021 to 12-31-2022. All aye. Motion carried.

## **2. Approval of Warrants**

MM Councilman Dean Michael, 2<sup>nd</sup> Councilman Juliano to approve the following resolution BE IT RESOLVED that the Town Board approves the July General Fund Warrant, vouchers numbered **283 through 344 totaling \$ 41,080.42** and the July Highway Fund Warrant, vouchers numbered **131 through 163 Totaling \$ 326,354.72**.

## **3. Motion to Move funds**

MM Supervisor Oberly, 2<sup>nd</sup> Councilperson Juliano to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 39 of 2021, a resolution to move funds at the July 20, 2021 meeting**.

## **4. Supervisor's Report**

MM Supervisor Oberly, 2<sup>nd</sup> Councilperson Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves the final Supervisor's Report for June, 2021.

## **PUBLIC DISCUSSION**

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

Bob Calsi – talked about the water running down his driveway and into his garage and was assured it would be fixed by last spring. The road started washing out when the pavement was taken up and returned to dirt. The road has continually washed out and caused problems on his property. He sent a cease and desist to the Town on July 12, 2021. Wants the continuing amount of water runoff from the dirt road to be diverted away from his driveway which contaminated his well and undermined his walkway and flooded his garage or he is going to sue the town.

Chris Juliano responded as he did meet with Bob and Todd last year. The problem is to get to repair Kansas Road which is a user road, so we need to work with the other residents who also own to the middle of the road. Mike Whitton went to Mr. Calsi's home to address the situation and no one answered the door. Asked Mr. Calsi to make a date to meet with the Highway Superintendent.



July 20, 2021 Town Board Meeting

Todd Martin – Highway Superintendent, Kansas Road is a nightmare. The recent rain storms have been washing out roads at a huge rate and the hwy dept is doing the best it can to maintain the roads. Chris Juliano and Todd spoke about solutions to this problem. Todd would like to blacktop from the powerlines to the bottom of the road. Nancy discussed short term and long-term answers to fix the road. Todd and Mr. Calsi will meet after the meeting to determine a date to meet on the road to address the specific problem.

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

**ADJOURNMENT**

At 8:45 PM, MM Supervisor Oberly, 2nd Councilman Michael that the Town Board adjourns the meeting. All aye. Motion carried.

Respectfully Submitted,

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

Carol-Jean Mackin, Town Clerk