

This is the regular meeting of the Clinton Town Board held on this day, August 10, 2021 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 5 people in the audience.

Supervisor Oberly called the meeting to order at 6:38 PM and led the Pledge of Allegiance.

APPROVE MINUTES

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the July 20, 2021 Public Hearing on Cannabis. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the July 20, 2021 Town Board meeting. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the July 29, 2021 Town Board executive session. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Juliano to approve the minutes of the August 4, 2021 Town Board workshop on ARPA. All aye. Motion carried.

PUBLIC DISCUSSION (AGENDA ITEMS ONLY)

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

Joe Tompkins – thanked town board for their support of the Cory Gallinger Fundraiser on August 1, 2021. We appreciate the support. This was a fundraiser held on August 1st for a college-aged town resident who suddenly passed away. His friends held a fundraiser at the park for a scholarship in his name at FDR High School and the basketball court was named in his honor: the Cory Gallinger Basketball Court. The fundraiser was to raise awareness for mental health and they hope to do it every year. Mike Whitton thanked Joe Tompkins for his support of his daughter Lizzie and the friends who ran the fundraiser.

Russ Tompkins – we don't need the sale of marijuana or the consumption of marijuana in our town. We don't need the 3% sales tax; it will degrade our way of life.

MM Supervisor Oberly, 2nd Councilman Michael to close public comment and return to the regular order of business. 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 is closed to all traffic starting Monday, July 26 until November 2021.

On the Labor Day Holiday, the Town Offices, Town Court, Court Clerks, and Highway Department will be closed on Saturday and Monday, September 4 and 6. The Library will be closed only on Monday, September 6 and open regular hours on Saturday, September 4. The

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Recycling Center will be open regular hours (7:30 AM to noon) on Saturday, September 4.

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 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. You will be trained in the operation of the electronic equipment. Computer operation knowledge is very helpful.

I wish to thank Town Clerk Carol Mackin and Deputy Town Clerk Mary Molloy for their help doing some of my secretarial work while we seek my secretary replacement. This lack of my secretary will soon be causing an impact on the creation of the 2022 Town Budget.

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 report on file in the Town Clerk's office.

***CLIMATE SMART TASK FORCE**

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

***RECREATION COMMITTEE**

Councilwoman Cunningham said they are working on for the cdbg grant at Friends park.

***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. Chris Juliano got estimates for the heaters for the highway garage.

***SCENIC AND HISTORIC ROADS ADVISORY COMMITTEE**

Councilman Juliano said it's been quiet.

***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**

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Councilman Whitton read from the report which is on file in the Town Clerk's office. Dean said there are plots with no stones but the remains are there on Browning Road. The stones went to the Methodist church in Pleasant Valley. Part of the Gray Farm.

***ZONING REVISION**

Councilman Michael said updates are on the web and the link to the recording is on the web. Date will be the Aug 26 this month.

***PROPOSED TRANSMISSION LINES**

Supervisor Oberly said flagging and staking of the corridor from Claverack to Pleasant Valley is taking place to denote the edge of right-of-way, future vegetation removal and limits, and environmental resources. Agricultural fields will not be flagged or staked to allow for continued farm operations. All land owners abutting the transmission line corridor were sent letters on July 28 giving them the status of the activities going on.

***OTHER**

WIC

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

SAFETY

No report

OLD BUSINESS

1. Discuss/Approve Town wide Reval – Dean Michael

Councilman Michael said he is working the Assessor and has the 85-page template for an rfp. The assessor feels she will let the 100 percent equalization rate go; other towns are doing this also. If she did a reval now she has to raise everyone's assessment by 30 percent. The boom now is starting to level out. Marist College approved his post for interns. Teresa will send a revised budget to pay for a deputy and intern costs for 2022.

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

Dean Michael said the public hearing is held open until 6:25 PM on September 14, 2021.

3. Approve Cannabis decisions– Oberly

These are the questions the Town Board needs to make decisions on now to allow time to process the appropriate paperwork.

1. Do we want to allow the sale of cannabis products in our Town after the regulations get developed by NYS? If we allow the sale, we will be able to receive a 3% sales tax revenue source. If we do not approve the sale in Town, we will not get any of the sales tax revenue.
2. Do we want to allow smoking parlors in Town?

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3. Do we want to allow smoking out in public places? No cannabis smoking is allowed in private and public vehicles and eating places. Organizations can restrict smoking in their facilities and grounds.

Information was sent by MailChimp and other internet ways to solicit the Town's residents' comments on these 3 questions. The results of the 51 residents who responded are:

	YES	Unsure	NO
Sale of marijuana	35	1	15
Have smoking parlors	11	4	31
Smoking in public	13	1	31

Not every resident voted on each question so that is why the totals for each question vary. It is evident from the voting that the residents are overwhelmingly in favor of selling marijuana, not allowing smoking parlors, and not allowing smoking in public places. The following votes are based on those results.

All the above questions are subject to the Town's Zoning as to locations and restrictions which must be revised. There are some other issues possible once we get the new rules and regulations from NYS government later this year.

Councilman Juliano is not in favor of any of the three questions. Nancy Cunningham not in favor either; starting with marijuana leads to other things. If legal elsewhere, we don't need to sell it in our town; don't make decision based on revenue. Other states are not getting the revenue they thought they would get. Ray Oberly said there is an option, we can say no to the sale and pass a law and then in the future, another board can pass a law to allow the sale down the line.

Councilman Whitton said if we say no, dispensaries will open elsewhere and then they will most likely never be open here. He explained that he is in the entertainment industry which has resulted in his being around drugs in his career. Feels marijuana is being demonized, and that is just not true. Marijuana is not as lethal as alcohol. If we have a dispensary, we would have zoning rules in place. Dean Michael does not see it happening in our town; government should not be in the business of promoting bad things. Believes in medicinal marijuana and that it is a personal choice. Agrees to the sale and no to the other questions. Councilman Whitton pointed out that regulating marijuana is not promoting drug use.

Sale of Marijuana:

MM Supervisor Oberly, 2nd Councilman Whitton that the Town Board approves the following resolution: **BE IT RESOLVED that the Town Board approves allowing the sale of marijuana in the Town of Clinton.**

Roll call vote:

Cunningham: NAY

Dean Michael: AYE

Oberly: AYE

Whitton: AYE

Juliano: NAY

Motion carried. 3-2 to allow the sale of marijuana in the Town of Clinton

(No local law is required to allow the sale of marijuana since it is by default in the enabling legislation. A local law is required to not allow the sale of marijuana in Town of Clinton.)

Smoking Parlors:

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MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: **BE IT RESOLVED that the Town Board approves not allowing marijuana smoking parlors in the Town of Clinton** and needs to process a local law prohibiting marijuana smoking parlors.

Roll call vote:

Cunningham: AYE

Dean Michael: AYE

Oberly: AYE

Whitton: AYE

Juliano: AYE

Motion carried to not allow marijuana smoking parlors in the Town of Clinton.

Smoking on Town Property:

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board approves the following resolution: **BE IT RESOLVED that the Town Board approves not allowing marijuana smoking in or on Town owned public facilities (not roads).** No local law is required but a policy should be made.

Roll call vote:

Cunningham: AYE

Dean Michael: AYE

Oberly: AYE

Whitton: AYE

Juliano: AYE

Motion carried to not allow marijuana smoking in or on Town owned public facilities (not roads).

4. Discuss ARPA funding update – Juliano

Chris Juliano said we are getting over \$400,000 from the federal government ARPA program. He reviewed the approved uses for the grant funds, including expanding broadband and upgrading the video; the money can't be used to reduce taxes. The reports are due by end of October.

5. Approve Library lease – Whitton

Councilman Whitton reported that the Library Board of trustees met just last night and need more time to discuss options and will respond in due time. There were a few errors in the document, which will be fixed.

6. Cory Gallinger update - Whitton

Mike Whitton spoke about the event at the Rec Park that was held on August 1st to raise awareness of mental health issues in the name of Cory Gallinger. Such an amazing number of people showed up for the day in addition to the 150 basketball players to raise money and awareness of a very important issue, mental health. Acknowledged Cory's family: Cathy and Kaylin Gallinger and the Tompkins family who worked to put on the fundraiser together with food, games, auctions and mental health information booths along with the basketball

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tournament. Spoke to his personal connection for this issue, as he lost his best friend to suicide 20 years ago.

NEW BUSINESS

1. Approve extension of Snow and Ice Control Agreement with County -Oberly

MM Supervisor Oberly, 2nd Councilman Juliano to approve the following resolution: BE IT RESOLVED that the Town Board approve the change order to extend the Snow and Ice control Agreement between the Town of Clinton and Dutchess County from 10-1-2021 to 9-30-22 and that the Supervisor is authorized, empowered and directed to sign said change order. All aye. Motion carried.

2. Approve Hwy Superintendent Martin's attendance at highway school - Whitton

MM Councilman Whitton, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approve Highway Superintendent Martin's attendance at NYS Association of Towns Superintendents Annual Conference, September 28 – October 1, 2021 at the Saratoga Hilton at a cost not to exceed: \$1287.00 All aye. Motion carried.

3. Approve 5G Zoning Law update – Oberly

I bring this issue up so we can develop zoning requirements before the various company's come to start installing 5G installations. Several Towns in southern Dutchess County and the City of Poughkeepsie are having 5G installations done now. What are the Town Boards comments on taking action at this time? Ray Oberly said we need to decide if we want to retain an attorney to develop laws to manage 5G. Councilman Whitton explained that 5g is small cell technology so they can put antennas on telephone poles - No giant towers. He is concerned about the attorney who solicited us to assist us in creating local laws to regulate the 5G. Fishkill wrote a law to regulate 5G so we can look at their law to start creating our law to have rules in place. Chris Juliano agreed, and said he wants to look at putting rules in place in stead of fighting it. Mike Whitton will follow up with this issue. Dean Michael asks if we will get the best service if we get just one carrier providing 5 g; the cell tower can hold several carriers on one tower.

4. Approve Reserve fund for masonic hall painting – Oberly

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 40 of 2021 to create a Capital reserve fund for the painting of the Masonic Hall.** All aye. Motion carried.

5. Approve special workshop meeting for determining 2022 salaries - Oberly

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approve holding a special workshop meeting to determine 2022 salaries on Wednesday, September 8, 2021 at 6:30 PM in the Town Hall. All aye. Motion carried.

6. Covid update – Oberly

With the ever-increasing COVID delta virus infection rate, I would like to go back to mask restrictions for everyone in the buildings and at meetings. County Executive Molinaro will be holding a Town Supervisors’ meeting this Thursday to bring us up to date on the status of COVID infections in the County, actions the County plans to take, and actions we should take. After that meeting, I’ll let you know what I suggest we do and a special meeting can be called to implement if necessary.

7. Subdivision rec fund discussion - Cunningham

The subdivision fund is used for rec park improvements. We have about \$100,000 in the fund. We plan to have a portion of the Friends Park parking lot paved using the equipment that will already be in the area as the Highway department will be paving Heritage Road, which is right next to the park. The equipment to pave is already there, we can easily just pave the park for the cost of the blacktop. The cost for the park blacktop is estimated at \$15,000. Ray Oberly said we can possibly use ARPA funds for that purpose.

MM Councilwoman Cunningham, 2nd Councilman Michael to blacktop the Friends Park parking lot using rec subdivision funds at a cost not to exceed \$15,000 using subdivision funds and substituted by ARPA funds if approved. All aye. Motion carried.

OTHER ITEMS

1. Resignations and appointments –

MM Supervisor Oberly, 2nd Councilman Michael to accept the resignation of Felicity Shaffer as Clerk effective July 29, 2021. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to appoint Kara Martin as Seasonal Laborer/Wingman at a rate of pay of \$14 per hour as needed effective July 18, 2021. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to appoint Charlotte Mare Lifeguard at a rate of pay of \$12.97 per hour from July 1, 2021 to October 1, 2021. All aye. Motion carried.

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 August General Fund Warrant, vouchers numbered **345 through 379 totaling \$ 21,010.91** and the August Highway Fund Warrant, vouchers numbered **through 164 to 175, Totaling \$ 32,430.71. All aye. Motion carried.**

3. Motion to Move funds

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MM Supervisor Oberly, 2nd Councilperson Juliano to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 41 of 2021, a resolution to move funds at the August 10, 2021 meeting.**

4. Supervisor's Report

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

PUBLIC DISCUSSION

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

Bob Calsi- discussed his cease-and-desist letter regarding the water run off of the road into his driveway. Reviewed the meeting that was recently held on the road at the problem location to discuss his concerns. Mike Whitton was at the meeting and everyone agreed that the town engineer would make the plans to correct the problem and they would be sent to Mr. Calsi for approval. Mike will follow up with the Town Engineer to get the plans.

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

ADJOURNMENT

At 8:20 PM, MM Supervisor Oberly, 2nd Councilman Michael that the Town Board adjourns the meeting. All aye. Motion carried.

Respectfully Submitted,



Carol-Jean Mackin, Town Clerk