

October 12, 2021 Town Board Meeting  
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Schultzville, NY

This is the regular meeting of the Clinton Town Board held on this day in the Town Hall. Present were Supervisor Oberly, Councilmen Dean Michael, Chris Juliano, Michael Whitton, Councilwoman Nancy Cunningham and Town Clerk Carol-Jean Mackin. There were 4 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 Juliano to approve the minutes of the September 8, 2021 workshop meeting. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the September 14, 2021 Public hearing. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the September 14, 2021 Town Board meeting. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve the minutes of the September 23, 2021 special Town Board meeting. All aye. Motion carried.

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

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

none

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

### **SUPERVISOR'S COMMENTS**

The days of area-codeless local phone calls will go away in Dutchess County on Sunday, October 24. That's the day when 10-digit local dialing will become mandatory for all phones using the 845 or 914 area codes which means using only the area code and the regular 7-digit phone number. The normal long distance 1 will not be needed.

The Dutchess County Transportation Council (DCTC) will be conducting a safety traffic study on Hollow Road (CR 14) from West Cookingham Drive to Route 9G. I requested this study be done since this road segment has the highest accident count in Dutchess County. The group will be walking this road segment in the morning (7:30 to 9:00 AM) of October 13 to monitor traffic flow, road conditions, and signage. Dutchess County DPW owns the road and will be responsible making the improvements. A report will be issued upon completion of the study.

### **REPORTS**

**\*PLANNING BOARD**

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

**\*BUILDING INSPECTOR**

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

**\*ZONING ADMINISTRATOR**

Supervisor Oberly said there was no report.

**\*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 things are quiet.

**\*LIBRARY REPORT**

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

**\*ALTESE (Cablevision)**

Councilman Whitton said there was no communication. There is a problem on Ruskey lane with the house in Clinton and the driveway in Pleasant Valley.

**\*CEMETERIES**

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

**\*ZONING REVISION**

Councilman Michael said updates are on the web and we will continue meeting after the approval of the budget.

**\*PROPOSED TRANSMISSION LINES**

Supervisor Oberly said In October 2021, National Grid will start tree and brush clearing of the transmission right of way. There also may be some earth grading done to improve accessibility. In spring 2022, more work will be done in preparation for the removal of the existing towers and installation of the new monopoles. The project should be complete in early 2024.

**\*OTHER**

**WIC**

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

**OLD BUSINESS**

**1. Approve LL to opt out of cannabis consumption -Oberly**

Since the Town Board approved not allowing marijuana smoking parlors to exist in Town, we must pass a local law to make it effective.

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 47 Of 2021 adopting Local law No. 6 of 2021, entitled "Local Law Prohibiting On-Site Cannabis Consumption Sites"** a copy of which is attached hereto and made a part of this Resolution; and further: pursuant to § 90 of the Town Law within ten (10) days of the adoption of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of this Resolution and contain an abstract of said Resolution concisely stating the purpose and effect thereof, and stating that this Resolution was adopted subject to a permissive referendum; and further: that the Town Clerk be directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption of this Local Law to the Secretary of the State of New York upon the expiration of forty-five (45) days from the adoption of this Resolution, provided the requisite number of protesting petitions are not filed necessitating a permissive referendum. All aye. Motion carried.

**2. Approve LL to override the tax cap -Oberly**

The Town must pass a Local Law to allow the Town to exceed the 2% Tax Cap before the 2022 Budget is adopted. Until we get into the final stages of the 2022 Budget process, we will not know if we will exceed the 2% Tax Cap. If not needed, the local law just is not used.

MM Supervisor Oberly, 2nd Councilman Whitton to approve the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 48 Of 2021 adopting Local law No. 7 of 2021, entitled "A Local Law to Override the Tax Levy Limit for Fiscal Year 2022"** a copy of which is attached hereto and made a part of this resolution; and further that the Town Clerk be directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption of this Local Law to the Secretary of the State of New York. All aye except Dean Michael who voted NAY. Motion carried.

**3. Approve awarding bid for old garage roof replacement using Assemblywoman Barrett grant – Oberly**

We received 4 bids for replacing the old highway garage roof and one came in lower than our estimate. The bid winner was **Vad Contractors at \$34,500**. Hopefully the roof replacement will be done before the weather prevents the work.

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board award the bid to the low bidder Vad Contractors at a cost not to exceed \$34,500 at the recommendation of the Town Engineer, and authorizes, empowers and directs the Town Supervisor to sign the contract. All aye. Motion carried.

#### **4. Approve/Discuss Library lease – Whitton**

Mike Whitton read a letter from the Library Board, attached, regarding the lease agreement with a monthly \$150 charge. The Trustees ask to remove the monthly fee. Noting an impending budget shortfall for the Library in coming years due to the loss of grants, the letter points to increased use of the Library by patrons with a stable funding from the 414. Chris Juliano said many other libraries pay for their own utilities and we are not asking that of the Library; there is higher heat and cooling demand with the increased usage than the \$150 and we are trying to build a Town budget with shortfalls as well. Councilman Juliano is in favor of the Library as they fill a void in Town; he does not want to change the annual \$1.00 rental, but feels the additional \$150 fee is adequate. Ray Oberly pointed out that if a library is in its own building they have to pay their own fees but the Clinton Library is not in a separate building. Councilman Whitton said its disingenuous to say there is no increase in rent to them because whatever you call it, you've increased the cost to them. Do we want to amend our offer on the lease? Ray Oberly said the library has taken up the slack of the rec committee, we don't have the ability nor the personnel to offer programs to the community. The \$150 is an insult to them while they are providing the programming to the community that the town is not. Dean Michael reviewed the history, up until the 414 in 2017, the town gave them the space and \$55,000 dollars every year. In 2017 their budget increased but then we are asking them to pay their share for utilities, and \$150 per month is not a lot. Nancy said when she reads all of the increases in participation, she wonders if the library numbers are inflated as perhaps they are counting the same people twice. Feels it is not unreasonable to ask for some compensation. Mike Whitton said they have 0 ability to raise their budget, Dean said their budget has doubled and they can raise additional funds through grants and fundraising. Chris said we originally asked for twice that monthly fee.

#### **5. Discuss Town wide Reval – Michael**

Dean Michael said if we go with an outside vendor for specific parcels, it will boil down to what the assessor is willing to do and not do, so we need to consider hiring a deputy who will be managing the vendor to do the reval.

#### **6. ARPA Funding update – Juliano**

Chris Juliano said the reporting deadline has been moved to April 2022. The Board wants to review and prioritize the projects. Special meeting called for Oct. 20 6:30 pm to prioritize ARPA projects.

#### **7. 2022 Budget status – Oberly**

With the delays in getting the 2022 Budget information and Town Supervisor staffing issue, it is estimated to have the 2022 Tentative Budget available by November 1. The only deadline that we must meet is the November 20, 2021 NYS budget deadline.

**8. Security update - Cunningham**

Nancy Cunningham said we are looking to purchase cameras to get a handle on the vandalism in the parks. She is trying to do a security inventory on campus by the end of the month. Security trail cameras will come from the rec budget total \$800 at \$200 each. Dean said we will use ARPA funds for wifi installation then we can hard wire security cameras in the future.

**NEW BUSINESS**

**1. Approve IMA with Dutchess county: Granicus - Whitton**

MM Councilman Whitton, 2<sup>nd</sup> Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approve the Intermunicipal Agreement between the Town of Clinton and Dutchess County for the reimbursement of cost as listed on Exhibit A for modules purchased from Granicus for STR identification, and directs, authorizes and empowers the Town Supervisor to sign the Agreement on behalf of the Town. All aye. Motion carried.

**2. Approve Town hall Kitchen Reserve Fund – Oberly**

This Kitchen Reserve Fund will collect and save this year’s budgeted funds for possible 2022 construction time.

MM Supervisor Oberly, 2<sup>nd</sup> Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 49 of 2021 to create a Capital reserve fund for the Town Hall floor replacement and kitchen upgrade.** All aye. Motion carried.

**3. Approve conference attendance – Oberly**

The focus of the PERMA Conference is marijuana in NYS and Federal laws on the sale, smoking, testing of drivers for use of marijuana, and other aspects of the laws.

MM Supervisor Oberly, 2<sup>nd</sup> Councilman Juliano to approve the following resolution: BE IT RESOLVED that the Town Board approve Highway Superintendent Martin and Councilman Whitton attend PERMA conference on marijuana laws at the Turning Stone on October 28 and 29, 2021 at a cost not to exceed: \$1000.00. All aye. Motion carried.

**4. Approve letter of support to Historical Society – Oberly**

MM Supervisor Oberly, 2<sup>nd</sup> Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approve a letter of support to the Historical Society for their plan to submit an application to the Preservation League of NY State to produce measured drawings and photographs of their building to be part of an eventual Historic Structure Report. All aye. Motion carried.

**5. Approve letter of support for Undersheriff Kirk Imperati – Oberly**

Today I received a request to support a letter from the Town of East Fishkill requesting Governor Hochul to appoint Kirk Imperati as Dutchess County Sheriff. Kirk has been in the Dutchess County Sheriff's organization and most of the time was Undersheriff to former Sheriff Butch Anderson handling the operational details for the Sheriff. He is well qualified and supported by all the members of the Sheriff's organization.

MM Supervisor Oberly, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board authorize Supervisor Oberly to sign a letter of support from the Dutchess County Supervisors and Mayors to Governor Hochul requesting that she appoint Undersheriff Kirk Imperati the Dutchess County Sheriff, filling the unexpired term of Sheriff Butch Anderson who passed away. Councilman Whitton said we don't normally get involved in election politics, this is not our place, the governor appoints. He is uncomfortable giving an opinion on something that we don't have a role in. Dean Michael said in most cases a deputy will naturally take the place of the official. Feels it is unfair for the Governor to appoint a replacement as the county sheriff is not appointed by the governor. Whitton said that is not the law. Dean said there is no one more qualified to take over, Kirk Imperati is the right person. Nancy agrees with Dean. All aye, except Councilman Whitton who abstained. Motion carried.

**6. Approve purchase of emergency sander and plow – Oberly**

MM Supervisor Oberly, 2nd Councilman Juliano to approve the following resolution: BE IT RESOLVED that the Town Board approve the emergency purchase of a snowplow and sander from Hudson River Truck and Trailer to be installed on the 2019 Ford F-350 dump truck at a cost not to exceed \$13,500 with the installation complete within 30 days:

Snow plow: in stock, Stainless F95 XV2SS, \$7195

With inverted Vee, \$295

Sander: in stock 2 yard stainless, \$5000.00

All aye. Motion carried.

**Other – Oberly – Petition**

Today, we received a petition from the Library's Story Hour parents to provide a STEM Playground near the Library to allow the young children play on this unique playground facility. It was referred to Recreation Director Dan Harkenrider and Councilwoman Nancy Cunningham to propose an action plan on how to handle this petition request.

**Heaters for garage update: Juliano**

Councilman Juliano met with town engineer to work on the bid for the highway garage heating system.

**OTHER ITEMS**

**1. Resignations and appointments –**

Supervisor Oberly appoints the Supervisor's Secretary Cathy Gallinger. Catherine will be coming in for a few weekends to work with Carol Mackin to get on board with some of the administrative duties and training before actually working full weeks. Many thanks

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are given to Carol for her willingness to provide this early training to help Catherine adjust quickly to this complicated new position for her.

MM Supervisor Oberly, 2nd Councilman Whitton to approve the following resolution: BE IT RESOLVED that the Town Board set the rate of pay for the FT Supervisor Secretary Cathy Gallinger at \$23/hour for 40 hours per week with full medical/dental and eye benefits with a 15% employee contribution effective October 15, 2021. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to approve Brandon Campbell as Clerk (Video) at \$13/hour for two hours per week effective October 12, 2021. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to accept the resignation of Wyatt Kelly as FT Laborer – Highway Department effective October 6, 2021. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael to rescind the appointment of Ryan Mackin as Summer Groundkeeper effective October 7, 2021. All aye. Motion carried.

MM Supervisor Oberly, 2nd Councilman Michael that the Town Board appoints Ryan Mackin as FT highway laborer at a rate of pay as per the CSEA contract for \$1 less than the starting contract rate for 2021 of \$17.60 per hour and \$1 less than the starting contract rate for 2022 of \$18.10 per hour for a period of 6 months or 1000 hours starting October 11, 2021; full medical, eye and dental coverage with an employee contribution of 15%, and paid leave benefits as per the CSEA contract paid from D5110.110. All aye. Motion carried.

## 2. Approval of Warrants

MM Councilman Dean Michael, 2nd Councilman Cunningham, to approve the following resolution BE IT RESOLVED that the Town Board approves the September General Fund Warrant, vouchers numbered **433 through 472 totaling \$ 32,534.00** and the October Highway Fund Warrant, vouchers numbered **205 through 228, Totaling \$ 49,599.08** . All aye. Motion carried.

## 3. Motion to Move funds

MM Supervisor Oberly, 2nd Councilperson Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 50 of 2021, a resolution to move funds at the October 12, 2021 meeting**. All aye. Motion carried.

## 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 September, 2021. All aye. Motion carried.

## 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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Catherine Mustello – the play equipment suggested by the petition is a brilliant idea; would like to see a sidewalk from Friends Park to Stewarts using arpa funds; there is a trunk or treat at Fran Mark Park 3-5 pm Sunday.

Russ Tompkins - agrees to support Imperati letter of support. He is the most qualified.  
Re: Library agrees with the \$150 per month fee, especially if that number is locked in for the next 20 years.

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

**ADJOURNMENT**

At 7:51PM, 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