

TOWN OF CLINTON

RESOLUTION NO. OF 2022

TITLE: A Resolution Adopting a Budget for the Fiscal Year commencing January 1, 2023 and ending December 31, 2023 making appropriations for the Conduct of the Town of Clinton Government and Establishing the Rates of Compensation for Officers and Employees for such period.

WHEREAS, the Town of Clinton Town Board has met on November 2, 2022 at the Clinton Town Hall, Schultzville, NY for Public Hearing on the 2023 Preliminary Budget and heard all persons desiring to be heard; and

NOW THEREFORE BE IT RESOLVED, that the 2023 Preliminary Budget as amended and revised and as hereinafter set forth is hereby adopted and that the numbers listed in the "adopted" column are those appropriated for the objects and purposes specified and the salaries and wages stated shall be and are hereby fixed to the amount shown therein effective January 1, 2023.

Approved by motion at a Town of Clinton Town Board meeting dated November 9, 2022.



DATED: November 9, 2022

Carol-Jean Mackin, Town Clerk

RESOLUTION OF INTRODUCTION

Local Law No. _____ of 2022

The following proposed Local Law, to be known as Local Law No. _____ of 2022 of the Town of Clinton (the "Town"), entitled "Amendment to Section 250-31 of the Town Code – Alternate Care Facilities", a copy of which is attached hereto and made part hereof, is hereby introduced.

WHEREAS, the Town Board of the Town of Clinton (the "Town Board") has determined that a local law amending Chapter 250 of the Town Code (Zoning) in regard to the regulation of alternate care facilities is necessary and in the best interest of the Town in order to protect the health, safety and welfare of its' citizens;

WHEREAS, the Town Board must comply with the requirements of the New York State Environmental Quality Review Act ("SEQRA") when considering the action of adopting this Local Law;

NOW THEREFORE BE IT RESOLVED, the Town Board hereby refers the proposed Local Law to the Dutchess County Department of Planning and Development for review and recommendations pursuant to 239-m of the New York General Municipal Law;

BE IT FURTHER RESOLVED, the Town Board directs the Town of Clinton Town Clerk (the "Town Clerk") to notify the Town Clerks of each of the surrounding towns of the date, the time, and the purpose of the public hearing pursuant to Section 239-nn of the New York General Municipal Law;

BE IT FURTHER RESOLVED, that the Town Board determines that the action to adopt this proposed Local Law is an Unlisted Action under SEQRA regulations for which an environmental review is required;

BE IT FURTHER RESOLVED, that the Town Board hereby designates itself lead agency for the purpose of conducting an uncoordinated environmental review; and

BE IT FURTHER RESOLVED, that a public hearing be held in relation to the proposed Local Law as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Town of Clinton Town Hall, 1215 Centre Rd, Rhinebeck, New York on Tuesday, December 13, 2022 at 6:25 p.m. Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town by the Town of Clinton Town Clerk, at least five (5) days before such hearing and that such notice shall be in the following form:

Town of Clinton

Town Board

Notice of Public Hearing

PLEASE TAKE NOTICE that the Town of Clinton will hold a Public Hearing on Tuesday, December 13, 2022 at the Town of Clinton Town Hall, 1215 Centre Rd, Rhinebeck (Town of Clinton), New York at 6:25 p.m. Prevailing Time, or as soon thereafter as the matter is reached on the agenda, concerning proposed Local Law No. ___ of 2022, entitled, "Amendment to Section 250-31 of the Town Code – Alternate Care Facilities" pursuant to Article 16 of the N. Y. Town Law.

This Local Law will take effect immediately upon filing with the Secretary of State. Complete copies of the proposed Local Law are available at the Town of Clinton Clerk's Office for inspection during regular business hours.

All interested persons and citizens shall have an opportunity to be heard on said proposals at the date, time and place aforesaid.

Dated: November 9, 2022

By order of the Town of Clinton

Carol Mackin, Town Clerk

Motion:

Second:

Roll Call Vote:

Michael Whitton, Supervisor

Elliot Werner, Councilperson

Katherine Mustello, Councilperson

Dean Michael, Councilperson

Christopher Juliano, Councilperson

Local Law No. ___ of 2022, entitled:

“Amendment to Section 250-31 of the Town Code – Alternate Care Facilities”

BE IT ENACTED BY, the Town Board of the Town of Clinton as follows:

1. Subsection (B) (5) of Section 250-31 of Chapter 250 of the Town Code is hereby amended by repealing the existing subsection (B) (5) in its entirety and replacing it with a new subsection (B) (5) which shall read as follows:
 - (5) Any increase in the resident population, change in type of population, and/or any expansion of the facilities shall require application to the Planning Board for consideration of a new or amended special use permit and shall require either approval of a site plan, or the re-examination of the existing site plan, by the Planning Board. In reviewing an application for an increase in the resident population, change in type of population, and/or any expansion of the facilities, the Planning Board shall consider the criteria specified in § 250-96 (Site Plans) and § 250-97 (Special Use Permits), and whether there would be any significant additional adverse impacts to the surrounding neighborhood if the application is granted.

2. Subsection (B) of Section 250-31 of Chapter 250 of the Town Code is hereby amended by adding subsection (B) (6) which shall read as follows:
 - (6) This section shall apply to any alternate care facility that is permitted by special use permit in the underlying zoning district or that is a nonconforming use. Any alternate care facility that is a nonconforming use which is granted a special use permit or amended special use permit and receives approval of either a site plan or an amended site plan, shall be deemed to be in compliance with § 250-80 and § 250-81(A).

3. The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph,

sentence, clause, provision, or phrase of this Local Law, which shall remain in full force and effect.

4. This Local Law is adopted pursuant to § 261-263 of the Town Law and § 20 of the Municipal Home Rule Law of the State of New York, which authorize the Town to adopt zoning provisions that advance and protect the health, safety, and welfare of the community.
5. To the extent that any provision of this Local Law is inconsistent with Town Law §§ 263, 274-a, 274-b or any other provision of Article 16 of the Town Law or of Real Property Law, the provisions of this Local Law are expressly intended to and do hereby supersede any such inconsistent provisions under the Town's municipal home rule powers, pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3); §10(1)(ii)(a)(14) and §22 to supersede any inconsistent authority.
6. This Local Law shall take effect immediately upon filing with the Secretary of State.

TOWN OF CLINTON

RESOLUTION NO. OF 2022

Title: Resolution to Return Escrows

TA337.29 Willow Glen Subdivision

Whereas, between 2004 and 2008, Brian Murphy, representing Willow Glen Subdivision came before the PB and deposited a total of \$7319.89 into escrow fund TA 337.29 and

Whereas, Attorney and Engineer Fees totaled \$7272.49, and whereas, the escrow account has been dormant for 14 years with a balance of \$47.40 which is no longer necessary since the project is closed;

Now therefore be it resolved, that the town return the \$47.40 to Brian Murphy and close escrow account TA 337.29.

TA 337.63 Kathleen Knight

Whereas, in 2010, Kathleen Knight came before the PB and deposited a total of \$500.00 into escrow fund TA 337.63 and Whereas, Attorney and Engineer Fees totaled \$162.20, and whereas, the escrow account has been dormant for 12 years with a balance of \$337.80 which is no longer necessary since the project is closed;

Now therefore be it resolved, that the town return the \$337.80 to Kathleen Knight and close escrow account TA 337.63

November 9, 2022



Carol-Jean Mackin, Town Clerk

TOWN OF CLINTON

RESOLUTION NO. OF 2022

Title: Support for the development of the Natural Resources Inventory (NRI) and authorizes the submission of an application for technical assistance to the Hudson River Estuary Program.

WHEREAS, a natural resources inventory (NRI) compiles maps and descriptions of natural areas and provides a reference for planning in a community, and

WHEREAS, the purpose of an NRI is to provide information for comprehensive land use and conservation planning, and to allow natural resource information to be included in local planning and zoning; and

WHEREAS, the NYSDEC Hudson River Estuary Program is offering a 1-year technical assistance opportunity for two watershed municipalities to create a basic NRI, at no cost to the Town, but requiring a significant volunteer contribution, and

WHEREAS, to be considered for the technical assistance available from the Hudson River Estuary Program, municipalities are required to submit an application listing 3-5 volunteers, any related land use planning initiatives, and a resolution of support from the municipal governing board by November 30, 2022;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Clinton Town Board hereby establishes an NRI Steering Committee, and will recruit volunteers to participate in the development of the NRI; and
2. That the Clinton Town Board expresses their support for the development of the NRI and authorizes the submission of an application for technical assistance to the Hudson River Estuary Program.

Dated: November 9, 2022



Carol-Jean Mackin, Town Clerk