

CLERMONT TOWN BOARD  
APRIL 2, 2008

PRESENT:

Supervisor Raymond Staats  
Councilwoman O'Neal  
Councilman Nolan  
Councilwoman Lent  
Councilman Jones

Cailin Brennan, Associate Freeman-Howard  
Mary Howell, County Historian  
Dan Wheeler, Town Engineer  
Seventeen residents  
No reporter

Supervisor Staats opened the meeting with the salute to the flag. This meeting was rescheduled to this date from the first Monday of the month due to scheduling conflicts.

MINUTES: Supervisor Staats asked for a motion to approve the minutes. Councilman Jones commended the Town Clerk for a good job on the minutes. He noted one correction on page 3 – changing 'contributed' to 'attributed'.

Councilman Nolan had a number of changes to the wording of the minutes based on his recollection. The Clerk did not want to sign the minutes if they were changed so drastically as she felt they were no longer her minutes.

An agreement was reached to add Councilman Nolan's comments on the March meeting into April's minutes, as follows: Amended shown as underlined.

Page 1- 3<sup>rd</sup> paragraph – At the Town Board's request, Rebecca Sethi, Chair of the Hamlet Steering Committee brought in files from the committee. The Town Board has been contacted by the State in connection with the Hudson Valley Greenway Grant for the Hamlet Steering Committee's work. Greenway reported that they had not yet received a voucher requesting funding for the completed work were also completed and brought in for reimbursement of the \$7500 spent by the Town on the Hamlet Plan. The board thanked Ms.Sethi for the work that she did on the project. The State had informed the Board that a new cover page signed by Supervisor Staats was necessary. The Clerk was requested to submit the voucher and new cover page to Greenway to recover the unreleased funds from the Greenway Grant.

Page 1 – Committee Reports

2<sup>nd</sup> bullet – The Clerk did a breakdown of the oil and electric use over the last two years of all the town buildings. Councilman Nolan looked at these in relation to a request by the Town to NYSEDA for an Energy Audit of the Town's existing buildings.

3<sup>rd</sup> Bullet – Councilman Nolan attended the Keep Farming meeting in Livingston. There may be an expansion of the Clermont, Germantown and Livingston group to include Gallatin, Copake and Ancram into the Southern Columbia area. The meeting was chaired by Virginia Kasinki, Director, Community Based Programs, Glynwood Center, Cold Spring, New York. Present were Board members from Livingston, Germantown and Clermont. Also present were representatives of Red Hook's Keep Farming group. They reported on the findings of their Keep Farming study. Ms. Kasinki reported that there would be an expansion of the Keep Farming Southern Columbia area to include Red Hook. She also suggested that the district could be increased to include Gallatin, Taghkanic, Ancram and Copake. Mrs. Kasinki reported the Glynwood Center would initiate the next phase of the project beginning on March 29<sup>th</sup> with a training workshop to be held at the Germantown Activities Building.

Page 2 – Building Committee

Councilwoman O'Neal received approval from OPRHP to go ahead with a proposal for windows repairs in the community house. ~~They~~ The Building Committee will prepare have to do a draft outline specifications. Stacey Matson Zuvich sent a detailed description of what she needs in that specification. Councilwoman O'Neal, Councilman Nolan, Supervisor Staats, Mrs. Neary, Mrs. Mahar and Ray Tousey met three weeks ago with Marilyn Kaplan and discussed work by LaTorre Construction on the roof project, which the Building Committee reported to Ms. Kaplan that the work had has not been satisfactorily completed. Ms. Kaplan needs to look at the original scope of work to see if everything has been touched upon completed per the contract scope of work. She (Councilwoman O'Neal) has not completed the building rules as of

yet. Supervisor Staats does not see the need to hire Marilyn Kaplan on the window repair project. The funds can be used for the actual work. All agreed with the exception of Councilwoman Lent. She feels we need an historic architect to remain involved. ~~Councilwoman O'Neal feels her plan will work.~~

Page 2 - 6<sup>th</sup> Paragraph – The DEC noted that written comments would be received through March 17<sup>th</sup>. There is a sign up sheet if anyone wants to receive information. DEC will evaluate all comments received ~~and will select a final remedy.~~ Councilman Nolan asked if the comment period can be extended beyond the set date. DEC ~~will~~ can extend for a period of two weeks if the Town Board formally requests it; however, Mr. Komoroski feels it would be better for the town to close the comment period by the end of March. He also suggested that when the Town submits comments that it be followed with a letter to DEC requesting additional appropriations to fund the remediation phase of the project.

Page 3 – last paragraph –

DEC response to Bob Desmond – You could use soil from the back as long as it meets standards and for the most part it does meet the standards.

DEC response: Amendments have been added to the PRAP allowing flexibility.

DEC response: Yes but in all cases an environmental easement if required. Recreation would have to meet requirements of restricted residential use.

Page 4 – Councilman Nolan asked whether this study sets a precedent in the town for any proposed development on farmland.

DEC said they are involved only if they are called.

Page 5 – New Business –

Town Clerk verified that Resolutions numbers are correct at 42-08 and 43-08.

Page 5 – 5<sup>th</sup> bullet –

HIGHWAY GARAGE – Supervisor Staats reported that during the recent heavy rains, the Highway Garage is leaking severely. Recently had the blower had to be replaced due to water damage. Something has to be done to divert the water from the roof. Councilman Nolan would support a patch but stated that we need to get a proposal for the new garage soon. Councilman Jones would like to have a citizens committee along with the Highway Superintendent to decide what to do with the garage ~~with the Superintendent.~~ Councilwoman Lent said that the Highway Superintendent has provided a design prepared by Dan Wheeler's office. Councilman Nolan would support a subcommittee ~~to push this through~~ but states that we must have an engineer involved. He further stated again that the cost of these engineering services would exceed the limits within the Town's procurement policy and that an RFP is necessary to get bids. Councilwoman O'Neal noted that she has found a grant, which pays for town garages.

Page 6 – Public Comment – 3<sup>rd</sup> bullet – add ‘ and believes that we will be able to continue to use that land for parking purposes during Village Green events.

#### ACCEPTANCE OF MINUTES:

Councilman Jones motioned to accept the minutes with one correction, seconded by Councilwoman Lent. All in favor. So carried.

#### RESIGNATION:

Supervisor Staats read the resignation letter from Linda Dousharm, Zoning Board of Appeals secretary, as she is moving from the area. Chairman of the ZBA Charles Larsen introduced Marina Schmid of Cemetery Road. She has worked for the Town of Fishkill in the building department and currently works for the Red Hook Town Supervisor.

A motion was made by Councilman Nolan, seconded by Councilwoman Lent to appoint Marina Schmid as Secretary of the Zoning Board of Appeals and send a letter to Linda Dousharm thanking her for serving as the Secretary. All in favor. So carried.

Councilwoman Lent asked Charlie to get Linda's new address so that we can send her check. Supervisor Staats will check with the accountant to see if we can pay her now.

**COUNTY HISTORIAN – Mary Howell**

Ms. Howell is wondering how Clermont is doing with its history. Our Town Historian is Anne Poleschner, and the Deputy Historians are Mary Louise Kalin and Gary DeLaurentis. Ms. Howell has items that Leona Saulpach gave to her and they are located at the History Barn in Livingston. She would like them picked up and brought down here. There is a butcher block, which goes back seven generations in the George Saulpach family. There is also an early slide projector with miniature slides for children and a number of items, which can be copied. Councilwoman O'Neal noted that there is a historical, building and archive committee to find a way to store items properly and safely. She asked Ms. Howell if she would be able to attend the committee meeting.

Ms. Howell will be happy to work with the committee, and that if we ever have the chance to work with Marilyn Kaplan, she is very knowledgeable.

Supervisor Staats explained the purpose of the Public Hearing on Local Law Number 2 of 2008.

**MOTION:** A motion was made by Councilman Jones, seconded by Councilwoman O'Neal to open the public hearing on Local Law Number 2 - 2008

**PUBLIC HEARING – LOCAL LAW NUMBER 2 OF 2008**

The Clerk read Local Law Number 2 of 2008 which is a local law repealing Local Law Number 1 of 2001 which modifies the hearing date of the Board of Assessment Review (BAR) of the Town of Clermont. Pursuant to the repeal of Local Law Number 1 of 2001, the Board of Assessment Review shall meet upon the date(s) required by the applicable provisions of 512 of the New York State Real Property Tax Law. A complete copy of the Local Law is on file and attached. There were no questions by anyone present.

**MOTION:** A motion was made by Councilman Nolan, seconded by Councilwoman O'Neal to close the public hearing.

**MOTION:** A motion was made by Councilwoman Lent, seconded by Councilman Jones to accept the Local Law Number 2 of 2008 as presented. A roll call vote was as follows:

Councilwoman O'Neal – aye; Councilman Jones – aye; Councilwoman Lent – aye; Councilman Nolan – aye; Supervisor Staats – aye. All in favor. So carried.

Robert Desmond stated that Grievance Day would be held on Tuesday, May 27, 2008 from 3:00 P.M to 5:00 P.M. and 6:00 P.M. to 8:00 P.M.

**CORRESPONDENCE:**

1. Town Clerk's Report – General fund check in the amount of \$1556.23, other checks to Columbia County Treasurer for Dog licenses \$15.27, Columbia County Treasurer for Solid Waste Fees - \$18.50, NYS Dept. of Agriculture & Markets- \$6.00, NYS Dept. of Health - \$22.50.
2. Received \$7500 check from Hudson Valley Greenway for completed grant.
3. Signed an agreement with Germantown Park Commission for the use of the park program for 2008. Bruce Unson asked if there is ever a count of those from Clermont who attend the programs. Supervisor Staats noted there are a fair number that attend but we don't get a count.
4. NYSDOS Training – April 29, 2008 at CGCC on ABC's of SUP's and Zoning Board of Appeals Overview, April 30, 2008 at Emergency Operations and Training Center in Cairo on Freedom of Information Law/Open Meetings Law and SEQRA Basics. Sponsored by Columbia and Greene County Planning Boards.
5. Land Use Law Center training programs on May 2, 16 and 30, June 6 on creation of workforce housing. May 31, 2008 at CGCC for all planning, zoning and legislative board members.
6. Supervisor Staats commented on Letter to Editor in the Register Star and Independent from a resident and his response on the March 10<sup>th</sup> scheduled workshop. Motions were made at the workshop, which should not have been made. The discussions at the meeting were follow-up and informational research and did not require motions.

**RESOLUTION #44-08**

Resolution congratulating Joan K. Davidson on her recent appointment by the Governor of New York State to the position of Executive Director of the Hudson Fulton Champlain 400<sup>th</sup> Anniversary Celebration and pledging to work in concert with her efforts to celebrate the 400<sup>th</sup> Anniversary of Henry Hudson's voyage

up the River that now bears his name, the 400<sup>th</sup> Anniversary of Samuel Champlains voyage on the Hudson River and the 200<sup>th</sup> Anniversary of Robert Fultons North River Steamboat's First Voyage on the Hudson River.

A motion was made to approve by Councilman Nolan, seconded by Councilwoman O'Neal. Roll call vote as follows: O'Neal-aye, Jones-aye, Lent-aye, Nolan-aye, Staats-aye. No nays. So carried.

RESOLUTION #45-08 - Motion proposed by Councilman Nolan, seconded by Councilwoman Lent. Whereas, the Town Board desires to move forward with a certain grant application for window restoration and rehabilitation at the Clermont Academy; and Whereas, in connection with the receipt of prior grants from the New York State Office of Parks, Restoration and Historic Preservation ("OPRHP") certain materials were utilized by the Town of Clermont which demonstrated the Town of Clermont's ownership of the Clermont Academy, and Whereas, in connection with the present grant application for window restoration and rehabilitation, a request has been made by the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") that the Town of Clermont provide an affidavit as to the Town's continued ownership of the Clermont Academy, and Whereas, the Town Board further desires to address any possible inconsistencies in the abstract of title related to the Clermont Academy, Now, therefore, be it resolved that Raymond Staats, as Supervisor of the Town of Clermont, is hereby authorized to execute an affidavit confirming that the Town of Clermont has continued its ownership and possession of the The Clermont Academy in the same form and manner since the execution of a Covenant with the State of New York Office of Parks, Recreation and Historic Preservation on July 7, 2003; and Be it further resolved that Raymond Staats shall be authorized to accept, on behalf of the Town of Clermont, a quitclaim deed from the remaining representatives of the Clermont Academy should it be deemed appropriate and necessary to address any inconsistencies in the abstract of title to said premises. Roll call vote was as follows: O'Neal-aye, Jones- aye, Lent-aye, Nolan-aye, Staats-aye. No nays. So carried.

RESOLUTION #46-08 - Motion proposed by Councilman Nolan, seconded by Councilwoman Lent. Whereas, the Town Board desires to move forward with a certain grant application for window restoration and rehabilitation at the Clermont Academy; and Whereas, in connection with said application a request has been made by the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") that the Town of Clermont formally resolve to grant a member of the Town Board with authority to execute necessary written materials in connection with said grant application and during the course of said restoration and rehabilitation project; and Whereas, the Town Board recognizes that there may exist other instances where it may become necessary for certain legal documents to be executed on behalf of the Town of Clermont, Now, therefore, be it resolved that Raymond Staats, as Supervisor of the Town of Clermont, is hereby authorized to sign legal documents on behalf of the Town of Clermont. Roll call vote as follows: O'Neal-aye, Jones-aye, Lent-aye, Nolan-aye, Staats-aye. No nays. So carried.

RESOLUTION #47-08 – Motion proposed by Councilman Nolan, seconded by Councilwoman O' Neal. Enacting Local Law Number 2-2008, which repeals Local Law Number 1 Of 2001 and returns the Grievance Day for the hearing of complaints related to real property tax assessments by the Board of Assessment Review (BAR) to the date specified in 512 of the Real Property Tax Law. All in favor. So carried.

Copies of the aforementioned Resolutions are on file and attached.

#### COMMITTEE REPORTS:

- INSURANCE: Councilwoman Lent reported that NYMIR evaluated all the buildings for insurance purposes.
- MEMORIAL BENCHES: Town resident Joan DeLaurentis would like to donate two benches in memory of her husband Don, who served as a Town Assessor and Assessors Clerk and daughter Gail



Councilwoman O'Neal asked if we should run the ad for the bids on windows.

Councilman Nolan believes there should be a walk through for bidders. Councilwoman Lent asked if there is a budget for the project and committee minutes. The grant amount is \$14,400.00. Discussed costs of custom installation, abatement of lead paint and disclosure of same. Councilwoman Lent will review the latest scope of work and will comment by week's end.

Judy Neary commented that we now have no specific costs for the windows, when Councilwoman Lent had estimated \$160.00 for upper and lower, and was criticized as being too high. She believes a public apology is owed to Councilwoman Lent. Councilwoman Lent suggested when going out to bid, it should be as an incremental project with alternatives so that the bids stay under \$20,000. Using the criteria of which windows are most in need of repair.

**OLD BUSINESS:**

- **CANAAN FELLOWSHIP:** The Lease for the use of the Community House by the Canaan Fellowship has been amended by our Attorney Andy Howard. Councilman Jones suggested increasing the lease amount to \$1000 per quarter from this point. A motion was made by Councilman Nolan, seconded by Councilman Jones to accept the lease as drafted by the Town Attorney and increase the lease amount to \$1000.00 per quarter. All in favor. So carried. A letter will be written to Canaan Fellowship. A resolution will be prepared for next month.
- **EASTER EGG HUNT:** Supervisor Staats thanked the committee for all their work. Many town residents attended.
- **DEC UPDATE:** Comments for PRAP were sent to DEC by our Attorney on March 17, 2008. A copy is on file at the Town Clerk's Office.
- **BANK ACCOUNTS:** Supervisor Staats has closed the accounts at Bank of America and consolidated accounts at First Niagara.

**NEW BUSINESS:**

- **MONTHLY REPORTS:** Supervisor Staats presented monthly Budget and Revenue Reports through March 2008. Councilwoman Lent asked about copies of the Annual Report. He will check with Accountant.
- **CLERMONT STATE PARK:** The Sheep and Wool festival will be held on April 29<sup>th</sup>. The entrance fee for use of the State Park has been waived; however, there will still be a fee for special events.
- **SECOND ELECTION DISTRICT:** Resident Gregory Fingar has inquired about a second election district for the Town, but Supervisor Staats has received a determination by David Cohen, Columbia County Election Commissioner, that a second district cannot be added between February 20<sup>th</sup> and December 1<sup>st</sup> in a calendar year ending in seven (7) pursuant to Election Law 4-100(5). The earliest date will be December 10<sup>th</sup>, 2010. Supervisor Staats believes we will need a second district in the future. Councilman Nolan noted that new election machines will be the issue in the near future.
- **EMAILS –** Discussed email between board members and the filing of same.
- **COMMUNITY HOUSE:** Discussed a new walkway and grading around building. Our highway department could do a lot of the work but Superintendent Potts' concern is drywell. There was discussion about replacement if dry well was damaged during grading process. Councilman Nolan would like a clear proposal, full scope of work, and whether or not there is a need for archeological study. Councilwoman Lent would like this clarified at next months meeting.
- **TOWN ENGINEER:** Dan Wheeler, in a letter to the Board on January 2, 2008, has been reviewing our regulations and is suggesting coordination between Highway Specs, Zoning Ordinance and Subdivision Regulations on issues of Cul-de-sacs length, Performance Bonds, Sunset Provision, etc. He would like to study a number of things that are incorrect in all the ordinances and summarize to the Board with suggested resolutions to the problems. Councilman Jones suggested that towns are proposing no town owned roads within a subdivision, to be maintained by the developer. Dan explained that in time, the homeowners realize that they are paying taxes and maintenance, and they aren't getting any services for their tax dollars, and they come back to the Town for a solution. Councilman Jones also suggested dry hydrants or ponds in major subdivisions. Fire Chief Saulpaugh pointed out that there is a danger created with ponds in subdivisions. The Fire Company has pumper trucks, which carry enough water, so that it usually isn't a problem.

- **HIGHWAY GARAGE:** Our Town Attorney has gotten the okay from DEC to separate the location of the Highway Garage from the twenty acres and is preparing a subdivision application to the Planning Board. A survey will be done by George Ihlenberg. Councilman Nolan has concerns about keeping within the procurement policy limits. He believes a plan needs to be developed by the Land Use Committee for how all uses on the land inter-relate. Supervisor Staats stated that we need to put the garage in and design around the garage. A special meeting will be held on Tuesday, April 15<sup>th</sup> at 7:30 P.M. to discuss all town issues. Resident Bob Desmond suggested having Highway Superintendent Jim Potts and our town engineer come in and discuss the garage.

**SUPERVISORS REPORT:**

- **Real Property Tax:** The County is receiving a \$25,000 grant to look at countywide assessments rather than individual assessments.
- **Computers:** Clermont is receiving a new used computer.
- **911:** The new center will be opening. Backup center is at 610 State Street.

**ENVIRONMENTAL MANAGEMENT COUNCIL-** Councilman Nolan reported the this County committee deals with issues concerning air monitoring, water quality. The County is seeking members for the committee from each town. If anyone is interested in being on the Council, please let the Town Clerk know.

**ABSTRACTS:**

A motion was made by Councilman Nolan, seconded by Councilwoman Lent to approve General Fund abstract #4 in the amount of \$14,842.04. All in favor. So carried.

A motion was made by Councilman Nolan, seconded by Councilwoman Lent to approve Trust and Agency abstract #4 in the amount of \$749.10. All in favor. So carried.

A motion was made by Councilman Nolan, seconded by Councilwoman Lent to approve Highway abstract #4 in the amount of \$8,097.38. All in favor. So carried.

**PUBLIC COMMENTS:**

Bob Desmond

- 1- Private roads are a bad idea for Clermont because as Dan said, taxpayers are paying taxes for maintenance, snow plowing and paying maintenance fees to developer.
- 2- Little League field and parking for Village Green BBQ – Will we be able to continue using these? The town received a letter from J. Saulpaugh and she has requested that we provide her with insurance information.
- 3- Provide a list of committees.
- 4- We did not elect our town board, to have a citizens committee do the work of the board. Supervisor Staats is in favor of committees, but there will be no highway garage committee. All decisions will be made by the Town Board and Highway Superintendent.

Dagmar Payne

This meeting was not posted on website. Will postings of meetings be timelier?

Elizabeth Mahar

She would like the Board to keep the town board meetings on Monday.

Alberta Staats - Commended all new elected officials for the work done.

Judy Neary

The letter to editor was business and not personal.

A motion was made to adjourn by Councilman Jones, seconded by Councilwoman O'Neal at 10:45 P.M.

Respectfully submitted,

Mary Helen Shannon, RMC  
Town Clerk