

CLERMONT TOWN BOARD MEETING  
MAY 5, 2008

The Clermont Town Board held its regular meeting on Monday, May 5, 2008 at 7:00 P.M. at the Town Hall. Those present were Supervisor Raymond Staats, Councilwoman Dianne O'Neal, Councilman Richard Jones, Councilwoman Carol Lent and Councilman Christopher Nolan.

Others present were: Charles Larsen, Fred Cartier, Alberta Staats, Anita Broast, Dan Wheeler, Town Engineer, Elizabeth Mahar, Judith Neary, Andrew Howard, Town Attorney, Dagmar Payne, Ann Leonard, Harry Harned, Dennis Palazzo, Stephen Hammer, William Cole, Paul Doherty, Lynn Prinz, George Davis, Tammy Connolly, Greg Fingar and Paul Murano.

The Supervisor opened the meeting with a salute to the flag.

MINUTES: The minutes of the April 2<sup>nd</sup> and April 15<sup>th</sup> were reviewed by the board. Councilman Nolan made a motion to accept the minutes seconded by Councilwoman O'Neal. All in favor. So carried.

TOWN CLERKS REPORT: The Clerk read the monthly report for April. A motion was made to accept the Town Clerk's report by Councilwoman O'Neal, seconded by Councilman Jones.

**CORRESPONDENCE:**

1. Notice of Public Hearing from Town of Red Hook Planning Board to be held on May 5<sup>th</sup> at 7:40 P.M. on a minor subdivision on Lasher Road.
2. Notice of Public Hearing from Pine Plains Central School District on 2008-2009 budget to be held on May 7 at 7:00 P.M.
3. Habitat for Humanity – Women Build – Wall raising ceremony to construct a house on May 27, Mill Street in Hudson.
4. Clerks report on installation of programs on new computer by computer technician Sean Carbine.

Supervisor Staats reported that the meeting is being videotaped and there is podium, so that anyone with a comment may come up to the podium. He also asked that all comments or questions will be at the end of the meeting at the public comment period and any questions should be directed to him, which he will redirect as appropriate.

**COMMITTEE REPORTS:**

- GRANTS: Councilwoman Lent reported that a grant from Senator Schumer's Office for National Heritage, which she was looking into, has a minimum requested amount of \$50000.00 up to \$125,000. Also, that to request this grant, you must be a nationally recognized entity and be on six or seven different government registers.

- **HIGHWAY GARAGE:** Councilman Jones summarized the selection of a site for the proposed Highway Garage. His report pointed out the advantages and disadvantages of several sites which were discussed at previous meetings and the preferred site, which is in the southwest corner of the former Hettling property with access via County Route 6 adjoining the 5 acre parcel owned by the Town.  
There was further discussion:  
Councilman Nolan has drafted a budget outline based on the categories for the project with no defined costs. Need a building design either a pre-engineered building or something else. Will need a bonding attorney, our own attorney and engineering costs figured into the cost.  
Discussed sending a letter out to individual households to advise them of the proposal and for input. Discussed hiring Behan Planning for their perspective and ask them to do a project of outreach to individuals living in close proximity, having a preliminary meeting with committee, planning board and those directly affected.  
Discussed building the road with shale from excavation, cloth underneath which will give it a good base for truck traffic. Costs need to be developed for this.
- **STATE PARK:** Councilman Nolan reported that Donald Fraser from the State Park will attend the meeting on June 2<sup>nd</sup> to explain initiatives at park and summer program. In advance of June 2<sup>nd</sup>, call the Clermont Historic site for info.  
Elizabeth Mahar reported that the summer program is one week for each age group of children.
- **WEBSITE:** Councilwoman O'Neal submitted minutes on the website meeting held on April 15<sup>th</sup>. Stephen Hammer reported that the committee is looking at several issues. What the town would like to see on the website. The Committee discussed timely announcements of meetings, official documents, FAQ's, newspaper, and email for announcements. The town board had previously approved a move from Valstar to a host in Utah, however, Valstar is getting a new server so it may be possible to remain with Valstar and save \$170.00. The next meeting is May 29<sup>th</sup>. There is a need for a graphic designer if anyone is interested or knows someone.
- **HISTORICAL:** At last months meeting, Mary Howell, County Historian told the board of several items from Clermont which were at the Livingston History Barn. Councilwoman O'Neal had them brought down. There is the butcher block, which is several generations old and a dough box dating from 1800-1825 with original mustard over old red paint. The items will be put in the Community House. Our thanks to Leona Saulpaugh, Larry Saulpaugh and Mary Howell.
- **BUILDINGS:** Councilwoman O'Neal would like to reorganize the upstairs at the Town Hall for storage space.
- **COMMUNITY HOUSE WINDOWS:** There will be a special meeting on May 21<sup>st</sup> at 7:00 P.M. to open bids on the windows.

**OLD BUSINESS:**

- **E-MAILS:** At last months meeting there was extensive conversation regarding emails. Because of the convenience, it is something that we must continue to do. Andy Howard, Town Attorney explained the issues with email.

1. Use of E-mails in relation to open meeting's law – Can the board communicate by emails and do they violate the open meetings law? Would residents be concerned if town business is being conducted by email rather than in public? To the extent it relays information, as long as it is not consensus building, forming opinions and saying that when we get to the meeting, we are going to do this, gathering of information can take place.
2. Use of email and its ability to be obtained under FOIL – Notwithstanding the fact that these emails become a record keeping concern for the Town Clerk, they should be recorded, printed and filed. The complexity is that email exchange from board officials is not absolutely required to be turned over in FOIL. Interagency or intra-agency discussions are not obligated to be turned over. Factual information in an email is discoverable, however, it must be determined whether emails are exempt or not by the record keeper and possibly an attorney. Legitimately, under the law, what can be turned over must be reviewed. The use of emails and costs associated with this rest with the town board. No charge can be made for FOIL's requesting the information by email, if it is available in that format.

A motion was made by Councilwoman O'Neal, seconded by Councilman Jones that copies of all emails are forwarded to the Town Clerk. All in favor. So carried. The Clerk will speak to the computer technician about saving emails to disc and also let the board members know what subject heading to use in their emails for certain projects.

Harry Harned explained that his reason for requesting the emails through FOIL on the former Hettling property was only that he had been out of town and wanted to keep up with what has been going on.

- APPOINTMENT: Supervisor Staats appointed Elizabeth Mahar to the web committee.
- CANAAN FELLOWSHIP LEASE – The Lease was approved at the April 2<sup>nd</sup> town board meeting on a motion made by Councilman Nolan, seconded by Councilman Jones. RESOLUTION #48-08 is offered for approval and states that the Clermont Town Board agrees to enter into a lease with Canaan Fellowship for the use of the Clermont Community House (Academy) for the period January 1, 2008 – December 31, 2008 according to the terms and conditions as set forth in the attached copy.
- COMMUNITY HOUSE – Discussed sidewalk, grading and septic at the Community House at last months meetings. Councilwoman O'Neal will send a proposal and ask how we can go forward and let the Supervisor know.

**NEW BUSINESS:**

- RESOLUTION #49-08 – Supporting Collateral Source Bill CS4164/A2989 providing public employees protection when sued by their employees in personal injury actions with the same protections already granted to private employers and everyone else by having jury awards against them for lost future earnings offset by any accident, disability pension or other source of compensation that the public employees will receive to replace those very same lost earnings.

MOTION: Councilman Jones motioned to approve, seconded by Councilwoman Lent. All in favor. So carried.

- Dick Wambach was to come to this meeting to do a presentation on designing new forms for the Planning Board and Zoning Board of Appeals but instead will come to the June meeting.
- Meetings are being videotaped and shown on the ValstarCommunity Channel #35 for one week after the meeting.

Councilwoman O'Neal has gotten positive feedback. Supervisor Staats feels that a lot of people will watch who cannot come out to the meetings. It is only available on cable, but Greg Fingar reported that Rob Johanssen of Mid-Hudson Cable is able to put it on the internet for viewing.

MOTION: Councilman Jones motioned to continue the videotaping, seconded by Councilwoman Lent. All in favor. So carried.

- RESOLUTION #50-08 – The Highway payroll was distributed by work done on projects, such as brush and weeds, snow plowing, etc. In order to simplify the highway fund, the accountant recommended the following budget transfers:

DA5110.1 Repairs Regular Payroll	Increase to \$61,000.00 from 30,500.
DA5140.1 Brush and Weeds	Decrease to 0 from \$5000.
DA5142.1 Snow Removal	Decrease to 0 from \$35,360.

MOTION: Councilwoman O'Neal motion to approve the budget transfers, seconded by Councilman Nolan. All in favor. So carried.

- ACCOUNTING: Councilman Nolan asked if vouchers paid and applicable to the Highway Garage could be pulled out and kept separate. Supervisor Staats will have to check with the accountant.

#### SUPERVISORS REPORT:

- Computer Services: no report
- Buildings and Facilities: The County is considering moving Human Services and other offices to the former Ockawamick school building on Route 217 in Claverack due to need for larger facility.
- Tourism Committee: Quadricentennial Celebration – There was discussion on having the Halfmoon dock in Hudson for a four day period during the summer for four days at a cost from \$20,000 to \$35000.00.
- Real Property: County assessment rolls will be on County website July 1<sup>st</sup>. Mr. Greenhouse, our assessor, has proposed a revaluation for Clermont, which is currently under-assessed. We are at approximately 70% instead of 100%. The proposal for reassessment is to have it done by a re-evaluation team. Mr. Greenhouse will be gathering estimates and will make a presentation next month.
- Supervisor Staats received a call from Lisa Platti – Renners Creative Celebrations on County Route 6 who is seeking through the Zoning Board of Appeals to expand her business. The County is requiring her to put in curbing at the entrance to her property. She has estimates of \$15,000 - \$18000 for curbing from contractors because the County has designed this curbing. Supervisor Staats asked that anyone, who has any issues, please contact him and he will do what he can.

HIGHWAY ABSTRACT #5 in the amount of \$5,333.59 approved for payment on a motion made by Councilman Nolan, seconded by Councilwoman Lent. All in favor. So carried.

GENERAL ABSTRACT #5 in the amount of \$9,841.51 approved for payment on a motion made by Councilman Nolan, seconded by Councilwoman Lent. All in favor. So carried.

TRUST AND AGENCY ABSTRACT #5 in the amount of \$302.50 approved for payment on a motion made by Councilman Nolan, seconded by Councilwoman Lent. All in favor. So carried

PUBLIC COMMENT:

- Judith Neary - Commended our new animal control officer, who has worked to locate the owners of lost dogs so that they do not have to go to the pound. She would like someone to get in touch with Joan DeLaurentis concerning the benches she wants to donate to the town in memory of Don DeLaurentis and Gail DeLaurentis Fenn. Also, Ms. Neary would like a report from Councilman Nolan on budget issues at schools in district because of the rising fuel costs.
- Bob Desmond – on issue of curbing. Have county supervisors look into changing regulations.
- Human Services – Concern was voiced that those people who need the services which will be moving out to the former Ockawamick School will not have transportation to travel out to Claverack. There may be a need for a satellite office in Hudson. The County is looking into transportation.
- Harry Harned – Sites for Garage – was there a site on the northwest side of the property? The town is looking to the south because there is three or four feet of soil, further north there is more shale. Drainage for the septic was also an issue.
- Dagmar Payne– She has surveyed computers in Community House and there is one usable whole computer system, the rest appears to be a mix of equipment and not of much use. She was asked if she would like to take them to the Hazardous Waste Day on May 17<sup>th</sup>.
- A question was asked if Dagmar can serve on the committee or if there is a conflict of interest because of her residence in proximity to the proposed Highway Garage. Andy Howard said that if involved in a decision-making entity, you would recuse yourself, but that does not mean that you cannot voice your opinion. He will check into this further.
- Dagmar thanked the board for listening and for the public mailing.
- Dennis Palazzo – On the comment on school boards, the next meeting of the school board would be after the budget votes.
- Charlie Larsen – The fuel costs are affecting the school transportation and the bus contracts are usually for three years and they cannot raise their prices. If the schools own their buses, the taxes can be raised. Special transportation is bid every year. Some of the bus contractors are literally going bankrupt.

- Judy Neary - School taxes are going crazy – does the town have any influence over this? There have been two different proposals that went to Congress to change the way we pay school taxes. Councilman Nolan stated that there was a report just last week, assembling varying ideas but no program on how to do it.
- Lynn Prinz -Town Garage – will people be able to vote on whether we want a new town garage. We are in a recession and can't afford a new garage at this time. A letter will be sent out to let everyone know and to let everyone come in and voice their opinions. She asked if salt would affect her water? This garage would be more than 700 feet way and would be a covered salt shed. She asked if the properties located nearby would be reassessed and feels that the residents should be able to vote on this. There will be a vote on the financing of the garage.
- Paul Murano - Town Garage – has several concerns about the location of the garage and traffic going alongside his property in the middle of the winter. Inquired if there was cost involved in taking care of the former Germantown telephone property. Councilwoman Lent stated that the work was done by donated funds. Mr. Murano thinks it is wonderful that you are asking for public input.
- Elizabeth Mahar: At the last meeting, you spoke of finances – Supervisor Staats was concerned about mortgage tax and sales tax declining. Supervisor Staats stated that we are right in line with budget at present.
- Harry Harned asked what is the purpose of the meeting on May 21<sup>st</sup>. The meeting is to open bids for the window project at the Community House and possibly review prices for planning.

MOTION: A motion was made to adjourn by Councilwoman Lent, seconded by Councilman Jones. All in favor. So carried.

Respectfully submitted,

Mary Helen Shannon, RMC  
Town Clerk