

April 20, 2022 Town Board Meeting: Postponed from April 12, 2022
April 20, 2022 Schultzville, NY

This is the regular meeting of the Clinton Town Board held on this day in the Town Hall. Present were Supervisor Whitton, Councilmen Chris Juliano, Eliot Werner, Dean Michael and Katherine Mustello. Town Clerk Carol-Jean Mackin was also present. There were 14 people in the audience.

Supervisor Whitton called the meeting to order at 6:30 PM and led the Pledge of Allegiance

APPROVE MINUTES

MM Supervisor Whitton, 2nd Councilman Michael to approve the minutes of the Town Board meeting held on March 8, 2022. All aye. Motion carried.

MM Supervisor Whitton, 2nd Councilman Michael to approve the minutes of the special Town Board meeting held on March 28, 2022. All aye. Motion carried.

MM Supervisor Whitton, 2nd Councilman Michael to approve the minutes of the special Town Board meeting held on April 6, 2022. All aye. Motion carried.

PUBLIC DISCUSSION

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

Supervisor Whitton - read three emails supporting the existing Library lease with no additional monthly charges by the Town Board. Two additional emails read were saying the Library's money should be used to support resources in the community, not pay rent.

Pat Cortese – the Town should not charge the Library rent, there never was rent charged in 45 years. Pointed out the Katherine was a Library director and previously on the Board of Trustees; the 1600 charge can buy a lot of books and support programs. She pointed out that the Newsletter showed 14,000 people used the Library last year.

Mary Pat Sternberg - president of Board of Trustees, reviewed the history of the lease, which began May of 1975. asked the Board to support the lease extension as it is.

Theresa McGuirk, former Library director and former Board member. Asks to continue the original agreement. Eight years ago, she explained the Library was revitalized through the support of the community. We are stewards of this building. Where does the number come from to charge rent? The Library being here brings security and to be in the building every day, Library staff notice things in the building which may need repair. Donations updated the downstairs; the Library added carpet and paint. If you want the Library to pay, she feels they do so by in-kind services: we have added tables, a new sound system and a wireless microphone. Feels the relationship will change with a tenant-type relationship.

Marian Thompson - former trustee of Library, president years ago. So much has happened since she was a trustee. Used to be a community reading site, became a Library

April 20, 2022 Town Board Meeting: Postponed from April 12, 2022

with amazing programs, citing the programs including yoga and tai-chi. Libraries are now community centers. Asked why the Board is charging rent? Chris Juliano replied that the charge is not rent, we have done research on the utilities cost, most Libraries pay their own utilities. He supports the \$1 rent and a 25-year lease. We are unique in these buildings, nothing is separated. He supported the 414, this is not to take that money away, the utility charge is a good faith gesture to lock in the contract for 25 years. Marian said for many years we were lowest funded Library in the county. She would like to see the standard upheld that we be a free service, a gift to the community.

Rich Morse – numbers are hard to separate out for the cost of utilities. Let's separate the meters if we want to know the utility cost. We all want to support the Library, wants to see a long-term lease, we are trying to support the Library, do a long-term lease and keep whatever charges as low as possible.

Richard Marshall – opposes an at will revocation of the lease. Not consistent with the original donor intent.

MM Supervisor Whitton, 2nd Councilman Mustello to return to the regular order of business. All aye. Motion carried.

SUPERVISOR'S COMMENTS

Town Clerk Carol Mackin, along with Dutchess County SPCA, is hosting a free Rabies Clinic on Saturday April 23rd from 8am to Noon at the Town Hall. Pre-registration is required. Register online: DCSPCA.org or call 845-452-7722 x 425. Proof of residency is required - \$10 per pet for non-residents. Town Clerk Carol Mackin will be available to issue dog licenses for Clinton residents and we will be accepting donations to the SPCA of Pet food, pet supplies and cleaning supplies. You can see the list at the SPCA website.

This coming Monday, April 25th, the highway department will be making an emergency culvert repair on Shadblow Lane starting first thing in the morning, Shadblow will be closed between Longview and Nine Partners Roads. The closure is expected to last one day. A culvert pipe is undermining the integrity of the road and must be replaced immediately. Our Highway Dept is able to execute this repair entirely with the use of our own equipment which will save the Town the rental cost of nearly \$2500.

The New York State burn ban remains in effect through May 14. Open burning is the single greatest cause of wildfires in NYS. Since the spring burn ban was implemented in 2009, the number of wildfires has decreased by more than 40%.

There is a vacancy on the Zoning Board of Appeals that the Town is looking to fill. The purpose of the ZBA is to ensure equitable administration of the Town's Zoning Code. The ZBA has the authority to review decisions of the Town Zoning Administrator and Building Inspector. The ZBA hears appeals and evaluates requests for interpretations of the Zoning Law, and approves or denies area and use variances. They meet on the 4th Thursday of the month. If you are interested in joining the Zoning Board of Appeals, please send a letter of interest and resume to me at Townsupervisor@Townofclinton.com, or you can drop it off during business hours at my office in the Schoolhouse Building. All letters and resumes should be received by Friday April 30.

TOWN BOARD REPORTS: Town Board reports are posted on the web:

Townofclinton.com, including: PLANNING BOARD, ZBA, CAC, CLIMATE SMART TASK FORCE, RECREATION, BUILDING INSPECTOR, ZONING ADMINISTRATOR, HIGHWAY, SCENIC AND HISTORIC ROADS, LIBRARY, ALTICE, ZONING REVISION, CEMETERIES, PROPOSED TRANSMISSION LINES, OTHER (QUARTERLY: WIC, SAFETY)

Eliot Werner - Planning Board –noted that there were a number of STR applications, our first application for an ag events center, several public hearings, including Cornerstone to increase their population. SHRAC held the annual spring cleanup last Saturday, Chair Rick McGlaufflin reported that there was a good turnout.

ZBA – a variance was approved and there was discussion on solar panel law; the ZBA is deciding whether to ask the Town Board to revisit that law.

Katherine Mustello– At the Library, there are a few trustee positions open, see someone in Library if interested; there is an earth day movie Friday; the Library is taking book donations for a book sale the end of May; the Shredding truck will be outside on Saturday. Regarding the Highway - keep culvert pipes clear to minimize flooding.

Chris Juliano – Planning for Community Day, check the website for updates. Wifi is installed at the Fran Mark Rec Park.

Dean – Tonight is usually ZRC meeting, working on definitions, next mtg May 4th 6:30 pm.

OLD BUSINESS

1. ARPA update – Juliano/Whitton

Supervisor Whitton reviewed the current projects, attached. New projects include adding about \$18,000 of ARPA funds to pay for the painting, added to the \$30,000 reserve for the Masonic Hall

Wifi – the mesh and the cameras will be below the original estimate for Fran Mark Park. We will consider adding wifi to Friends Park but the CDBG grant is being put on hold to alter the plan to pay for the fence, whose actual cost came in higher than the estimate. Thanked the highway department for help digging the trench at the Rec Park.

2. Approve bid for Masonic Hall painting – Whitton

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve the **contract with Robert Hollingsworth for the painting of the Masonic Hall at a cost not to exceed \$48,640** and authorizes, empowers and directs the Town Supervisor to sign the contract. (In discussion, the Capital reserve fund for the painting has \$30,000, so if the Board agrees, we can use ARPA

April 20, 2022 Town Board Meeting: Postponed from April 12, 2022 funds to pay for the remainder of the cost of the project.) Hollingsworth will use a partner to paint the masonic Hall. All aye. Motion carried.

3. Approve use of \$18,640 in ARPA funds for Masonic Hall painting - Whitton

MM Supervisor Whitton, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve spending \$18,640 in ARPA funds to supplement the Masonic Hall painting Capital Reserve fund to pay for the project. All aye. Motion carried.

4. Approve adopting LL establishing a sexual harassment policy- Whitton

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 19 of 2022 hereby adopting Local Law No. 2 of 2022, entitled “Local Law Establishing Sexual Harassment Policy”** a copy of which is attached hereto and made a part of this resolution; and Be It Further Resolved, that the Town Clerk 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. Motion carried.

5. Approve bidding for Library Ramp project with DASNY funds - Whitton

MM Supervisor Whitton, 2nd Councilman Juliano that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve going out for bid for the Library Ramp project using BidNet; the bids will be received by May 31, 2022 at 10 AM by Town Clerk Carol Mackin, 1215 Centre Road, Rhinebeck, NY 12572 and opened as soon thereafter. All aye. Motion carried.

6. Approve updated fee schedule – Whitton

Changing the Tax Collector’s 2nd notice fee from \$5 to \$2. (\$2 is the statutory fee)

MM Supervisor Whitton, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 20 of 2022, the Fee Schedule, dated April 12, 2022**. All aye. Motion carried.

7. Discussion/Approval of the Library Lease - Whitton

MM Supervisor, 2nd Councilperson Werner to approve the following resolution: BE IT RESOLVED that the Town Board authorize the Supervisor to sign the extension agreement between the Town of Clinton and the Clinton Community Library for a ten-year period beginning May 14, 2020 and ending May 13 2030. In discussion, Supervisor Whitton explained his view to break the stalemate on this issue; he said this is the same motion made in 2010 to exercise the Library’s prior ten-year extension, which passed unanimously. Voting for it then was Councilman Venezia, saying the lease is proof of the Town’s long-term support of the Library, and Councilman Michael; Katherine Mustello, was then Library director. The Library

April 20, 2022 Town Board Meeting: Postponed from April 12, 2022

Board of Trustees sent a timely letter to the Town Board which said they voted to exercise the final 10-year extension of their current lease agreement with the Town. Supervisor Whitton spoke to the Town Attorney about it and the Attorney agrees that they can do that. In that letter, the Library also said they want to update the language of item 6 the at-will revocation, meaning to list a cause for potential eviction, which was agreed to by the Board. Supervisor Whitton and Councilman Michael met with the Library when Councilman Michael asked that the Library begin to pay rent. The Library then asked for a 100-year lease in exchange for the payments. Supervisor Whitton explained the Town Attorney said the Library is entitled to continue to pay the Town \$1 per year on April 1, as they did 20 days ago. They are established as a holdover tenant. If we do not accept the extension agreement, Supervisor Whitton sees 3 options: 1) allow the Library to continue indefinitely on a periodic tenancy 2) the Town and Library come to an agreement on a new lease or 3) the Town may evict the Library. The Board agrees that the Board will not evict the Library.

Dean Michael- said this conversation started in that the Library was looking for a longer term for better grants, we have gone through two years of good faith effort to compute utility rates to come up with a fair charge. When the 414 was done in 2017, the Library separated from the Town's funding. They accepted that they received in-kind utilities from the Town when they received money from the Town's budget. Now that the 414 separates the Library budget, the Library should pick up the costs for utilities for the space. He pointed out that both Councilman Juliano and Councilwoman Mustello have come up with some computations for a utility charge. Councilman Michael feels \$150 a month is a good deal. He added that before the passage of the 414 when the Library received \$55,000 annually from the Town, the Board members felt that the Town was also providing the costs for utilities, giving more than the money to the Library funding; now with a stable income, the Library should be budgeting for its own utilities. He points out the charge is not rent, that will still be \$1. Councilman Michael feels \$150/month for utilities is a good deal. Mike Whitton said this is year 47 of 55-year agreement and we are trying to change the rules; Dean Michael replied that the 414 changed the rules.

Katherine Mustello – we are all supporters of the Library; it is near and dear to many of us. The Townspeople voted to support the 414 who agreed to fund \$115,000 but we can make a case that the Town Board is giving the Library more than that. She also pointed out that the Town continues to give more to the Library and cited examples of plowing the drive and walkways of snow. Mike Whitton said the taxpayers supported the 414 with them paying the 1 dollar a year in rent, not \$1800. Councilwoman Mustello expressed concern that the Town attorney agrees that this current contract can continue indefinitely with a 1-year tenancy each term.

Chris Juliano – looked at the last two months central Hudson bills, added up to \$600 month. Councilwoman Mustello said her calculation gives the Library cost at \$142 per month. Councilman Juliano said he spoke with the Library treasurer Justin Carroll who asked if the Town would defer the bill for utilities for another year while they go out to increase their funding with another 414. He also wanted to clarify that the proposed \$150 monthly charge is not rent and that no Board member wants to evict the Library. He is hearing from residents that their bills are increasing and they would like to see a good faith effort from the Library on this issue. Further, he pointed out that there is a change made to the original contract by changing item 6, which he feels opens it up, it's not the original contract. Councilman Juliano would like more time to consider the contract and to speak directly to the Town Attorney on the matter.

April 20, 2022 Town Board Meeting: Postponed from April 12, 2022

The Board discussed back and forth the utility cost and the lease. Councilwoman Mustello expressed that she wants to honor the 10-year lease extension agreement but wants to speak to the Town Attorney about the issue.

No vote, motion is left on the table to be revisited at the May 10, 2022 Town Board meeting.

NEW BUSINESS

1. Approve summer camp insurance policy - Whitton

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve the purchase of Participant Accident Insurance from the Philadelphia Insurance Company for camp and basketball clinics, Summer 2022 at a cost of \$300. (Same as always, no increase.) All aye. Motion carried.

2. Approve Highway Superintendent Martin attendance at Highway School – Michael/Mustello

MM Councilman Michael, 2nd Councilwoman Mustello that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve Highway Superintendent Martin’s attendance at 2022 Highway School at Ithaca College from June 5 to June 8, 2022 at a cost not to exceed \$612. All aye. Motion carried.

3. Approve Supervisor Whitton’s attendance at AOT finance school – Whitton

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve Supervisor Whitton’s attendance at AOT finance school at the Albany Marriott Hotel, May 16 – May 17, 2022 at a cost not to exceed \$500. All aye. Motion carried.

4. Approve Supervisor Whitton at PERMA training at no cost to the Town – Whitton

MM Supervisor Whitton, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve Supervisor Whitton’s attendance at PERMA training at the Sagamore May 26 and 27, 2022 at no cost to the Town. All aye. Motion carried.

5. Approve Retirement Reporting Resolution for salaried employees – Whitton

MM Supervisor Whitton, 2nd Councilperson Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 21 of 2022 Reporting the Standard Work Day and Reporting Resolution for certain Elected Officials**. All aye. Motion carried.

April 20, 2022 Town Board Meeting: Postponed from April 12, 2022

6. Approve moving Community Day from the Recreation Committee to a Town-sponsored event – Whitton

MM Supervisor Whitton, 2nd Councilperson Werner to approve the following resolution: BE IT RESOLVED that the Town Board approves moving Community Day from a Recreation Committee to a Town-sponsored event, to be held on September 3, 2022. All aye. Motion carried.

7. Approve establishing a Community Day Committee – Whitton

MM Supervisor Whitton, 2nd Councilperson Juliano to approve the following resolution: BE IT RESOLVED that the Town Board approves establishing an ad-hoc Community Day Committee to plan the event, to be held on September 3, 2022, with the regular meeting night of the fourth Thursday of the month at 6:30 PM in the Town Hall. There is no budget. All aye. Motion carried.

8. Approve Highway Superintendent Todd Martin the Community Day Coordinator – Whitton

MM Supervisor Whitton, 2nd Councilperson Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves appointing Highway Superintendent Todd Martin as Chairman of the Community Day Committee. All aye. Motion carried.

Supervisor Whitton appoints himself as liaison to the Community Day committee.

9. Approve Building Inspector Training – Juliano

MM Councilman Juliano, 2nd Councilperson Werner to approve the following resolution: BE IT RESOLVED that the Town Board approves Building Inspector Mike Cosenza's attendance at NYS Assn of Fire Chiefs annual training in Syracuse from June 15 to June 17, 2022, with the cost shared with the Pleasant Valley Fire District at a Town of Clinton cost not to exceed: \$500.00 All aye. Motion carried.

10. Approve revised Medical Benefit Policy for retired Highway Superintendents

MM Supervisor Whitton, 2nd Councilperson Mustello to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 22 of 2022 a Resolution repealing Resolution No. 18 of 2019, Titled: Adopting a New Medical Benefits Policy for Retired Highway Superintendents as detailed on the Attachment named: "Schedule A"**. All aye. Motion carried.

11. Discussion/Approval of new Medicare group waiver plan - Whitton

MM Supervisor Whitton, 2nd Councilperson Werner to approve the following resolution: BE IT RESOLVED that the Town Board approves the BEST Group Retiree Health Insurance Plan #1 including the \$54 per year- per retiree for annual physical and hearing coverage, and authorizes, empowers and directs the Town Supervisor to sign the contract. Supervisor Whitton thanked his Secretary Cathy Gallinger for her research and discussed the savings for the new plan, a total of about \$40,000. All aye. Motion carried.

12. Approve surplus items going to auction - Michael/Mustello

Councilperson reviews the items up for surplus.

MM Councilman Michael, 2nd Councilman Mustello to approve the following resolution: BE IT RESOLVED that the Town Board approves the Sale of both non-Highway surplus items and Highway Surplus items through Absolute Auction as listed on Attachment A. All aye. Motion carried.

OTHER ITEMS

1. Resignations and appointments

Resignations:

MM Supervisor Whitton, 2nd Councilman Juliano that the Town Board accepts the resignation of Richard Travis, Municipal Code Enforcement Inspector effective March 21, 2022. All aye. Motion carried.

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board accepts the resignation of Arthur Weiland from the ZBA effective May 1, 2022. All aye. Motion carried.

MM Supervisor Whitton, 2nd Councilman Werner that the Town Board accepts the resignation of Barbara Lawlor as Cleaner effective May 1, 2022. All aye. Motion carried.

Appointments:

(Item 1 is HOUSEKEEPING/ We have more Constables than open positions with the County. They rotate working):

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves of creating two new positions of Constable effective March 8, 2022. All aye. Motion carried.

MM Supervisor Whitton, 2nd Councilman Juliano that the Town Board approves Tom Bonnano as a member of the Planning Board, filling the unexpired term of Kat Maxianova, from April 12, 2022 until December 31, 2027. All aye. Motion carried.

April 20, 2022 Town Board Meeting: Postponed from April 12, 2022

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves appointing Councilman Werner alternate CSEA liaison effective April 12, 2022. All aye. Motion carried.

MM Supervisor Whitton, 2nd Councilman Juliano that the Town Board approves appointing Jeffrey Newman the Municipal Code Enforcement Inspector effective May 9th, 2022 at an annual salary of \$29,120 per year. All aye. Motion carried

2. Approval of Warrants get numbers

MM Councilman Michael, 2nd Supervisor Whitton approve the following resolution BE IT RESOLVED that the Town Board approves the April General Fund Warrant, vouchers numbered 128 through 180 totaling \$ 67,157.69 and the April Highway Fund Warrant, vouchers numbered 66A through 95, totaling \$221,971.39. All aye. Motion carried.

3. Motion to Move Funds – Whitton

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 23 of 2022 a motion to move funds at the April 20, 2022 Town Board meeting.** All aye. Motion carried.

4. Supervisor's Report

The DRAFT March 2022 Supervisor's Report has been received.

PUBLIC DISCUSSION

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

Carol Bancroft – director of the Library. For accuracy, wants to speak to Library funding, the Town does not give the Library money, the 414 does not separate the Library budget from the Town's. The 414 establishes the budget and the Town will fund the Library at that level. We need a positive relationship and having a solid understanding will help inform Board member decisions.

Mary Pat Sternberg. She wants to dispel inaccurate information. \$150 is a significant amount of money. \$1800 per year: we will need to look at the hours the Library is open and the staffing. When the Library staff is in Town Hall, they help the Town staff manage the Town Hall room and we support each other in many ways. She wants to continue that collegial relationship.

MM Supervisor Whitton, 2nd Councilman Michael to return to the regular order of business. All aye. Motion carried.

ADJOURNMENT

April 20, 2022 Town Board Meeting: Postponed from April 12, 2022
MM Supervisor Whitton, 2nd Councilman Michael that the Town Board adjourns the meeting.
The meeting was adjourned at 7:50 PM. All aye. Motion carried.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Carol-Jean Mackin".

Carol-Jean Mackin,
Town Clerk