

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

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

**PRESENTATION: Dutchess County Commission on Human Rights**

Jody Miller and Jenna Ray presenting tonight to develop a collaboration and explain what they do and explain the issues they see in the county. Gave history and their mission, foster mutual respect, educate the communities on issues of human rights, address discrimination, organize community activities to foster alliances, enhance inclusion. Improve community relations. Do not investigate cases at county level. They have pivoted to virtual programs, making the programs more available. The presentation is on the web. Jenna described some of the events that are archived on the website. They plan to address housing inequity. Looking for a Town liaison to their Commission.

**APPROVE MINUTES**

MM Supervisor Whitton, 2nd Councilman Michael to approve the minutes of the July 12, 2022 public hearing. All aye except Councilman Juliano who was absent. Motion carried.

MM Supervisor Whitton, 2nd Councilman Michael to approve the minutes of the July 12, 2022 Town Board meeting. All aye except Councilman Juliano who was absent. Motion carried.

MM Supervisor Whitton, 2nd Councilman Michael to approve the minutes of the July 19, 2022 bid opening. All aye except Councilman Juliano who was absent. Motion carried.

MM Supervisor Whitton, 2nd Councilman Werner to approve the minutes of August 1, 2022 special meeting. All aye except Councilman Juliano who was absent. Motion carried.

**PUBLIC DISCUSSION**

NONE

**SUPERVISOR'S COMMENTS**

The Town Hall AC has been out of service for a little over a month, making things a bit uncomfortable for all of the groups that meet in this room for various activities. Our service company has been waiting on the parts needed to fix it. It looks like we will have it fixed on August 16. Fingers crossed.

Last month we approved a Local Law to increase the allowable income limit on our Senior Property Tax Exemption. We increased it to the maximum allowable limit of \$29,000. Just yesterday, Governor Hochul signed legislation making it permissible for towns to increase that limit to \$50,000. I have not seen any guidance about how the sliding income scale is going to

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work, yet. Although we just updated our law, this new information means that I will be introducing another update at next month's meeting.

In past months, I have used this time to update residents on the status of our Community Choice Aggregation program. As of July 19, 2022, Hudson Valley Community Power Customers were returned to Central Hudson electricity supply service as a result of a default by program energy supplier Columbia Utilities Power, LLC. Customers will no longer receive a fixed rate for 100% renewable electricity supply through the Community Choice Aggregation (CCA) program. In returning to Central Hudson, customers will also return to a variable electricity rate. The amount residents pay per kWh will change each month. The electricity will also no longer be 100% renewable.

Residents will not experience any interruption in service. However, the transition back to Central Hudson took place midway through most customer bill cycles. Customers will therefore receive one bill for the electricity used before the transition, the Community Power rate of 6.57 cents/kWh, and one bill for the electricity used after the transition, the July Central Hudson rate of around 6.17 cents/kWh.

Prior to the transfer, participants have collectively saved in excess of \$8 million through the program's fixed electricity supply rate since program renewal in July 2021 -- a savings of between \$300-400 for the average household. In addition to savings, the program's 100% NYS renewable supply has significantly reduced the community's carbon footprint and advanced our clean energy goals.

The early return of participants to Central Hudson was prompted by Columbia Utilities failing to meet the requirements of the New York grid operator (NYISO). According to the NYISO website: "The NYISO, by correspondence dated July 12, 2022, declared Columbia Utilities in default, (...) for failure to comply with the NYISO's creditworthiness requirements. Columbia Utilities remains in default under the NYISO's tariffs."

In June, Joule and participating municipalities commenced a lawsuit against Columbia in Ulster County for breach of Contract, and on June 7, the Court granted the request for a temporary restraining order prohibiting transfer of customers back to Central Hudson.

On July 26, the New York Department of Public Service Office of Investigations and Enforcement submitted a letter to the Court stating that the "[DPS] has initiated an independent administrative investigation into the actions of Columbia and its officers, agents and employees" to investigate why Columbia defaulted on its obligations to the municipalities and the NYISO, citing questions about Columbia's finances and underlying energy supply contracts as reasons for the investigation.

I am disappointed that Columbia will not continue to honor its obligations and promises to its customers and this community. It is encouraging to learn that the State Department of Public Service has officially launched an investigation into Columbia's actions. The public deserves answers about why Columbia dropped them. I'm grateful that the DPS is now demanding those answers. Joule will also continue to demand answers in their existing court case.

I want to also be clear that if you are enrolled in Community Solar, this will not have any impact on the solar program.

The Hudson Valley Community Power customer support team is available to answer questions. Customers should feel free to call (845) 859-9099 ext.5 or email

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solutions@joulecommunitypower.com. For information and updates visit  
www.hudsonvalleycommunitypower.com

**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: PB/ZBA Liaison; reviewed the reports. Cornerstone decision will be this month at the August 31<sup>st</sup> meeting.

Cemeteries – we will be voting on a committee. We have three volunteers. We are looking for more volunteers.

Dean Michael: Zoning Revision cancelled next week, postpone until first Wednesday in September, the 7<sup>th</sup>. All notes are on website.

Catherine Mustello – Friday the 12<sup>th</sup> of August: date night Town of Clinton style. From Stewarts to the Clinton Corners hamlet, complaints about speed, many board members have addressed this issue. NYS does not have signage that will improve the situation.

**OLD BUSINESS**

**1. ARPA update – Whitton**

Supervisor Whitton distributed the ARPA update, it is on the website. In March we approved spending \$25,000 for the new TV equipment. During the installation, it was determined we needed to purchase an IP controller and associated cabling. This put the project \$1,464.65 over.

MM Supervisor Whitton, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board amends a previous resolution of March 8, 2022, the purchase of a television equipment package from MJM Television known as option 3 in their price quote, increasing the total amount spent on the project from \$25,000 to \$26,464.65, using ARPA funds. All aye except Councilman Juliano who was absent. Motion carried.

**2. Approve 2023 Budget Calendar – Whitton**

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves the 2023 Budget Calendar, attached. All aye except Councilman Juliano who was absent. Motion carried.

**3. Approve 3 CDBG bid awards – Whitton**

Discussion: the projects total \$157,341.00; the grant is for \$98,700. There is approximately \$91,000 in subdivision fund and \$160,000 left in ARPA. Dean suggests splitting the cost between the two. All agree by consensus.

Eliot asked if we were going back to county to renegotiate. Supervisor Whitton said we removed new playground equipment from the grant and the county will give us an extension to finish into next spring.

**CDBG BATHROOM RENOVATION**

MM Supervisor Whitton, 2nd Councilman Werner that the Town Board approves the following resolution: **BE IT RESOLVED** that the Town Board approves that **Maeda Construction Inc be awarded the bid for the construction of the bathroom renovation at Friends Park at a cost not to exceed \$33,731.00** and authorizes, empowers and directs the Town Supervisor to sign the contract. All aye except Councilman Juliano who was absent. Motion carried.

**CDBG ASPHALT WALKWAY**

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: **BE IT RESOLVED** that the Town Board approves that **Clove Excavators be awarded the bid for the Asphalt Walkway at Friends Park at a cost not to exceed \$42,730.00** and authorizes, empowers and directs the Town Supervisor to sign the contract. All aye except Councilman Juliano who was absent. Motion carried.

**CDBG FENCE**

Fence:

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: **BE IT RESOLVED** that the Town Board approves that **WBE Fence Co be awarded the bid for the Fence at Friends Park at a cost not to exceed \$74,900.00 base bid with the award for the Envirosafe top rail padding at a cost not to exceed \$5980.00; for the total award amount of \$80,880.00** - and authorizes, empowers and directs the Town Supervisor to sign the contract. All aye except Councilman Juliano who was absent. Motion carried.

**NEW BUSINESS**

**1. Approve Resolution to return escrow – Whitton**

Deputy Supervisor Werner brought to my attention that our monthly budget reports from Van Norstrand include a large number of inactive TA accounts. These are escrow accounts set up by those with applications in front of our planning board and ZBA, with the funds being used to cover attorney and engineering fees incurred by the town. It is the responsibility of the applicant to ask for the return of any remaining funds at the resolution of their application. It is clear that many of these applicants did not do that, but the Town is also not permitted to keep this money. We should make a good faith effort to return the money, or send it to the state as abandoned funds. Over the next following months, I intend to reach out to those people that I can find, to see

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if we can get them their money back. To make sure we follow a process that works, I started with a simple case. Tonight, I hope we approve returning \$419.53 to the Clinton Alliance Church. I am working on 3 others for next month.

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 33 of 2022 authorizing the return of unused escrow to the Clinton Alliance Church.** All aye except Councilman Juliano who was absent. Motion carried.

**2. Approve firework permit to Milea Vineyard for Sept. 4th. Private event– Whitton**

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves a firework permit be issued to Milea Vineyard for Sept. 4th., a private event as all conditions have been met. All aye except Councilman Juliano who was absent. Motion carried.

**3. Approve contract with Legion Fireworks for Community Day Sept. 3 event– Whitton**

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves the contract with Legion Fireworks for Community Day Fireworks at a cost not to exceed \$5000 and authorizes empowers and directs the Town supervisor to sign the contract. All aye except Councilman Juliano who was absent. Motion carried.

**4. Approve purchase of additional insurance for Community Day fireworks – Whitton**

MM Supervisor Whitton, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves the purchase of additional liability insurance for Community Day fireworks at a cost of \$875. All aye except Councilman Juliano who was absent. Motion carried.

**5. Approve Paul Thomas and Jeff Newman to STR training – Whitton**

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves the attendance of ZEO MCEI Jeff Newman and PB member Paul Thomas to the AOT's school regarding STR's at a cost of \$90 each. All aye except Councilman Juliano who was absent. Motion carried.

**6. Approve BI/ZEO/ PB Clerk to IPS training – Whitton**

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves the attendance of BI Mike Cosenza, ZEO MCEI Jeff Newman and PB Clerk Arlene Campbell to an on-line training for the IPS program at a cost not to exceed \$450 total. All aye except Councilman Juliano who was absent. Motion carried.

**7. Approve Town Justices Seelbach and Brands to training – Whitton**

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves the attendance of Town Justices Barbara Seelbach and Jim Brands to mandatory judicial training, scheduled to take place from October 30 – November 2, 2022 at a cost not to exceed \$2000.00 in total. All aye except Councilman Juliano who was absent. Motion carried.

**8. Approve Highway Superintendent Martin to training – Whitton**

MM Supervisor Whitton, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves Highway Superintendent Todd Martin to attend the Highway Superintendents Education Symposium September 20 -23 in Ellicottville, NY at a cost not to exceed \$1400.00. All aye except Councilman Juliano who was absent. Motion carried.

**9. Approve legal fee agreement – Whitton**

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves The Legal Fee Agreement regarding the litigation with Columbia Utilities and authorizes, empowers and directs the Town Supervisor to sign the contract. All aye except Councilman Juliano who was absent. Motion carried.

**OTHER ITEMS**

**1. Resignations and appointments**

**Resignations:**

None.

**Appointments:**

MM Council Werner, 2nd Supervisor Whitton that the Town Board approves the appointment of Lori Brands, Lynn Tompkins and Patrick O’Hara to the Cemetery Committee for a partial one-year term from August 9, 2022 to December 31, 2022 for no pay. All aye except Councilman Juliano who was absent. Motion carried.

**2. Approval of Warrants - Michael**

MM Councilman Michael, 2nd Councilman Werner to approve the following resolution BE IT RESOLVED that the Town Board approves: the August General Fund Warrant, vouchers numbered 351 through 408 totaling \$ 49,247.73

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the August Highway Fund Warrant, vouchers numbered 169 through 196 or 7197 , totaling \$ 98,205.87

All aye except Councilman Juliano who was absent. 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 34 of 2022 a motion to move funds at the August 9, 2022 Town Board meeting.** All aye except Councilman Juliano who was absent. Motion carried.

### **4. Supervisor’s Report**

MM Supervisor Whitton, 2nd Councilman Michael to approve the Supervisor’s Report for July, 2022. All aye except Councilman Juliano who was absent. Motion carried.

## **PUBLIC DISCUSSION**

MM Supervisor Whitton, 2nd Councilman Werner to open the meeting to public discussion. All aye except Councilman Juliano who was absent. Motion carried.

Todd Martin – Community Day going well and will be successful. Thanks Anne Marie Tucker for signs and banners working with campers to design sign. Thanks Don Estes for permits; Rich Morse and Craig Marshall for helping with parking lot and building. Next meeting is Thursday 6:30 Pm, Aug. 25 at Historical Society building,. Still need donations to cover costs. If you make a donation, you get your ad in the brochure.

MM Supervisor Whitton, 2nd Councilman Werner to return to the regular order of business. All aye except Councilman Juliano who was absent. Motion carried.

## **ADJOURNMENT**

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board adjourns the meeting. The meeting was adjourned at 7:18 PM. All aye except Councilman Juliano who was absent. Motion carried.

Respectfully Submitted,



Carol-Jean Mackin,  
Town Clerk