

The Clinton Town Board held the Regular Town Board meeting on this in the Town Hall. Present were Supervisor Whitton, Councilmen Werner, Michael, and Councilwoman Mustello. Town Clerk Carol Mackin was also present. Councilman Juliano was absent. Town Attorney Shane Egan was also available. There were approximately 40 people in the audience.

Supervisor Whitton called the meeting to order at 7:15 PM and led the Pledge of Allegiance.

APPROVE MINUTES

MM Supervisor Whitton, 2nd Councilman Michael to approve the minutes of the January 10, 2023 regular meeting. All aye except Councilman Juliano who was absent. Motion carried.

PUBLIC DISCUSSION:

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

Susan deHaan – captain of East Clinton Rescue Squad, a 100 percent volunteer EMS squad. Always looking for volunteers. She has a passion to teach, so in collaboration with the Clinton Rec, there is a free, hands only CPR class on Saturday, February 18th at ECFD. Cardiac arrests have increased, bystander help is essential.

Jeff Newman – commenting on the proposed Farm Operations Law. Jeff Newman is the Municipal Code Enforcement Inspector. It has been become increasingly clear to him that there's a lack of practical knowledge about how the Agriculture & Markets law and local municipal laws interact. Local municipalities have a responsibility to both support and regulate Farm operations. New York State lays out how to do that in article 25 A of the Agriculture & Markets law. NYS also has several guidance documents to help town's implement and enforce our own laws so they are in keeping with the purpose and intent of Agriculture & Markets laws. Farming is changing; this proposed Farm Operations Law will help give farmers more ways to farm than what is currently allowed and protected even under article 25 A. The goal is to send a message to our farmers that we're here to support their efforts in building and maintaining successful farm operations. He has been working with Jeff Kehoe who works in the Department of Agriculture & Markets specifically in the area of reviewing restrictive local laws relative to Agriculture. He is looking forward to the development of the Farm Operations Law.

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

SUPERVISOR'S COMMENTS:

The Clinton Town offices, Highway Department, Justice Court office, and court will be closed for the Presidents Day Holiday on February 20th. The Clinton Community Library will also be closed.

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Tonight, we are voting on an increased Senior Citizen Property Tax exemption. We have received many phone calls and emails about this exemption. It requires eligible seniors to fill out a form and return it to the Tax Assessor's office by March 1 to be eligible for the exemption on 2024 property taxes. The Assessor's office is open from 1pm-3pm on Wednesdays and 9am-Noon on Saturdays. You can find the form on the home page of the town website, townofclinton.com, or you can pick up a copy at the assessor's office, the town clerk's office, or the Clinton Community Library.

TOWN BOARD REPORTS: Posted on the web, townofclinton.com.

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)

Katherine Mustello read from the Highway report on file and posted on the web. CAC working in unison with library, check the Library's website for more info.

Dean Michael - Zoning Revision, Mike Whitton is going through the articles to make one document to give to County planning for review, which will take about 6 months.

Eliot Werner reviewed PLANNING BOARD mins on file, ZBA minutes, on file and read from the Recreation report, on file and posted on the web. Commented that the Rec Committee was a lively and enthusiastic committee. Cemetery: working with Barre Memorial to clean up gravestones. Special thanks to Lori Brands to make contact with Barre Memorial.

OLD BUSINESS

1. Discuss rebidding Library ramp - Whitton

We are rebidding this project, with the hopes of getting more reasonable rates. The first time we went out to bid, we only got one response and it was much higher than we were willing to pay. When finished, the ramp to the front door of the library will be accessible from the handicapped parking spaces between the Town Hall and Schoolhouse building. There will also be an automatic door installed in the library. The bid package and drawings are posted and available on the web and BidNet. The bids are due March 2, 2023 at 10 AM to the Town Clerk, when they will be opened. The bid is scheduled to be awarded to the lowest responsible bidder at the March 14, 2023 meeting.

2. Approve LL XX of 2023 re: Alternate Care Facilities – Whitton

Supervisor Whitton began by reading a statement from Councilman Juliano who was absent from the meeting:

“Good evening,

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I want to apologize for not being able to be here in person to make this vote. Even though I can't vote tonight, I still feel the need to address my point of view on this proposed local law and amendment. I want everyone to know that I have read all the emails and letters from our concerned residents. I personally take everyone's concerns very seriously. As an elected official I take the safety and well-being of all our residents very serious. Many years ago, when I decided to make the Town of Clinton my home, I fell in love with the rural nature of our town. I said back then, this is a place where I would like to raise my child. We have a unique Town that I find very special. So anytime I get the opportunity to try and protect our Town's character I do.

I also have spoken to several residents and a few of our zoning board members. I have heard their concerns too. This proposed local law / amendment that the Town board has been working on is not in any way to diminish the hard work that our Zoning Board of Appeals has done on the issue of Cornerstone. I too was a ZBA member for over 2 years. The work and decisions that both our Planning Board and Zoning Board of Appeals are a very intricate part of our Town.

Just like when the US Supreme Court makes a ruling that affects a certain outcome, it then would go back to the legislative process to make a new law or possibly amend the existing law. So, In my opinion, I feel the ZBA made a verdict based on the matter within their jurisdiction based on our Town codes at the time. It is up to the Town board to propose and pass any local amendments or laws to move our Town in the right direction. The State makes strong recommendations to the local town's to try and bring non-conforming properties into compliance or make them conforming whenever possible.

This proposed local law does not grant Cornerstone The right to expand automatically as most think. The purpose of this proposed law is to give them the possibility to start the process to formally request a proper approval through the application process. Then they would have to go to the Planning Board for proper review and site planning approval. At that point the public and residents would have the opportunity to make their comments heard. By going through this process just like any applicant that comes before the Planning Board does not automatically give a thumbs up to what they want. This proposed local law is intended to try and bring a non-conforming use into conformity. All of the safety and wellbeing of our residents would be addressed in the planning process and any proposed or amended site plan.

I personally have walked and toured Cornerstone and the surrounding areas of our Town. I do believe that with proper review and an approved site plan through our Town's Planning Board with constructive input from our residents all the public concerns can be addressed. But for that process to take place, the proposed law would need to be passed. After giving much consideration to all sides during public comment, letters and conversations with our residents, Cornerstone, a few ZBA members and our Town attorney, I am in favor of passing this proposed law. In closing, I think long term down the road this will benefit all parties including involved.” – Chris Juliano

Supervisor Whitton's comment:

We are not approving an increase in Cornerstones bed capacity. We are approving a law that gives facilities like Cornerstone a path through the Planning Board to apply for a bed increase. Many residents tonight asked us to delay this vote. This issue has been front and

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center with the Town for over a year and half, starting in August of 2021. There were 2 public hearings in front of the Planning Board, one public hearing in front of the ZBA, and tonight the Town Board held its second public hearing. A delay in this vote would unnecessarily delay the resolutions of these issues between Cornerstone and neighboring properties. It is time to move forward.

We heard a lot tonight about protecting the lake from pollution. In March of 2022, the Town engineers requested an outside engineer to assess the septic system at Cornerstone. It was confirmed that Cornerstone was operating within the limits of the Dutchess County Health Department. It was also affirmed that their system was within the limits of their NYSDEC State Pollutant Discharge Elimination System permit, number 3-1324-00041.

I would venture to guess that any increase in pollution of the lake from septic systems may be due to the gradual change that has taken place on properties all around the lake. It used to be a seasonal community, and now, many residents are living there full time. Environmental concerns are important to us. I am sure that the Planning Board will take all the proper measures to make sure it is protected. Finished with saying that people have criticized the board for not responding during the public hearing, this is when we respond, with out comments before the vote. We don't arbitrarily change zoning laws, have been working on the zoning law for five years and we have changed several laws over this time. We consider this type of work an important part of our job. We have been accused of letting someone who has been violating the law get a pass and do what they want, every year someone sells a house and we may find out they have a pool without a permit, that was not approved. We don't make them rip out the pool, we make them come back, go through the planning process, get approvals and pay their fees. Then they can move forward. We don't let people get away with breaking the law. When we find out, we take the proper steps. We found out about a violation and issued a citation to Cornerstone that has led to tonight.

MM Supervisor Whitton, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 13 of 2023**, adopting Local Law No. 1 of 2023, entitled "Revised Amendment to Section 250-31 of the Town Code – Alternate Care Facilities" a copy of which is attached hereto and made a part of this resolution; and

Be It Further Resolved, that the Town of Clinton Town Clerk is hereby is directed to enter this Local Law in the minutes of this meeting and give due notice of its adoption to the Secretary of the State of New York. In discussion:

Katherine Mustello's comment:

Echoes Chris' sentiments. Thanks, the Planning Board and the ZBA for all of the volunteer hours. We are not intimidated; we are making decisions based on what we think is best. Appreciates people who come to meetings and the emails, she wants to know what people think.

Dean Michael's Comment:

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Takes personal offense to the comment from the floor that we are in the pocket. We are not influenced in anyway, he never met with Cornerstone except to a site visit. We have done due diligence, there have been many meetings to reach a feasible solution to a problem. This does not give Cornerstone a pass, as Katherine said, this basically gives authority to our Planning Board to do what the residents want. Disagrees with the statement that we are trying to make something that's illegal – legal, it doesn't do that. One of the comments that Mr. Barnett made was that courts will tend to favor the property owners when they find a law to be ambiguous. I think our law is kind of ambiguous, so in essence what could happen is that if this goes to court the judge is going to find that the current law was ambiguous and that they would find in favor of Cornerstone. We have a lot of different situations in town - homes for mentally disabled kids, a school for mental development and then we have Cornerstone, who has been here 30 plus years. It's not going to go away so it's not like we're making a law to either eliminate or improve a business. I think what we're doing is we're answering a lot of those questions. Dean has chaired the Zoning Review Committee for many years and during that time, the Town has been trying to address and update our zoning laws all along, including str law, ag law for example.

Eliot Werner's comment:

He feels in the minority although he agrees with mostly everything that the other board members have said. His concern with this issue is not Cornerstone per se. His concerns are philosophical in terms of whether the town should be willing to step up and fight for its zoning law if we feel that it's right. He spent as Dean said in his case, he spent 14 years on the Planning Board before coming to the town board and a number of years working on the zoning revision - hours and hours. We have to be willing to back up what we've done if we believe in what we've done and he can't see under these circumstances overturning what we've done.

Roll call vote:

| | |
|--------------|--------|
| Werner | Nay |
| Whitton | Aye |
| Dean Michael | Aye |
| Mustello | Aye |
| Juliano | Absent |

Motion carried.

3. Approve LL XY of 2023 Senior Citizen exemption- Whitton

MM Supervisor Whitton, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 14 of 2023, adopting Local Law No. 2 of 2023, entitled “Local Law Increasing Income Eligibility for Senior Citizen Tax Exemption”** a copy of which is attached hereto and made a part of this resolution; and

Be It Further Resolved, that the Town Clerk is hereby 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. In discussion Supervisor Whitton explained: New York State recently passed legislation allowing Towns to increase their exemptions on property taxes for senior citizens. The exemptions are based on income, with a sliding scale. The largest exemption of

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50% is for those making \$50,000 or less. The top end of the scale will give a 5% exemption to those making less than \$58,400. Please contact the tax assessor for the entire scale, after this change is enacted in February. The Assessor is also required to send a mailing to all taxpayers informing them of this exemption. All aye except Councilman Juliano who was absent. Motion carried.

4. Approve Fee Schedule – Whitton

MM Supervisor Whitton, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 15 of 2023, The Fee Schedule, dated February 14, 2023**. In discussion, Supervisor Whitton commented: We approved a new fee schedule last month. There are a few building department requests that were not included and the driveway permit is a new number at \$175. Also, NYS is now requiring Town Clerks to issue a one-day permit to a marriage officiant and charge \$25 beginning in March of 2023. All aye except Councilman Juliano who was absent. Motion carried.

5. Return Escrow Funds– Werner

MM Councilman Werner, 2nd Supervisor Whitton that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 16 of 2023** authorizing the return of unused escrow funds. All aye except Councilman Juliano who was absent. Motion carried.

6. Approve Community Day date for 2023 – Whitton

After a successful re-launch of Community Day in 2022, we have already started planning for the 2023 event. If you would like to help with the planning of this year's Community Day, we meet on the fourth Thursday of the month at 6:30pm in the Town Hall.

MM Supervisor Whitton, 2nd Councilwoman Mustello that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves the date **for Community Day is September 2, 2023**. All aye except Councilman Juliano who was absent. Motion carried.

7. Approve additional ARPA funds to purchase VOIP system - Whitton

We have received many quotes, with varying prices. Mike Whitton commented:

- We will need to do some cabling work in these buildings and the highway garage, and run cables in a trench to the highway garage. This will put the Highway garage on the same network as the rest of the campus for the first time. Total: \$7,900
- The labor to install all the cabling and install the phones and train staff. This number is a high guess. It may take less time to install phones and train people. Total: \$13,600
- The decision for tonight is whether we purchase the phone or rent them. Buying the phones will be a one-time cost of \$4,912, but they will only have a one-year warranty. We will likely need to replace some of the phones along the way as years go by.
- If we lease the phones, it will be an annual cost of \$2,475, with full warranty.

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- Either way, the annual phone bill for this system has been quoted at \$7,800. This is more than \$10,000 below what we are currently paying for phone service.
- My opinion is to buy the phones, as I do not anticipate needing to replace them often.

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves spending an additional \$9,300.00 in ARPA funds to purchase the VOIP system. All aye except Councilman Juliano who was absent. Motion carried.

NEW BUSINESS

1. Approve Climate Smart Communities Certification Program – Whitton

MM Supervisor Whitton, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 17 of 2023** authorizing that the Town Board undertake a Government Operations Climate Action Plan; and further, that the Town Board authorizes submission of these documents to the NYS DEC Office for Climate Change for consideration of points toward Climate Smart Communities certification for the Town of Clinton. Supervisor Whitton: This motion is to help qualify for a priority action in the CSC program. We have recently finished our GHG inventory for government operations. This next step will be crafting a plan to reduce the emissions of GHG's from our government operations and is required to qualify for Bronze status in the program. All aye except Councilman Juliano who was absent. Motion carried.

2. Discuss Zoning Law sec. 250-52:Farm Operations – Werner

Councilman Werner explained that farm operations have changed and invited MCEI Newman to explain the work he is doing to craft the proposed law. Newman said we are learning the farms need to change; farms need added revenue to support and protect them while maintaining the rural nature of Clinton is important. Some local farms are being creative but may not qualify for Agriculture and Markets protections. This law would allow these creative, new uses in Town. Councilman Werner elaborated on Newman's statement and added that there is some urgency to pass this law as there are some farms in Town that are operating with non-permitted uses and there is no path for their becoming legal businesses. Some of these are protected under Agriculture and Markets law, so we have an obligation to create appropriate regulations. We cannot proceed with violations if there are no laws regulating them. The law will achieve enforcement of farm operations and clarify what practices are protected. Asked Board members to review the document and next month introduce it and set a date for a public hearing. Katherine Mustello added that the Board pulled it out of zoning revision as that will take a long time and we want to address this issue. Jeff Newman addressed farm worker housing as there is confusion as it is compared to the accessory dwelling unit rules. There is a slight change for immediate families in farm worker housing.

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3. Approve Anne Elmes appraisal for a certain property – Michael

MM Councilman Michael, 2nd Supervisor Whitton to approve the following resolution: BE IT RESOLVED that the Town Board approve hiring Anne Elmes, Certified Real Estate Appraiser to complete the appraisal for Chik Realty Co. & Bulls Head Family Farm, LLC tax certiorari proceeding (Grid Nos. 132400-6469-00-649105-0000 & 132400-6469-00-647411-0000) for a fee of \$2,200.00 and authorizes Supervisor Whitton to take all actions necessary to effectuate the engagement of Anne Elmes in order to perform the appraisal. All aye except Councilman Juliano who was absent. Motion carried.

4. Approve 284 Agreement

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 18 of 2023 the 284-Agreement** dated February 14, 2023. All aye except Councilman Juliano who was absent. Motion carried.

OTHER ITEMS

1. Resignations and appointments

Recreation Committee members:

MM Supervisor Whitton, 2nd Councilman Michael to appoint Jeannie Maresca and Christopher Maresca as members of the Recreation Committee with a term of office of February 14, 2023 to December 31, 2023. All aye except Councilman Juliano who was absent. Motion carried.

Cemetery Committee Appointment:

MM Councilman Werner, 2nd Supervisor Whitton to appoint conditional on the approval of the town attorney Andy Cooley as a member of the Cemetery Committee with a term of office of February 14, 2023 to December 31, 2023. All aye except Councilman Juliano who was absent. Motion carried. Check with

CAC Appointment:

MM Supervisor Whitton, 2nd Councilman Michael to appoint Mady Goldstein as a member of the CAC, filling the unexpired term vacated by Marian Thompson with a term of office of February 14, 2023 to December 31, 2023. All aye except Councilman Juliano who was absent. Motion carried.

Extend appointment of PT Laborers:

MM Supervisor Whitton, 2nd Councilman Werner to extend the appointment of Tim Horton as Part Time Winter Laborer (D5142.140) for 24hrs/week at \$15.76 per hour from March 1, 2023 - March 31, 2023. All aye except Councilman Juliano who was absent. Motion carried.

MM Supervisor Whitton, 2nd Councilman Werner to extend the appointment of Andy Cooley as Part Time Winter Laborer (D5142.140) for 24hrs/week at \$15.76 per hour from March 1, 2023 - March 31, 2023. All aye except Councilman Juliano who was absent. Motion carried.

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New Hire: On-Call Laborer:

MM Supervisor Whitton, 2nd Councilman Michael to appoint Austin Burns as on-call laborer at a rate of \$15.76 per hour from February 14, 2023 to December 31, 2023. All aye except Councilman Juliano who was absent. Motion carried.

2. Approval of Warrants

MM Councilman Michael, 2nd Councilman Werner to approve the following resolution BE IT RESOLVED that the Town Board approves the:

February General Fund Warrant, vouchers numbered **27 through 90 totaling \$ 54,180.17** and the

February Highway Fund Warrant, vouchers numbered **12 through 53, totaling \$155,094.41** and the

February Capital Projects fund warrant, number **2 - 5, totaling \$30,132.73**. 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. 19 of 2023 the motion to move funds**. All aye except Councilman Juliano who was absent. Motion carried.

4. Supervisor’s Report

The February 2023 Supervisor’s Report will be approved when the 2022 books are reconciled.

OTHER

Dean Michael said he spoke with Highway Superintendent Todd Martin. Melissa, Todd’s clerk, has found out that there is a software program, IworQ, that would help manage the work in the highway department, allowing to keep track of highway workers tasks, keep track of equipment maintenance, input all current and older driveway permits, which can also be useful information to building and zoning. The nationwide software works with the Counties on mapping, locating streets and road signs. Considering this program is in response to the MCEI asking for information that has taken a lot of time to research. Other towns use it including Poughkeepsie, Beekman and Pleasant Valley, who would welcome board members to see it in use. Dean suggests using ARPA funds for the initial purchase and training costs and said the state needs reports and it would help with that.

PUBLIC DISCUSSION

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

Kat Maxianova – thanks for the time for the law. Appreciates the Board saying they are not passing the buck to the Planning Board, but it feels like that. You heard from a lot of people here and it did not matter, she asks why will public input matter at the Planning Board Dean said the Planning Board is where this issue belongs. Mike Whitton said the Planning Board implements the law; the town board writes the law. Kat added that Mike’s analogy of the pool earlier is upsetting- you are saying people should do what they want and it gets fixed afterward. Mike disagreed.

Arlene Campbell - personal opinion is the law is the right thing, the Planning Board still must vote, Cornerstone is not a green light to increase, it gives the Planning Board the option with a cap. All the complaints, noise, fencing, and an environmental review can now be addressed with the Planning Board. We will now have site plan with mapping and a footprint.

MM Supervisor Whitton, 2nd Councilman Werner to close the public discussion and 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 8:11 PM. All aye except Councilman Juliano who was absent. Motion carried.

Respectfully Submitted,



Carol-Jean Mackin,
Town Clerk