

January 10, 2023 Town Board Meeting
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Schultzville, NY

The Clinton Town Board held the Regular Town Board meeting on this in the Town Hall. Present were Supervisor Whitton, Councilmen Juliano, Werner, Michael and Councilwoman Mustello. Town Clerk Carol Mackin was also present. There were 12 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 December 29, 2022 Annual TB meeting. All aye. Motion carried.

MM Supervisor Whitton, 2nd Councilman Michael to approve the minutes of the January 3, 2023 special meeting. All aye. Motion carried.

MM Supervisor Whitton, 2nd Councilman Michael to approve the minutes of the January 3, 2023 Re organizational Meeting. All aye. Motion carried.

PRESENTATION:

Anna Harrod-McGrew of Cornell Cooperative Extension on Town of Clinton Climate Smart Planning

The Climate Smart Task Force's ongoing effort is to make Clinton a more environmentally friendly and resilient community. To this end, Town Supervisor Whitton invited Anna who explained that she reviewed our Town Code and actions to help us create a checklist of things we have done well, and places where we could improve. Of the positive features, Clinton has a vibrant CAC and CST (Climate Smart Task Force) that engages the community and we have a disaster plan. Recommendations to meet the Bronze status include an updated Comprehensive Plan, better social media presence and a specific webpage to address climate disaster preparedness. See the attached report for more details.

PUBLIC DISCUSSION:

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

Lynne Miceli – thanked the Town Board for approval of the Senior Citizen tax exemption. Has a petition to ask the Town Board to update the law to include the unreimbursed medical expenses option.

Katerina Maxianova – asked the Town Board to explain why a revised local law regarding Alternate Care Facilities is being presented tonight. Asked the Board to explain the changes, she reviewed the questions she would like answered.

MM Supervisor Whitton, 2nd Councilman Werner to close the public discussion and return to the regular order of business. All aye. Motion carried.

SUPERVISOR'S COMMENTS:

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The Clinton Town Offices, Highway Department, Justice Court Office, and Court will be closed for the Martin Luther King Jr. holiday on Monday, January 16. The Clinton Community Library will also be closed for the holiday.

The Town is exploring our options for the next round of Community Choice Aggregation. As most residents are aware, the supplier in our last CCA agreement failed to live up to the rigorous standard of the NYS Public Service Commission, and was forced to cease operations in NY. Unfortunately, that left the majority of town residents paying the higher electricity rates of Central Hudson. We are simply exploring new options right now, hoping to safeguard the community from entering into another agreement with a supplier that is less than responsible. Although the supplier in our previous contract was forced out, while the contract was in place from July 2021 to July 2022, over 1,100 Clinton residents collectively saved \$418,760, for an average savings of \$370 per household. Joule Community Power, the administrators of our CCA, have come up with an improved model that they believe will do just that. Joule is holding the second of 2 public presentations for the community on January 25th at 6:30pm at the Town Hall. It will also be broadcast on our cable channel and streamed live to YouTube. The East Clinton Fire Company is holding a BBQ Chicken Dinner on Saturday, February 4th, from 4-6pm. Dinners are \$15 each, and are take out only. Reservations are recommended, and you can make your reservations by calling (845) 266-5485.

Strong communities are built on strong social infrastructure. In the Town of Clinton that infrastructure is made up of our parks, library, local businesses, and volunteer organizations. The Town of Clinton, along with the East and West Clinton Volunteer Fire Companies and other community organizations are always in need of assistance. If you would like to donate some time in service to your community and neighbors, please contact my office to discuss options.

DAN HARKENRIDER – REC DIRECTOR

Dan Harkenrider Rec Director – We have new members for 2023. We have already held the first event of 2023, the bonfire at Fran mark Rec Park. The ice skate party is Feb 4, weather permitting at the Ice Rink in Friends Park and we have planned an Easter Egg Hunt in conjunction with ECFD. We are planning for one activity per month. Reviewed the programs planned for the year, including volleyball in Rhinebeck, seniors at Drop in Fridays in PV, the PV Soccer team using Fran Mark Park, adding more Music In the Parks nights, movie nights, hiking will be the third Saturday of the month, the knitting club has taken off. We will have a booth at Community Day, the Snack Shack will increase its hours. Appreciates the support of the Town Board, looking forward to a great 2023.

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 – The Clinton Library is now fine free; she read from the Highway Report, which is on the web.

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Dean Michael - Zoning review is finished, we are knitting up the loose ends, trying to coordinate all pieces and send the document to the county for review before it goes to the Attorney for review. We will then have a public hearing where there will be time to make changes. Chris Juliano added that Dean put a lot of work into zoning review process, to which the Board agreed.

Eliot Werner - read from the Planning Board report, on the web; the ZBA did not meet in December.

OLD BUSINESS

1. Approve rebidding Library ramp - Whitton

MM Supervisor Whitton, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves rejecting all prior bids and authorizes rebidding of the Library ramp project when revised plans are available from the Town Engineers. All aye. Motion carried.

2. Approve LL XX of 2022 re: Alternate Care Facilities – Whitton

In November, we introduced an amendment to section 250-31 of the Town Code. That amendment would have allowed a permitted or non-conforming Alternate Care Facility to go before the planning board to increase their population. We held a public hearing on that amendment last month, where we were able to hear the concerns of all involved. We now are voting on whether or not to adopt that amended law.

MM Supervisor Whitton, 2nd Councilman Werner to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 7 of 2023**, adopting Local Law No. __ of 2023, entitled “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 be and she hereby is 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.

ROLL CALL VOTE:

Supervisor Michael Whitton	VOTING	Nay
Councilman Eliot Werner	VOTING	Nay
Councilman Katherine Mustello	VOTING	Nay
Councilman Dean Michael	VOTING	Nay
Councilwoman Christopher Juliano	VOTING	Nay

Motion fails, local law is NOT enacted.

3. Approve reintroducing LL XX of 2023 re: Alternate Care Facilities and holding a public hearing – Whitton

Out of the PH in December, we decided to make a change to the law we just voted down. The previous version would have allowed an ACF to go before the planning board to apply for an increase in their population. This new version would put a cap on that

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increase for nonconforming ACF's. This added sentence reads: "A nonconforming Alternate Care Facility shall only be permitted to expand its resident population to an amount not exceeding fifty percent of the resident population that existed on the effective date of this chapter."

MM Supervisor Whitton, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 8 of 2023** introducing Local Law No. _____ 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 part hereof, and

BE IT FURTHER RESOLVED, that a public hearing be held in relation to the revised proposed Local Law to be held at the Town of Clinton Town Hall, 1215 Centre Rd, Rhinebeck, New York on Tuesday, February 14, 2023 at 6:00 p.m. Prevailing Time at which time citizens will be heard. All aye. Motion carried.

4. Discuss ARPA funding – Whitton

New phone system - We have been exploring switching over our phone system to a VOIP system. This has the potential to lower the towns monthly phone bills, with the added advantage of greatly improving our ability to stay connected to the community and each other, especially during emergencies.

- These phones can be plugged into any internet port, and continue to operate as town phones.
- Elected officials will have their own private numbers, usable through apps on their own phones. This will enable us to stay in touch in the event of an emergency, and continue to carry out town functions.

In order to implement this system, we will need to make improvements to our infrastructure at the town campus.

- We received a quote for \$3,836.34 to install new cabling to make sure we have connectivity in the right places. After a meeting, we decided to get a new quote to connect the town internet service to the highway garage. That is the only way we could include them in the new phone system. I am awaiting an updated quote for that.
- There is a second quote for labor to install the new phones and train staff. The number of hours in that quote is more than we are expected to need, as a safeguard. That quote came in at \$9,850.
- The result of installing this system will be a reduction in our monthly costs. Last year, 2022, we spent \$18,312 on phone bills. The initial quote for this new system came to an annual bill of \$16,891. This is only a \$1,500 savings. However, our representative at S&F, the company that will perform the work, has assured me that he has a perfect record of securing incentives and discounts from Ring Central. Based on that conversation, I think the annual bill could go as low as \$12,000, resulting in a significant savings. Either way, the improved service and options we will have, even at a modest savings, seems completely worth it to me. If you all agree, I would like to make a motion to approve ARPA expenditures for this project on the quotes we currently have, so the work can begin before next month.

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve spending \$15,887, including \$2,200 for contingencies, in ARPA funds to install new network lines on campus, install new phones, and train staff on the operation of those phones. All aye. Motion

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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. 9 of 2023** authorizing the return of unused escrow funds. All aye. Motion carried.

NEW BUSINESS

1. Approve AUD extension – Whitton

The Town is required to file an Annual Update Document with the state, 60 days after the end of the fiscal year. This document is prepared by our bookkeepers, Van Norstrand & Hoolihan. We are permitted to request a 60-day extension to the deadline. We request this extension annually in order to give our bookkeepers some extra time to accurately put the report together during a very busy period of the year.

MM Supervisor Whitton, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves requesting a two-month extension to file the AUD for proper accounting of the 2022 finances. All aye. Motion carried.

2. Approve Supervisor Whitton to AOT training and as delegate – Whitton

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves Supervisor Whitton’s attendance at the AOT’s Annual Meeting and Training in NYC on February 19 – 22, 2023 at a total cost for conference registration and accommodations not to exceed \$1200.00. All aye. Motion carried.

MM Supervisor Whitton, 2nd Councilman Michael Town Board approves designating Supervisor Whitton as DELEGATE to the Annual Business Session of the AOTs Annual Meeting. All aye. Motion carried.

3. Approve Introducing Local Law: Senior Citizen Exemption- Whitton

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 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.

I know there have been requests to include unreimbursed medical expenses in this exemption. I have left it out based on conversations with our attorney, the assessor, and with consideration of the town budget. Adding the medical expenses exemption would create much more work for our part time tax assessor that we simply do not have the budget for. I looked into other municipalities that have included this exemption, and there are only 3 in Dutchess County. Those are the City of Poughkeepsie, and the towns of Wappinger and Hyde Park.

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Tax levies
\$1.863m for Clinton
Hyde Park more than 3.5x
Wappinger more than 5x
City of Poughkeepsie more than 14x

MM Supervisor Whitton, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 10 of 2023, introducing proposed LL # XY of 2023, entitled “Local Law Increasing Income Eligibility for Senior Citizen Tax Exemption”**, a copy of which is attached hereto and made part hereof; and

BE IT FURTHER RESOLVED, that a public hearing be held, at which citizens shall have an opportunity to be heard on said local law, to be held at the Clinton Town Hall 1215 Centre Rd, Rhinebeck, New York on February 14, 2023, at 6:25 o'clock p.m. or as soon as practical thereafter. All aye. Motion carried.

4. Discuss fee schedule – Whitton

During the budget process, the town board had discussions about raising some of the town fees. This will help to keep taxes low, while having those that use certain services, pay for those services in fees. I asked town employees and department heads to make suggestions on our fee schedule, and we came up with the document in your packets.

Supervisor Whitton is in agreement with all of the proposed changes, and welcome your comments. I do have one change to wording that I would like to propose:

III_ BUILDING FEES

POST START OF WORK BUILDING PERMIT

The processing fee for applying for a building permit after commencement of work that requires the issuance of a building permit.

MM Supervisor Whitton, 2nd Councilman Werner to approve the following resolution: Be it resolved that the Town Board approve **Resolution No. 11 of 2023, the Fee Schedule**. All aye. Motion carried.

5. Approve Rec Department activities for 2023 – Juliano/ Whitton

Rec Director Dan Harkenrider, with the support of the Rec Committee, plans to enhance the Recreation programming started in 2022 with the addition of an Assistant Rec Director, including more activities for children and seniors, more workshops and classes and continued collaboration with the Library and neighboring Towns. We hope to build the attendance for our programs, as we can promote our programs on the local schools' websites and through their email blasts.

MM Councilman Juliano, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED the Town Board approve the list of proposed 2023 Recreation Department activities, attached. All aye. Motion carried.

6. Approve tax cert (Mer-Kill)– Dean Michael

MM Councilman Michael, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED the Town Board approve **Resolution No. 12 of 2023** authorizing the attorney for the Town of Clinton, Cappillino, Rothschild & Egan LLP, Shane J. Egan, Esq., to enter into a settlement agreement with the attorney for petitioner, Stenger, Diamond & Glass, LLP, Karen E. Hagstrom, Esq., the terms of which are set forth in the attached Consent Judgment Index No. 2022-52290 and hereby authorizes Shane J. Egan, Esq., to sign the Consent Judgment on behalf of the Town of Clinton. All aye. Motion carried.

OTHER ITEMS

1. Resignations and appointments

Whitton:

Community Day Committee:

MM Supervisor Whitton, 2nd Councilman Michael to approve the appointments of the **2023 Clinton Community Day members:**

Todd Martin, Chairman

Don Estes, Parade Subcommittee

Michelle Zolko, Parade Subcommittee

Nancy Drago, Donations Subcommittee

Lori Golestani, Vendor Subcommittee

AnnMarie Tucker, PR Subcommittee

Susan deHaan, Fireworks Subcommittee

Ron Mustello, Parking Subcommittee

Jim Brands and Barbara Seelbach, Police and Safety Subcommittee

Sean Burns and Bonnie Yerger, Activity Coordinators

All aye. Motion carried.

Planning Board member:

MM Supervisor Whitton, 2nd Councilman Juliano to appoint Gerry Thorpe as a member of the Planning Board, replacing Art DePasqua – whose term expired, for a term of office of January 10, 2023 to December 31, 2029. All aye. Motion carried.

Recreation Committee members:

MM Supervisor Whitton, 2nd Councilman Werner to appoint Sue DeHaan and Bob Simon as members of the Recreation Committee with a term of office of Jan 10, 2023 to December 31, 2023. All aye. Motion carried.

Assistant Recreation Director:

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MM Supervisor Whitton, 2nd Councilman Werner to create the position of Assistant Recreation Director effective January 10, 2023. All aye. Motion carried.

MM Supervisor Whitton, 2nd Councilman Michael to appoint Dawn Harkenrider as Assistant Recreation Director at an annual salary of \$8652 for 400 hours per year for a term of office of January 10, 2023 to December 31, 2023. Katherine Mustello said Dan made this work by finding savings in other areas to fund the position. All aye. Motion carried.

Wingmen: (Housekeeping):

MM Supervisor Whitton, 2nd Councilman Werner to rescind the appointments of Kara Martin and Vicki Hicks as wingmen effective December 31, 2022. All aye. Motion carried.

2. Approval of Warrants

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

January General Fund Warrant, vouchers numbered **1 through 26 , totaling \$ 37,488.29** and the

January Highway Fund Warrant, vouchers numbered **1 through 11, totaling \$39,435.27** and the

January Capital Projects fund warrant, number **1, totaling \$4268.55**. All aye. Motion carried.

3. Motion to Move Funds – Whitton

None

4. Supervisor’s Report

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

OTHER

Dean Michael said the state approved volunteer fire fighters getting a tax deduction, Mike will look at this item for next month. We already have one in our town code, but we can look to this expanded one.

PUBLIC DISCUSSION

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

Wendie Adelman - wants clarity on the revised local law regarding ACF, how can we comment on February 14 on the new law, we have no information; she doesn’t

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understand anything about it. Will the town be voting on it Feb 14? Katherine laid out the timeline, noting the public hearing is Feb 14th, Mike Whitton said we will probably vote on it, we have had lots of discussion on it here at Town Board, The Zoning Board and the Planning Board. We are all aware of feelings on both sides of the issue.

Kim Baker - wants transparency; she wants more information on the number of beds Cornerstone will be allowed to expand, feels the town board is elusive. Supervisor Whitton said the law allows Cornerstone to come before the planning board and then the Planning Board will make the decision on what their capacity will be, the maximum cap will be 50% more than the current number. Mike explained the existing number of beds is 68, making the max 102; we are simply giving ACF's a path to the Planning Board to apply. Katherine Mustello understands the frustration, we are being sued, we must be careful what we say. We are tied to some extent. Mike Whitton also believes in transparency and gives as much information to the public as he can but there are times, he must be careful. We have a public hearing next month.

Katerina Maxianova – referenced that she is also being sued along with the ZBA; Jody (Cornerstone rep) sent letter to the judge who has the lawsuit asking for the suit to be paused until this law can be considered. Said that Cornerstone seems to have had the changes early. Supervisor Whitton said her Attorney spoke to our Town Attorney and had a copy of the revised law also.

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

ADJOURNMENT

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board adjourns the meeting. The meeting was adjourned at 7:37 PM. All aye. Motion carried.

Respectfully Submitted,



Carol-Jean Mackin,
Town Clerk